

State of Alaska
Board of Psychologist and
Psychological Associate
Examiners
November 29-30, 2018

Board Packet
Public Copy

550 West 7th Ave., Suite 1550
Anchorage, AK

1. Roll Call

BOARD OF PSYCHOLOGIST & PSYCHOLOGICAL ASSOCIATE EXAMINERS

BOARD MEMBERSHIP ROSTER

<u>Board Member</u>	<u>Term Ends</u>
Al Levy, Board Chair Psychological Associate Anchorage, AK	March 1, 2020
Christopher Reynolds Psychologist Anchorage, AK	March 1, 2021
Joel Wieman Psychologist Anchorage, AK	March 1, 2020
Richard Lazur Psychologist Anchorage, AK	March 1, 2019
Suzanne Dutson Public Member Juneau, AK	March 1, 2020

2. Review & Approve Agenda

STATE OF ALASKA
BOARD OF PSYCHOLOGIST & PSYCHOLOGICAL ASSOCIATE EXAMINERS
NOVEMBER 29-30, 2018
550 W 7TH AVE, SUITE 1550 ANCHORAGE, AK

GCI Conference Line: 1-800-315-6338
Access Code: 14566

THURSDAY, NOVEMBER 29, 2018

	<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	Ethics Report Reminder of requirements to all board members.	Chair
4.	9:10 a.m.	New Board Member Training	S. Chambers
5.	11:00 a.m.	Investigative Report	E. Prieksat
6.	11:30 am	Division Update	Dir. McCullough (or) S. Chambers (or) M. Dumas (or) M. Wales
7.	12:00 p. m.	Lunch Break	
8.	1:00 p.m.	Review & Approve Meeting Minutes August 2018	Chair
9.	1:15 a.m.	Public Comment	Chair
10.	1:45 p.m.	Application Review	Chair
11.	3:15 p.m.	Exam Scoring	Chair
12.	4:00 p.m.	Recess until 9:00 a.m. Friday, Nov. 30, 2018 (Later if necessary)	

STATE OF ALASKA
BOARD OF PSYCHOLOGIST & PSYCHOLOGICAL ASSOCIATE EXAMINERS
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FRIDAY, NOVEMBER 30, 2018

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
14.	9:00 am	Call to Order/Roll Call	Chair
15.	9:02 a.m.	Correspondence	Chair
16.	9:30 a.m.	Old Business A. EPPP2 B. Licensing Categories C. Background Checks D. Edit Supervised Practice Plan Form E. PSYPact	Chair Sheila Young & Matt Turner, ASPPB S. Dutson
17.	11:00 am	New Business A. Update Regulation 12 AAC 60.065 Courtesy License B. Telepsychology Website Discussion C. ASPPB October 2018 Meeting	Chair S. Dutson J. Wieman
18.	12:00 p.m.	Lunch Break	
19.	1:00 p.m.	Board Admin. Business A. Courtesy License Report B. Schedule Additional Upcoming Meetings & SLEE Dates - January 31-February 1, 2019, Juneau meeting - January 11, 2019, SLEE Test Date C. Schedule Attendees for ASPPB Conferences - April 8-14, 2019, Midyear Meeting, Santa Fe, NM (A. Levy) - October 16-20, 2019, Annual Meeting, Minneapolis, MN D. Task List	Chair
20.	1:30 p.m.	AKPA Licensure Act Meeting Follow Up	Michael Reed, AKPA
21.	1:45 p.m.	Exam Question Drafting (Executive Session)	Chair
22.	3:00 p.m.	Adjourn (later if necessary)	

3. Ethics Report

Reminder of requirements to all board members.

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 Act¹ 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.²

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?

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

What Are The Disclosure Procedures for Board and Commission Members?

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.⁴
- 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.⁵
- 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.⁶

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.⁷

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

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?

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?

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.⁸
- 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?

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 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?

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.

¹ 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.

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

³ 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.

⁴ 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.

⁵ 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.

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

⁷ 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.

⁸ 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

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;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</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.*

4. New Board Member Training

GUIDE TO EXCELLENCE IN REGULATION
for
PROFESSIONAL LICENSING
Boards & Commissions

UPDATED MARCH 2017

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

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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 applicable law. We hope this summary assists you in ensuring that your obligations are met.

Welcome to service as a member of a State of Alaska licensing board or commission. The mission of the Division of Corporations, Business and Professional Licensing (CBPL) is to ensure that competent, professional and regulated commercial services are available to Alaska consumers. This means that members of boards and commissions, as well as division staff, are charged with providing access to services and employment opportunities while maintaining high standards of public protection.

You are embarking on an important role as a regulator of Alaska professions. There is prestige in being a board or commission member. However, the position of a board or commission member is like a second job, involving many hours of work with little public recognition. It is a labor of love and commitment, and the reward is reflected in an improved quality of life for residents of the State of Alaska.

Board and commission members bring valuable experience and perspective to this responsibility. However, you must learn about new ideas and situations that require you to stretch your existing knowledge and skill levels. You are expected to be problem-solvers, to be responsive, to be fair, to work hard, and to be knowledgeable about the activities of your board or commission. You are also expected to know and follow state law and regulation, acting in the best interests of the State of Alaska and its communities.

The purpose of this orientation is to provide newly-appointed board and commission members with information that makes the transition from state resident to state board or commission member a rewarding experience. Please ask questions and let division staff know when you require assistance. We are partners in accomplishing this mission, and we look forward to working together.

A handwritten signature in blue ink that reads "Sara Chambers". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Sara Chambers, Deputy Director
Division of Corporations, Business and Professional Licensing

II. Professional Licensing Boards and Commissions Overview

This section describes the authority of regulatory boards and commissions, as well as the purpose and duties of board and commission members. It also discusses the board and commission members' roles in the State of Alaska system and in upholding public interest under the guidelines of state statutes.

Purpose and Authority of Regulatory Boards and Commissions

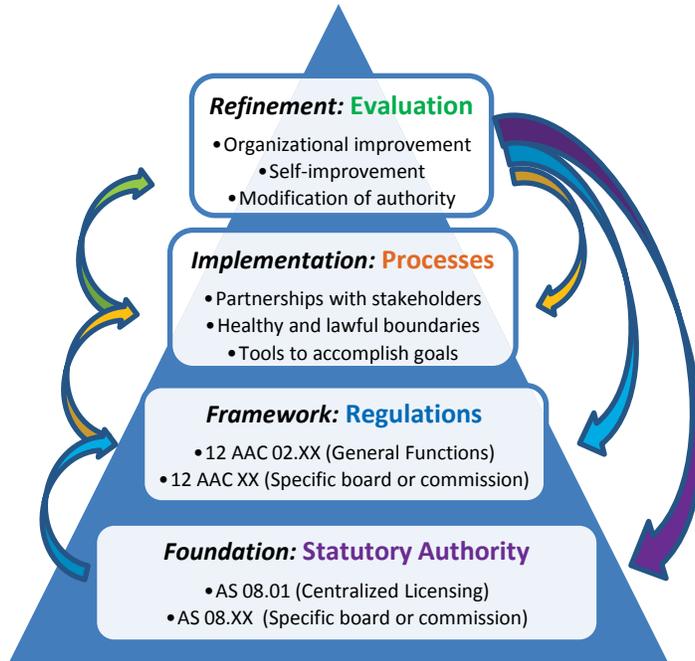
The chief purpose of boards and commissions is to protect the public's health and safety and assure the competency of those providing the services regulated. *Allison v. State, 583 P.2d. 813 (Alaska 1978)*

Boards and commissions are bodies whose members are appointed by the Governor of Alaska through the Office of Boards and Commissions. Quasi-judicial board and commission members must be approved by the Alaska State Legislature. State statute spells out the duties for which each board and commission is responsible. These duties are listed below under "Duties of the Boards and Commissions." The Office of Boards and Commissions may be contacted at (907) 269-7450 or through the Governor's web page. Please contact them if you have questions about your role as a board member, extension of your term of service, or resignation from office.

The authority of state boards and commissions is tied to the powers afforded by the legislature. All professional licensing boards and commissions have authority from the state as found in Title 8 of Alaska Statute. The authority of the different boards and commissions is limited and spelled out in two primary locations: Chapter 1 of Title 8 (referred to as AS 08.01 or Centralized Licensing) and in each chapter within Title 8 that pertains to the profession(s) regulated by a particular board. Boards and commissions are granted certain powers, which may differ according to statute. While statutes authorize certain powers, they also limit the activity of the board to what is allowed by law.

Based on the foundation of these statutes, professional licensing boards and commissions have the authority to adopt regulations to clarify statute and further define the requirements of the licensing program and its licensees. Regulations have the effect of law; however, they clarify, define, and implement statutes to which they are subordinate. Boards and commissions are required to follow the public process and carefully consider all draft regulations before adoption. The Department of Law publishes a manual explaining the process, and division staff can provide guidance along the way.

Boards can adopt specific procedures in partnership with the division, which may also establish processes as the legal administrator of these programs. Boards and the division may evaluate all processes, regulations, and statutes to determine whether they best serve the public interest.



Duties of the Boards and Commissions

List of all licensing programs managed by the Division and their statutory authority (AS 08.01.010)

Board of Public Accountancy ([AS 08.04.010](#));

regulation of acupuncturists under [AS 08.06](#);

State Board of Registration for Architects, Engineers, and Land Surveyors ([AS 08.48.011](#));

Athletic Commission ([AS 05.05](#) and [AS 05.10](#));

regulation of athletic trainers under [AS 08.07](#);

regulation of audiologists and speech-language pathologists under [AS 08.11](#);

Board of Barbers and Hairdressers ([AS 08.13.010](#));

regulation of behavior analysts under [AS 08.15](#);

Big Game Commercial Services Board ([AS 08.54.591](#));

regulation of business licenses under [AS 43.70](#);

Board of Chiropractic Examiners ([AS 08.20.010](#));

regulation of collection agencies under [AS 08.24](#);

regulation of concert promoters under [AS 08.92](#);

regulation of construction contractors and home inspectors under [AS 08.18](#);

Board of Dental Examiners ([AS 08.36.010](#));

regulation of dietitians and nutritionists under [AS 08.38](#);

Board of Certified Direct-Entry Midwives ([AS 08.65.010](#));
regulation of dispensing opticians under [AS 08.71](#);
regulation of electrical and mechanical administrators under [AS 08.40](#);
regulation of agencies that perform euthanasia services under [AS 08.02.050](#);
regulation of professional geologists under [AS 08.02.011](#);
regulation of private professional guardians and private professional conservators ([AS 08.26](#));
regulation of hearing aid dealers under [AS 08.55](#);
Board of Marine Pilots ([AS 08.62.010](#));
Board of Marital and Family Therapy ([AS 08.63.010](#));
Board of Massage Therapists ([AS 08.61.010](#));
State Medical Board ([AS 08.64.010](#));
regulation of morticians under [AS 08.42](#);
regulation of the practice of naturopathy under [AS 08.45](#);
Board of Nursing ([AS 08.68.010](#));
regulation of nursing home administrators under [AS 08.70](#);
Board of Examiners in Optometry ([AS 08.72.010](#));
regulation of pawnbrokers ([AS 08.76.100](#) - 08.76.590);
Board of Pharmacy ([AS 08.80.010](#));
State Physical Therapy and Occupational Therapy Board ([AS 08.84.010](#));
Board of Professional Counselors ([AS 08.29.010](#));
Board of Psychologist and Psychological Associate Examiners ([AS 08.86.010](#));
Real Estate Commission ([AS 08.88.011](#));
Board of Certified Real Estate Appraisers ([AS 08.87.010](#));
Board of Social Work Examiners ([AS 08.95.010](#));
Board of Veterinary Examiners ([AS 08.98.010](#)).

Administrative Duties of Boards (AS 08.01.070)

Boards and commissions have specific responsibilities to administer their programs in partnership with the division. In addition to the duties required by its chapter, each board must:

- (1) take minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade board examinations;

- (6) set minimum qualifications for applicants for examination and license and may establish a waiver of continuing education requirements for renewal of a license for the period in which a licensee is engaged in active duty military service as described under AS 08.01.100 (f);
- (7) forward a draft of the minutes of proceedings to the department within 20 days after the proceedings;
- (8) forward results of board examinations to the department within 20 days after the examination is given;
- (9) notify the department of meeting dates and agenda items at least 15 days before meetings and other proceedings are held;
- (10) submit before the end of the fiscal year an annual performance report to the department stating the board's accomplishments, activities, and needs.

Disciplinary Powers of Boards (AS 08.01.075)

Boards have specific disciplinary powers, which are executed in partnership with the division's Investigative Unit:

- (a) A board may take the following disciplinary actions, singly or in combination:
 - (1) permanently revoke a license;
 - (2) suspend a license for a specified period;
 - (3) censure or reprimand a licensee;
 - (4) impose limitations or conditions on the professional practice of a licensee;
 - (5) require a licensee to submit to peer review;
 - (6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
 - (7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;
 - (8) impose a civil fine not to exceed \$5,000.

- (b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied.

- (c) A board may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of a summary suspension to a court of competent jurisdiction.

- (d) A board may reinstate a suspended or revoked license if, after a hearing, the board finds that the applicant is able to practice the profession with skill and safety.

(e) A board may accept the voluntary surrender of a license. A license may not be returned unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

In addition to those listed in the statutes, a board or commission may:

- Establish meeting procedures and determine board or commission members' leadership roles.
- Maintain awareness of licensing program revenues and expenditures.
- Hear and evaluate public testimony.

One of the primary responsibilities of a board or commission is adopting and adhering to regulations pertaining to the scope of authority granted to that body in statute. Centralized Licensing (12 AAC 02.XX) pertain to all professions governed by Title 8, and each board has its own regulatory authority within Title 12 of the Alaska Administrative Code. Boards and Commissions are also bound to laws pertaining to all state entities, including the U.S. and Alaska Constitutions, and the Administrative Procedure Act (AS 44.62).

Responsibilities of Board and Commission Members

Doing Alaska's boards and commissions' business (in effect, the public's business) is a group activity that requires patience, vision, cooperation, and compromise. As a member of a regulatory board, you have a responsibility to several groups:

- **To the general public.** Consumers expect that licensees will be qualified to perform properly and safely. They expect oversight to ensure qualifications for licensure and practice meet acceptable standards. They expect licensees to be accountable to the law. The public has a right to know what's going on within the board.
- **To potential licensees.** A person who wishes to earn a living in a regulated profession should be able to demonstrate competency through a reasonable and transparent process. Every applicant should have easy access to information about entering the profession, including testing and transferring a license to between states.
- **To other board members.** Board and commission members should listen to their fellow board members and consider one another's views and contributions. All board members are responsible for developing good policy and procedures and contributing to the effective and efficient operation of the board.
- **To licensees.** A licensed professional has an expectation that regulators will determine matters fairly and impartially, and be responsive.

The primary objectives of regulatory boards are to ensure professional competency and the health and safety of the public. Boards often have positions dedicated to members from specific backgrounds; this is intended to bring a broad range of perspective to the boards, including the perspective of consumers, people who have no affiliation with the regulated profession, and people who practice within the regulated profession. Together, the members of a regulatory board serve the public's interest.

What Does It Take to Successfully Serve on a Regulatory Board?

1. **A demonstrated interest in public service.**
2. **Common sense and a willingness to ask questions.** Do the policies, procedures, and decisions of the board seem sensible? If not, say so and ask for clarification. You are responsible for what goes on with the board. If you are not sure about something and you do not ask, the board may miss an opportunity to avoid or correct a problem.
3. **A commitment to attend.** Consistent attendance is essential to keeping informed about what is going on and to providing direction and support. An individual who accepts an appointment to a board and does not take seriously the duty to be there regularly and actively, does a disservice to the board and to the public he/she is supposed to represent.
4. **Healthy assertiveness.** Respect your own rights and needs as well as those of others by maintaining boundaries and seeking information in a healthy, professional manner.
5. **Understanding of the board structure and resources.** Find out how the Department of Commerce, Community, and Economic Development, the Division of Corporations, Business and Professional Licensing, the Department of Law, and the Office of Administrative Hearings operate in relation to your board, and investigate other available resources.

Effective board members have these characteristics in common:

1. Able to work with a group to make decisions
2. Understand and follow democratic processes
3. Willing to devote time and effort to the work of the board
4. Work to find alternative solutions to problems whenever necessary
5. Use good communication skills
6. Recognize that the goal of the board is the service and protection of the public
7. Aware that authority is granted by the law to the board as a whole, not to any member individually, and can only be used in open meeting or executive session by vote of the majority of board members

8. Avoid becoming involved in the daily functions of staff
9. Delay making judgements until adequate evidence is in and has been fully discussed
10. Separate personal feelings toward others from their decision-making process

What is the Purpose of Appointing Public Members to Licensing Boards?

Nearly every state's law mandating public members on boards states that a public member shall have no association or relationship with the profession or with a member of the regulated profession. The public members on a licensing board are there to express and be watchful of the public interest—not the interest of the profession or occupation. Public members are not expected to be, indeed are not supposed to be, technically expert or experienced in the licensed occupation.

The importance of public members on regulatory boards was expanded by the United States Supreme Court's 2015 decision in *North Carolina Board of Dental Examiners v. Federal Trade Commission*. The unique and important role of the public member mitigates the potential anticompetitive effects of a board's actions, which may happen where the board is dominated by "active market participants"—those whom the board itself is regulating.

Well-informed and engaged public members bring several advantages to regulation:

1. Reduce the potential for board decisions which favor the industry over the public
2. Reduce the potential for decisions which illegitimately favor one faction of an industry over another
3. Encourage public participation in government decision-making
4. Augment public confidence and trust in government by facilitating communication of consumer issues to the board
5. Expand the range of skills, talent, training, and perspectives available for higher quality and more creative board action
6. Raise the level of board discussion to scrutinize the "givens" in any industry
7. Strengthen the board's credibility in its decisionmaking and advocacy

Public members must take care to avoid common pitfalls and may, in fact, have to work harder than the board's industry members to overcome these disadvantages:

1. Public members may be intimidated by industry members' experience in the field.
2. Public members may impede board activity if they do not demonstrate a reasonable working knowledge of technical issues facing the board.

When appointed to a regulatory board, the member agrees to follow a high code of conduct that is grounded in state law. This means giving up some freedoms in order to protect other rights and processes.

- All inquiries regarding matters within the board's jurisdiction should be directed to the board office so that they can be brought to the attention of the board at a duly-constituted meeting. Board members may not take action on behalf of the board outside this venue.
- Certain information is protected by law as "confidential and deliberative." These details of board activity should not be released by a board member unless and until they become part of the public record. Any disclosure of such information should be made only after consultation with legal counsel.
- Board members are prohibited from conducting private meetings pertaining to board business outside of full, publicly noticed board meetings.
- Special care should be taken when considering disciplinary matters, as important privacy rights may be implicated, in addition to the board's statute, regulations, and policies.
- Board members should remember that the public may see them as representatives of the board even when they are outside of a board meeting setting. When board members appear at industry or professional gatherings, they should make it clear that they are acting as private citizens and not speaking for the board.

Participate in All Issues

When candidates are appointed to specific boards or commissions, they must become knowledgeable and participate or they are certain to become frustrated and ineffective. Board and commission members must deal with different issues on a regular basis. Board members bring varying perspectives and experience. Members who are unwilling to listen to the points of others on the board reduce the board's effectiveness.

Focus on Policy, Not Politics

Policymaking is an important board activity. Policies help guide the board's approach, generally, and can be very helpful in focusing the board's analysis of complex issues. A board's policies must always serve the board's work for the public; they must not be tied to special or political interests.

Discussion and Debate Leads to Growth

No one expects board and commission members to agree on everything. In fact, when disagreement exists, it means that different viewpoints are being considered before a decision is made. Looking at different perspectives of board members is an important part of the decision-making process and ensures that the interests of all concerned are given some thought.

Address Issues within the Board or Commission's Scope of Authority

Some issues may be important to the state and to board or commission members but may not be within the board or commission's power or authority to manage. An issue, for example, may be important to the industry or association pertaining to a licensed profession but not within a board or commission's statutory authority. Consequently, boards and commissions may adopt resolutions stating the board or commission's opinion and send the resolution to state and federal agencies or it may directly address State or Federal officials on these concerns. Board and commission members should avoid being diverted from their mission by competing interests from industry associations or issues outside the board or commission's scope of authority, as dictated by statute.

The following recommendations are addressed to board and commission members to help you carry forward your mission effectively:

- 1) **Read your meeting packet:** Be informed before meetings. Board and commission members usually receive meeting materials at least two weeks before the meeting. Read them and be ready to discuss the issues at the meeting. Information provided in the packet can help you better understand the issues and participate in more detailed discussion during the meeting.
- 2) **Become familiar with the board or commission's knowledge base and history:** Take time to read any existing documents pertaining to the issues at hand.
- 3) **Know the laws regulating the board or commission:** Know the statutes, regulations, and scope of authority pertaining to the board or commission you have been appointed to, as well as those centralized for all CBPL regulatory bodies and requirements (such as travel or ethics) pertaining to any state board or commission.
- 4) **Learn all sides of an issue before forming an opinion:** A board or commission member makes better-informed decisions or opinions when he or she learns all sides of an issue. If a member takes the position that he or she already knows everything about an issue, he or she may miss an opportunity to learn something important to the debate.

- 5) **Take part in discussion and debate:** As a rule, the quality of the board and commission decision-making process is improved when all members contribute to the discussion. Participation does not ensure that the outcome will be exactly what you want, but it will ensure that your opinions have been considered.
- 6) **Ask questions:** If you have a question about a subject, other members probably do as well. If you don't know something, the best way to learn about it is by asking questions.
- 7) **Seek solutions:** Be a problem-solver. Contribute to debate in a way that will lead to solutions and not merely add to the difficulty or complexity of a situation. When faced with a challenge, look for ways it can be done.
- 8) **Don't be shy:** Nobody else is going to speak up for you. Your idea may be the one that will lead to an answer or a solution, so speak up when you have something to say.
- 9) **Be inquisitive:** Dig into a matter and be assertive to get the information you need. The most productive environment for decision-making respects all opinions and everyone's right to express them. Relationships should be polite and professional. Board and commission members are state leaders who can set an example for others to follow.
- 10) **Share information:** If you know something about a proposal before the board or commission that other members may not be aware of, share it. The decision-making process will benefit when board and commission members share important information with the entire group. This encouragement does not extend to disciplinary or other situations that may result in ex parte communication by the board.
- 11) **Put in extra effort:** Volunteer to serve on committees and working groups and perform special assignments. Your expertise and perspective are important to the success of the board.
- 12) **Take the time to make a difference:** The time you actually spend at meetings is only a small part of the time it takes to be an effective board or commission member. Be prepared to spend a fair amount of time preparing for meetings, staying informed, serving on subcommittees or special projects, and being actively involved as a board or commission member.

Board and Commission Relationships

Members of boards and commissions interact with many different individuals and groups of people. This section addresses the business nature of these relationships.

Relationship with the Chairperson

It is important that the board or commission works together to ensure the competency of licensed professionals and the health and safety of the public. If the chair and the board or commissions are in opposition, the disputes project a negative image to the public, waste valuable time, promote conflict, slow down work and progress, and distance members from each other. Board and commission members may not always agree with the chairperson, but they must work with the chairperson. The board chair should strive to guide the board to:

- Project a positive image as the state’s regulator of a given profession.
- Make best use of the board or commission’s time.
- Promote teamwork among its members, the division, and the public.
- Permit work to go forward and progress to be made.
- Involve the whole board or commission in solving problems.

Clarifying Roles of Boards and Staff

The roles of the board, staff, the Division, and the Department are generally set forth in Alaska Statute under AS 08.01 (see above). Each has an important part in the administrative and investigative functions of the state’s regulatory programs. However, as the governance partner, the board is primarily concerned with the “what” and “why” and management is focused on the “how.”

Clarifying these roles:

- Ensures accountability
- Facilitates a good working relationship
- Enhances the productivity and effectiveness of both board and staff
- Reduces redundancy and waste of time or resources
- Must be supported by both the board and staff

The Board’s Governance Role

Boards have a governance role in the regulation of licensed professions. To successfully focus on their own role, boards must take care to separate themselves from the day-to-day staff/management responsibilities by asking:

- Is it a big-picture concern?
- Does it affect board statutes or regulations?
- Is it statutorily the board’s decision?
- Does it need high-level scrutiny or support?
- Does it pertain to the “what” and “why” of the mission?

If “yes,” then it’s a board responsibility.

Board and commission instructions to examiners should go through the chairperson by way of a formal motion. This provides clarity to the division when resources are expended. It helps supervisors direct examiner workloads and provides for more effective management of program funds. Additionally, individual board and commission members should not give instructions to the staff without the knowledge or consent of the chair, because one member's viewpoint or request may not represent the shared viewpoint or position of the full board or commission.

The Staff's Management Role

The staff's role in regulation is to facilitate the mission of the board through strategic use of resources allocated by the board or provided for in legislation or regulation. It is the staff's job to provide the board or commission with the facts and information needed to make a decision. In fact, it is customary for the staff to make a recommendation for board or commission action. However, the board or commission should not turn any staff person into an additional board or commission member by expecting that person to make decisions that the board or commission is appointed to make. Such expectation for decision-making can place a staff member in the awkward position of substituting his or her judgment for the collective judgment of the board or commission. This expectation is unfair to the staff person and can make him or her a scapegoat for mistakes. It may also be a violation of law or the staff's position description or employment bargaining agreement.

An examiner may advise the board on procedural issues and other topics that may provide a "bridge" to the division during the meeting. An executive administrator may have a more fluid role and provide input on board policy and regulations as requested by the board.

The Division of Corporations, Business and Professional Licensing provides many staff members with varying types of expertise to aid the work of the board or commission:

- **Specialized staff:** The Investigators, Regulations Specialist, Paralegal, and Publications Specialist provide resources to boards and commissions as pertains to their fields. These staff members may be requested to present fiscal or enforcement information at board meetings, assist with drafting of regulations, facilitate continuing education audits, or perfect public documents, among other services. These staff members work daily behind the scenes to maintain the work of the boards and the division and report to division executive management.
- **Licensing Examiner:** The Occupational Licensing Examiner is primarily responsible for screening and issuing licenses per board or commission statutes and regulations. In many cases, the examiner helps administer the meeting, take notes, and maintain the day-to-day office activities of the board or commission. The examiner may staff multiple licensing programs and assist various boards and commissions. The examiner is expected to have a thorough understanding of the statutes and regulations that apply to their programs and to seek assistance when problems or questions arise.
- **Records and Licensing Supervisor:** All examiners are supervised by a Records and Licensing Supervisor, who is responsible for the accuracy and consistency of the examiner's work. The

supervisor is responsible for training and monitoring licensing examiners under his or her purview and directs their workflow. The supervisor must have a thorough knowledge of the statutes, regulations, and procedures of all programs for which he or she is responsible.

- **Executive Administrator/ Secretary:** The Executive Administrator or Marine Pilot Coordinator manages the affairs of one board or commission. The “exec” is appointed by the governor and is expected to engage the board or commission at a deeper level than the examiner. The executive receives additional program- or content-related assignments from the board as permitted by statute or regulation, represents the board or commission at professional meetings, cultivates a body of knowledge about the workings of the profession in order to better advise the board, and performs other duties as outlined in statutes and regulations.
- **Administrative Officer:** The Administrative Officer II of the division oversees all administrative and accounting functions. This position is responsible for providing the quarterly Schedules of Revenues and Expenditures to each board and collaborates with the Division Operations Manager, Chief Investigator, and Director to make final budgetary decisions for the division and its programs. The Administrative Officer reports to the Division Director.
- **Deputy Director/Division Operations Manager:** This position manages the functions and staff of all licensing sections within the division: professional licensing, business licensing, and corporate registration. The manager is responsible for the “big picture” systems required to plan, organize, direct, and coordinate board and division activities and resources as they pertain to all licensing activities. This position reports to the Division Director.
- **Division Director:** The director is the principal executive officer of the entire division, including Professional Licensing, Corporations and Business Licensing, Administration, and Investigations. The director bears substantial responsibility for the determination of policy and for the way in which policies are carried out. The Division Director reports to the department’s Deputy Commissioner.

III. Executive Branch Ethics

Service on a state board or commission is a public trust and members are expected to conduct the public's business in a way that preserves the integrity of the governmental process and avoids conflicts of interest. The Ethics Act (AS 39.52) doesn't forbid public officers from having opinions, interests, or professional pursuits outside of their service on boards or commissions, but it does require that members disclose certain matters, so that a determination can be made about whether they constitute a conflict of interest.

General Guidance

All board and commission members and staff should be familiar with the procedures outlined below. 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. Additional information is available from the Alaska Department of Law at <http://law.alaska.gov/doclibrary/ethics.html>. Much of the information in this section of the manual is taken directly from this site.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they or an immediate family member have a personal or financial interest;
- coerce subordinates for his/her personal or financial benefit, or
- attempt to influence the outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business partner. Instead of publicly disclosing the matter and requesting recusal, Terry engaged in discussions about the proposal, and voted on the proposal.



Jack serves on a board that regulates parts of the building construction industry. Wearing a nametag that identifies him as a member of the industry board, Jack goes to a contractors' trade show and sets up a booth for his consulting business, called "Building a Future in Alaska."

Improper Gifts (AS 39.52.130)

A board or commission member may not solicit or accept a gift if it could reasonably be inferred that the gift is intended to influence the member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists

are presumed to be improper unless the giver is an immediate family member of the person receiving the gift.

A gift worth more than \$150 to a board or commission member or the member's family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board or commission.

The receipt of a gift worth less than \$150 may be prohibited if it could reasonably be inferred that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board or commission member will be advised as to the disposition of this gift.

A form for reporting gifts is available at law.alaska.gov/doclibrary/ethics.html or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.

 The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.

 Sam buys a holiday gift every year for Jody. Jody was recently appointed to a board, but Sam has no business that is up before the board.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board or commission may use or disclose any information acquired through official duties if that use or disclosure could result in a financial or personal benefit to the board member (or a family member), unless that information has already been disseminated to the public.

 Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.

 Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the State Medical Board, she discloses this role to the board and continues to advise the doctors in her clinic in her capacity as a private individual, not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member who can affect the award or administration of a State grant, contract, lease, or loan may not apply for, or have an interest in that State grant, contract, lease, or loan. This prohibition also applies to the board member's immediate family.

A board member (or a family member) may apply for or be a party to a *competitively solicited* State grant, contract or lease, if the board member does not serve in the same administrative unit awarding or administering the grant, contract, or lease *and* so long as the board member does not take official action in the award or administration of the grant, contract, or lease.

A board member (or a family member) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the award or administration of the loan.

Board members must report to the board chair any personal or financial interest (or that of a family member) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at law.alaska.gov/doclibrary/ethics.html or from the board or commission staff.

 John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years but he figures that it doesn't matter when her grant application comes up before the board; he votes on the grant to his daughter, without disclosing the relationship to the board. (While voting for the grant looks worse than voting against the grant, the Ethics Act prohibits deliberating or voting on the issue regardless of what position the board member takes.)

 The board wants to contract out for an analysis of the board's decisions over the last ten years. Kim bids on the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A non-salaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refrains from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act. So, the member must disclose the fact of the member's involvement in the regulated matter, and abide by the board or commission's finding as to the existence of a conflict of interest.

Restriction on Employment after Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not work on any matter on which the former member had personally and substantially participated while on the board. This prohibition applies to cases, proceedings, applications, contracts, and similar matters.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.

This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive this prohibition if a determination is made that the public interest is not jeopardized.

☹️ The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.

😊 Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate this chapter is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures (AS 39.52.220-250)

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 has several ethics supervisors designated by statute. 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.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director. This does not apply to professional licensing boards and commissions, whose staff are employees for the Department, not the board.
- The Department of Commerce, Community, and Economic Development has assigned a Special Assistant to serve as DES for staff.
- The governor is the DES for a chair. The governor has delegated the DES responsibility to the Director of Administrative Services in the Office of Governor.

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 staff of a board or commission, 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.”* 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: <http://law.alaska.gov/doclibrary/ethics.html>.

How Do I Avoid Violations of the Ethics Act?

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

What Are The Disclosure Procedures for Board and Commission Members?

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. Public disclosure only takes the place of a written disclosure 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. Boards and commissions that meet these requirements may note the exception below.

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. 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.
- 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 may submit 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. 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.
- If the chair determines that the member would violate the Ethics Act by taking official action, 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. In this manner, a member's detailed personal and financial information may be protected from public disclosure.

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. 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.

If the chair identifies a potential conflict that he or she has, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor or to the Department of Law 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

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:

law.alaska.gov/doclibrary/ethics.html.

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 to the employee.

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

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. The DES provides a copy of the notice to the employee or board/commission member who is the subject of the notice and may seek input from the employee or board/commission member, 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 or board/commission member 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 or board/commission member of the personal or financial interests giving rise to the potential violation.

- 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?

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's Ethics Attorney 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?

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.

Complaints, Hearings, and Enforcement (AS 39.52.310-370, AS 32.52.410-460)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also

initiate complaints from information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal.

The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. An accusation may result in a hearing.

When the Personnel Board determines a board member has violated the Ethics Act, the member must refrain from voting, deliberating, or participating in the matter. The Personnel Board may order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, the Personnel Board will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

Conflict of Interest and Ex Parte Communication

A conflict of interest occurs when a board or commission member has a direct and substantial personal interest, usually a financial interest, in a matter before the board or commission. The provisions of conflict-of-interest laws are these:

- 1) A member of the board or commission should declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
- 2) The presiding officer should rule on a request by a member of the board or commission to be excused from a vote; and
- 3) The decision by the presiding officer on a request by a member of the board or commission to be excused from a vote may be overridden by a majority vote of the board or commission.

It is not unusual for board and commission members to have conflicts of interest. Not all conflicts involve a substantial financial interest, however. Some conflicts may only appear to be improper or have the appearance of an unfair advantage. These conflicts should be declared, so the public does not think that board and commission members are self-serving and ignoring public interest. If a board or commission member thinks he or she has a conflict, the conflict should be declared and the presiding officer should be notified to decide whether the board or commission member should vote. A conflict should only be declared when a conflict is really believed to exist, and the determination of the

declaration should be read into the public record of the meeting. A conflict should never be declared to avoid having to vote on a difficult issue.

Conflicts may arise due to improper communication with a stakeholder. “Improper communication” can be any communication with an interested party where the communication is about something on which the board has authority to act, and which comes outside of a publicly-noticed meeting. A familiar example is the contact that a member of a jury could have with people or even news stories that could bias their opinion unfairly. Sometimes it is impossible for juries in high-profile cases to avoid hearing information that is inadmissible in court, so they are sequestered in hotel rooms with no television or public contact. Board and commission members are not likely to be treated to such extremes, but they must take care not to discuss investigations before a vote takes place. This type of discussion should result in the recusal of the member from the vote on that issue.

Ex-Parte Contact

The foundation of due process is that each side in a dispute has the opportunity to be heard. If one side has the opportunity to make an argument, the other side must have the opportunity to respond. It is sometimes tempting for an applicant, licensee, or attorney to attempt to circumvent the usual application decision-making procedures, to seek information on a pending application, to discuss a pending disciplinary action, or to seek to influence an individual’s decision by directly contacting one of the board members. Such communications are called “ex parte” communications.

Ex parte communications are improper. The result of such a communication is that the board member so contacted may be unable to discuss, participate in, or vote on the application or disciplinary action.

The risk to the applicant or licensee who attempts such communication is that a board member who might have been favorably disposed to their license application or disciplinary case may not be able to participate in the decision or vote.

Ex parte communication must be disclosed. Should any individual attempt to contact you to discuss a license application or disciplinary case, please refer them to a staff member (licensing examiner, investigator, or executive administrator) for response.

Should you experience an ex parte communication, please so indicate when that issue is addressed by the board in session. Alert the chair about the contact in writing before the meeting and on the record at the beginning of the meeting so he or she can determine whether it is appropriate that you be recused from the discussion, deliberation, and vote. As the DES for the board, the chair is required to make this determination on the record.

If you are unsure about the nature and extent of the contact, please contact the board’s staff for guidance.

Another interesting conflict of interest issue that is gaining awareness is that of the potential for disproportionate influence of “active market participants” on boards. An active market participant is

defined as someone who is currently engaged in the profession that the board regulates. A 2015 United States Supreme Court decision (*North Carolina Board of Dental Examiners v. Federal Trade Commission*) resulted in a ruling that stripped the board of its immunity because it violated the Sherman Act when sending cease-and-desist letters to unlicensed teeth whiteners. The case is complex, yet under the state's current statutes, the takeaway for Alaska boards is straightforward:

- Ensure that the division's investigative standard operating procedures are followed.
- Adhere to the Administrative Procedure Act when taking action against anyone, licensed or unlicensed.
- Invite an agency attorney to be involved in policymaking that may restrict those outside the profession from engaging in business practices.
- Encourage and engage public member participation in decisionmaking.

The Alaska Open Meetings Act

Regarding meetings, we have to make sure to read the guidance fully and in context:

First, let's look at the definitions in AS 44.62.310. To whom does the Open Meetings Act apply?

AS 44.62.310(h)(1) "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members

The establishment of a meeting has three "ingredients": **Who** is present, **how many** are present, and **what** are they doing:

AS 44.62.310(h)(2) "meeting" means a gathering of members of a governmental body when

(A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or

(B) the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

The guidance to staff in Division P&P-1 on meeting management clarifies a subcommittee as a different type of meeting. It is not a board meeting because "the membership of a subcommittee, advisory committee, working group or similar group by another name may not include a quorum of a board. Any

meeting that includes a quorum of a board is considered a board meeting and must be noticed accordingly.”

So, these types of meetings must be publicly noticed:

BOARD MEETING: If a group is gathering that IS a quorum of the board OR three or more members of a board AND is considering a matter on which they have the power to act.

SUBCOMMITTEE MEETING: If a group is gathering that is NOT a quorum of a board OR three or more members of a board AND is recognized by the board/division AND has authority to advise the board/division, AND is considering a matter for recommendation to a board.

Here’s a tool combining all of these considerations. Try it when evaluating a meeting, and see if it’s helpful:

1. **Will a quorum of a board be present?** If YES, it’s a board meeting if they are considering board business.
2. **Will three or more members of a board be present?** If YES, it’s a board meeting if they are considering board business.
3. **Is the entity recognized by the board/division?** If YES, it’s a subcommittee meeting.
4. **Does the entity have authority to advise/make recommendation to the board/division?** If YES, it’s a subcommittee meeting.

Below are some theoretical examples. As with the rest of this manual, it is intended to provide general guidance but cannot cover every situation. Please contact staff with concerns about specific situations.

- A. **The board votes to approve a working group on a potential regulation and bring it back to the next meeting. The member assigned in that motion recruits three licensees to join the working group.** YES to #3 and #4: Subcommittee meeting.
- B. **The board publicly notices a subcommittee meeting, and three board members attend.** YES to #2, #3, and #4 (and maybe #1, depending on the size of the board). It’s now a board meeting, must be adjourned and renoticed for a later date if the members wish to participate.
- C. **Two board members have coffee and talk about board business.** NO to all four. Not a meeting.
- D. **Three board members have coffee and talk about board business.** YES to #2 and maybe #1. They don’t have to go home, but they shouldn’t finish that coffee together.
- E. **Three board members have coffee and talk about the weather.** NO to all four because they are not talking about board business. So, technically it’s not a violation. However, a licensee walks into the coffee shop and sees them and posts on Facebook that there was a secret board meeting at Starbucks, files a Freedom Of Information Act inquiry, and ignites legal dispute over

a current topic. This costs the board thousands of dollars, a lot of extra time, and their reputation. Probably best that the three avoid having coffee together because of the public's reasonable perception that it is a board meeting.

- F. **Twenty disgruntled licensees get together to plan a protest of the next board meeting.** NO to all four, assuming none are board members. They can paint picket signs to their hearts' content.
- G. **Two board members email each other with general questions about upcoming item on the meeting agenda.** NO to all four. Not a meeting.
- H. **The two members in Example G decide they need more information and email the board chair.** YES to #2 and maybe #1. The chair should not respond but should ask staff to assist with providing needed information to the entire board.
- I. **One of the two board members in Example G is the Reviewing Board Member of a case that is to be decided at the meeting.** NO to all four, but since they have veered into ex parte communication, they need to cease the conversation for reasons outside the Open Meetings Act. Depending on what s/he heard, the non-reviewing board member may wish to declare a potential conflict of interest at the meeting and ask the chair for a ruling on whether the member should be allowed into the discussion and vote on the case.
- J. **A board member attends an industry association meeting and speaks on the board's behalf without prior authorization on topics the board has not voted on.** NO to all four, but the member should be counseled by the chair that this is improper and that the information provided could be inaccurate or misleading. Depending on the situation, the chair may want to write a letter to the association to clear up the matter.
- K. **The entire board attends an industry association meeting. They take great care not to sit together or huddle together in a darkened corner of the hallway.** NO to all four, and good job making sure they did not give the appearance of conducting board business.
- L. **The entire board attends an industry association meeting. They get upset about an issue raised by one of the speakers and meet together later that day in a small, empty conference room to discuss the board's position on the issue.** YES to #1 and #2. Not good judgment on their part.

There's also the question about what "prearranged" means. This brief guidance suggests that board and subcommittee members should avoid "spontaneous" discussions about their official business when these thresholds are met. A chance meeting at a social event that turns into an hour-long conversation about official business is avoidable and, by sustaining the conversation over a period of time, may not be considered by a court to be a spontaneous conversation.

IV. Board and Commission Framework for Decisionmaking

Utilizing a consistent and defensible process to make decisions is the board’s best tool in achieving desirable outcomes that have a lasting effect. Alaska’s professional licensing boards should seek consistency in the application of disciplinary sanctions. And if a board’s decision breaks from precedent in a matter involving similar facts, the board must explain why in its order, (AS 08.01.075(f)).

The first step in consistent and defensible decisionmaking is to establish the criteria on which a decision will be made. This is often called a Decision Framework or Decision Tree. (Several examples follow in this section.)

The next step is to ensure that a record exists showing the board’s decisions on similar matters, the facts that were considered when reaching the decision, and rationale for the decision, especially if there is a surface appearance of inconsistency.

A black-and-white rule that unequivocally dictates what discipline will be imposed for a particular infraction is a de facto regulation. Precedent informs the board’s exercise of discretion while inflexible rules prevent the board from exercising its discretion.

In non-disciplinary matters, the board may establish a framework for determining how to spend their time and resources. To avoid unnecessary expenses, the board could use a Decision Framework or Decision Tree like the ones below to objectively and dispassionately determine whether to take on a particular issue.

Framework for deciding what issues the board will address:

CRITERIA	INFORMATION NEEDED
Public Protection	How does the issue directly lead to harm to the public or individual clients?
Public Interest	How is the issue or its resolution a matter of public interest?
Mission and Mandate	How does the issue relate to the board’s statutory mandate and mission.
Ability, Resources, Priority	What resources must the board and the division employ to address the issue? Do the board and division currently have capacity to address the issue? How does addressing the issue advance the board’s goal?
Association	Does resolution of the issue necessitate association with other interests? Who? Why? How?
Ownership	Does it make sense for this board to take the lead on this issue? If not

	this board, which?
Perception	How might the board be judged by the public, including other boards, for the role and actions it takes?
Best Response	What actions is the board to take to address the issue? Are there alternatives?

Suggested statements of board principles:

Because board membership changes over time, it is important for boards to establish principles or values that they agree to guide their decision-making. These common, agreed-upon statements can be used by individuals to check their own biases before speaking or voting.

1. Public Protection Primacy

The board will make all decisions to protect the public, and public protection will always have primacy over all other considerations.

2. Public Interest Favored

Board decisions will always favor the public interest over all other interests.

3. Objective

Board decisions will objectively consider reasonable options and consider all available evidence to arrive at an objective decision.

4. Fair

Board decisions will consider the impact of options on all people and organizations affected by them.

5. Purposeful and Effective

Board decisions will effectively achieve public protection by regulating the profession(s) and supporting licensees to provide competent, ethical and safe services. Board decisions will not result in unnecessary regulation.

6. Transparent

Board decisions will be clearly presented to stakeholders along with the regulatory goal and public interest rationale.

V. Meetings and Motions

Rules of Procedure

Rules of procedure are not statutes or regulations but guidelines the board or commission has agreed to follow. Contained in these rules might be a list identifying the board or commission's standing committees, the parliamentary procedure for running meetings, or perhaps a requirement to end meetings at a certain time. Boards and commissions may also pass regulations that specify how many absences are allowable before a member is removed from the board. Additional guidance on meeting management is published in the Division Policy and Procedure Manual.

The Agenda

The board or commission must approve an agenda format to be used at all regular meetings. A sample agenda might include the following:

- I. Call to Order
- II. Roll Call
- III. Statement of Conflicts of Interest
- IV. Approval of Minutes of Previous Meeting
- V. Public Comment on Non-Agenda Items
- VI. Consent Agenda (if using)
- VII. Staff Reports
 - i. Executive Administrator (if applicable)
 - ii. Director or other management staff
 - iii. Administrative Officer (for fiscal report)
- VIII. Regulations for Introduction
- IX. Public Hearing on Regulations
- X. New Business
- XI. Old Business
- XII. Committee Reports
- XIII. Board or Commission Comments and Questions
- XIV. Adjournment

The order of the agenda may be changed at the meeting. For example, an item toward the end of the agenda may be moved up and dealt with earlier in the meeting; this can be done by a motion to amend the agenda. The agenda should be amended only when there is a good reason. Try to maintain the posted public comment periods since constituents may have taken great care to arrive at that time.

Taking Part in Debate

Debate and discussion are not the same. Discussion is general and does not necessarily lead to closure

of an issue. It is the method used for less formal meetings and work sessions. Debate occurs after a motion has been made, and formal board or commission actions are required. Board discussion is not a formal request for action, so members should take care to make a motion in order to propose an actionable item--particularly one that involves a fiscal matter, policy change, or staff response.

Debate at board and commission meetings goes through the chairperson. If a board or commission member wants to speak, he or she must raise a hand and be recognized by the chairperson (or presiding officer, if the chairperson is absent or doesn't run the meeting). If there is a motion on the floor, then the member may only speak to that motion. Members should never interrupt one another. Comments should be brief and to the point.

Members may mingle with the public in other settings, but meetings are the events at which the public's business is conducted and decisions are made, so meetings should be conducted in a calm, orderly environment free from disruptions. After all, good decisions are more likely in a quiet, controlled, uninterrupted setting. When the public informally interacts with the board during a meeting, the business can be disrupted and the outcome of the motion could become unclear. It also provides an uneven playing field for solicitation of input to the board.

Members of the public are not members of the board, so they should refrain from engaging in board business. Members of the public may speak during the common public comment period, or they may formally request to address the board by requesting to be on the agenda well ahead of time or by signing in to address the board during a publicly noticed oral comment period on proposed regulations.

Parliamentary Procedure

One of the greatest procedural tools a board can adopt is one of parliamentary procedure, which sets the protocol for meeting management. Parliamentary procedure is not as complex as many fear. Most boards and commissions use Robert's Rules of Order (www.robertsrules.com), and there are many guides available online or in hard copy to demystify the process. A guide to the parliamentary motions used most frequently is included in this manual.

The use of parliamentary procedure for meetings fulfills several important purposes. It provides structure for deliberation of issues. It ensures that only one item at a time is before the board or commission for debate. It provides a forum for debate that is fair to everyone and partial to no one. Finally, it permits the will of the majority to prevail while protecting the rights of the minority and permitting all sides of an issue to be heard. Boards can use their own rules for parliamentary procedure, but most use Robert's Rules of Order because this set of guidelines is familiar and well-established.

Types of Motions

The backbones of parliamentary procedure are in motions and how they are made and disposed of, the various categories of motions, and the relationship between motions. There are four types of motions, but the most common is the main motion, which brings an item of business before the board or

commission for its formal deliberation. Only a main motion can bring matters before the board or commission for a vote.

Robert's Rules of Order Motions Chart

Part 1: Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.							
§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10	Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Part 2: Incidental Motions. No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33	Request for information	Point of information	Yes	No	No	No	None

Part 3: Motions That Bring a Question Again Before the Board

No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§34	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority

§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

Making a Motion

A main motion is the way an item is placed before the board or commission for consideration and action. A board or commission member, after being recognized by the chair, may say, “I move to approve the minutes from the November 2015 meeting as amended.” The chairperson then asks for a second person to support the motion and, when the motion is seconded, asks if there is any debate on the motion. Any subsidiary motions that may be made, such as a motion to amend, table, or send the statute to a committee, must be voted on before the main motion may be voted on.

Every motion consists of eight steps (if following Robert’s) that follow in order:

- 1) A board or commission member seeks recognition from the chair.
- 2) The member is recognized by the chair and “has the floor.”
- 3) The member makes a motion.
- 4) The motion is seconded (if appropriate, see chart).
- 5) The chair (or staff, if delegated) restates the motion to the body.
- 6) Board or commission debates the motion.
- 7) Board or commission votes on the motion either by roll call or unanimous consent.
- 8) The chair (or staff) announces the result of the vote.

Voting

Once debate on a motion is completed, the board or commission has to vote. Every member present has to vote unless the member declares a conflict of interest and the chairperson (or presiding officer) rules that the member has a conflict of interest that prevents him or her from voting. Voting may be given orally or as a show of hands—as long as the individual votes are recorded in the minutes. If the board or commission’s custom does not already dictate it, anyone on the board or commission may request a roll-call vote in which the clerk calls each member’s name and each name and vote are entered into the record. The public has a right to know how each member voted, so the minutes should reflect each person’s vote on each motion.

Abstaining from Voting

Boards and commissions perform their work through decisionmaking in a public setting. A board cannot take action without voting. Members are appointed with the expectation that they will participate by letting their voice be heard through their vote. It is highly advisable that each board and commission member vote on every issue. A member should only abstain if the chairperson has ruled that he or she has a conflict of interest on the particular matter being voted on. A board or commission member must

explain his or her conflict and receive a ruling on whether a conflict exists. The chairperson's ruling, whichever way it goes, may be overridden by a majority of the board or commission. This is discussed further in another section of this manual.

It is a misconception that the chair can only vote in the case of a tie. From www.robertsrules.com:

If the chair is a member of the voting body, he or she has exactly the same rights and privileges as all other members have, including the right to make motions, to speak in debate, and to vote on all questions. So, in meetings of a small board (where there are not more than about a dozen board members present), and in meetings of a committee, the presiding officer may exercise these rights and privileges as fully as any other member.

When will the chair's vote affect the result? On a vote that is not by ballot, if a majority vote is required and there is a tie, he or she may vote in the affirmative to cause the motion to prevail. If there is one more in the affirmative than in the negative, the chair can create a tie by voting in the negative to cause the motion to fail. Similarly, if a two-thirds vote is required, he or she may vote either to cause, or to block, attainment of the necessary two thirds.

The Governor's Office of Boards and Commissions requests that boards with members who regularly abstain ensure that the practice is codified in that body's policy and that the policy is—as with other board policies—available to the public via the board's web page.

Unanimous Consent

Unanimous consent occurs when all members vote in favor of a motion. Sometimes unanimous consent simply occurs after a vote, when all members vote the same way. Other times, unanimous consent may be requested as part of a motion. Typically, this request happens when the person making the motion knows the item is not controversial. The person making the motion might say, "Mr. [or Madam] Chair, I move to approve the minutes from the November 2014 meeting and ask unanimous consent." The chair then asks if there is any objection. If there is none, the item is adopted by unanimous consent. Discussion may also be permitted but usually only for clarification. If there is objection, then debate occurs and the matter goes to a vote.

Using a Consent Agenda to Improve Meeting Efficiency

At every board meeting, at least a few items come to the agenda that do not need any discussion or debate either because they are routine procedures or are already bound for unanimous consent. A consent agenda allows the board to approve all these items together without discussion or individual motions. Depending upon the organization, this can free up anywhere from a few minutes to a half hour for more substantial discussion.

What belongs on the consent agenda?

Typical consent agenda items are routine, procedural decisions, and decisions that are likely to be noncontroversial. Examples include:

- Approval of the minutes

- Final approval of proposals or reports that the board has been dealing with for some time and all members are familiar with the implications
- Routine matters such as appointments to committees
- Reports provided for information only
- Correspondence requiring no action

How are consent items handled?

A consent agenda can only work if the reports and other matters for the meeting agenda are known in advance and distributed with agenda package in sufficient time to be read by all members prior to the meeting. A typical procedure is as follows:

1. When preparing the meeting agenda, the chair determines whether an item belongs on the consent agenda.
2. The chair prepares a numbered list of the consent items as part of, or as an attachment to, the meeting agenda.
3. The list and supporting documents are included in the board's agenda package in sufficient time to be read by all members prior to the meeting.
4. At the beginning of the meeting, the chair asks members what items they wish to be removed from the consent agenda and discussed individually.
5. If any member requests that an item be removed from the consent agenda, it must be removed. Members may request that an item be removed for any reason. They may wish, for example, to discuss the item, to query the item, or to register a vote against the item.
6. Once it has been removed, the chair can decide whether to take up the matter immediately or place it on the regular meeting agenda.
7. When there are no more items to be removed, the chair reads out the numbers of the remaining consent items. Then the chair states: "If there is no objection, these items will be adopted." After pausing for any objections, the chair states "As there are no objections, these items are adopted." It is not necessary to ask for a show of hands.
8. When preparing the minutes, include the full text of the resolutions, reports or recommendations that were adopted as part of the consent agenda so the record is clear.

It is important to make sure that all members know what items belong on the agenda and how to move items to and from the consent agenda. For this reason, the chair should ensure that new members become familiar with this process when they join the board.

Quorum

A quorum is the minimum number of board or commission members required to conduct business. A majority of the total membership of the board or commission constitutes a quorum.

A member who is disqualified from voting is considered present for purposes of a quorum. If a quorum is not present, any number of the members present may recess or adjourn the meeting to a later date. Formal actions of the board or commission must be considered by a majority of the full membership. A quorum requirement does not mean that a majority has to adopt a measure, only that a majority has to consider a measure.

AS 44.62.450(c) provides that “an agency member may not withdraw voluntarily or be disqualified if the disqualification would prevent the existence of a quorum qualified to act in the particular case.” Also known as the rule of necessity, it means that the board cannot recuse itself out of a quorum. When a vote is before the board and recusal of a reviewing board member would remove the quorum, the member should remain in the discussion and vote, if that is what is required to maintain a quorum. This situation should be recorded in case the vote is challenged.

It is important for all members to be present at every meeting. As in the example above, sensitive, complex, or difficult matters should come before the board or commission as often as possible when all members are present. If absences must occur, then proper notice must be given in order to determine whether to reschedule the meeting. The cost of travel and consideration of public notice have a great impact on the program’s licensees, so absences must be taken seriously. Boards and commissions may adopt regulations regarding removal of members for excessive absences. Board members who find they need to resign may do so in writing to the Office of Boards and Commissions with a copy to the Division.

Role of the Chair in Board and Commission Meetings

Board and commission members, staff, and the public look to the chairperson to provide leadership during the meeting. The chair should understand the issues before the board or commission, know and understand the philosophies of the fellow members of the board or commission, and be able to bring the board or commission to decisions on difficult or complicated issues. The chairperson should be able to do all of the following effectively:

- **Run a Meeting:** The chair is responsible for running an orderly meeting and conducting public business in a fair and timely manner. Everyone looks to the chairperson for leadership. The chair grants or denies members, staff, and the public the floor to speak.
- **Maintain Order:** The chairperson should not allow cheering, hissing, booing, or other demonstrations from the audience. Nor should he or she permit board or commission members to become rude, confrontational, or argumentative with one another or the audience. Members should not cut off one another or staff when they are speaking, nor monopolize the floor when granted by the chair.

- **Keep Business Moving:** It is the chairperson's job to keep business moving by bringing matters to a vote.
- **Manage Public Testimony:** By using a sign-up list, the chairperson will know who wants to speak on items before the board or commission. If a large number of people wish to speak, the chairperson should set a time limit per speaker (usually three minutes). Rambling, irrelevant testimony should be discouraged, as should commentary from the public during board deliberation of an issue.
- **Maintain Relevance:** Discussion between board or commission members and members of the public who are testifying should be limited to fact gathering that helps the board or commission make informed decisions.
- **Use Parliamentary Procedure:** The chairperson needs to know enough parliamentary procedure to run the meeting. Someone else may serve as the parliamentarian, but the chairperson must have a working knowledge of parliamentary procedure.
- **Tie Things Together:** The chairperson should have the ability to take into account public testimony, board or commission deliberations, and an understanding of the issues at hand when guiding the board or commission toward a decision.
- **Implement Approved Actions:** The chairperson should have the ability to create an action plan and follow through with staff or other entities on the actions decided at the meeting.
- **Uphold the Law:** The chairperson should guide the board to prevent decisions that are contrary to law or legal advice. The chairperson should minimize the board's exposure to legal risk and seek its attorney's advice through staff as the need becomes apparent, checking the agenda to schedule the attorney's presence or tabling votes until the next meeting if needed. The chairperson may recess the meeting for a few minutes to confer with the board executive or division management regarding securing an attorney during a board meeting.

VI. Effective Regulations

This section is intended to provide you with a general overview of the regulations process. It is not legal guidance; the applicable statutes control. Any legal questions should be addressed to the Department of Law.

Regulations must be based on statutory authority. Within the division, regulations typically clarify the requirements of the occupational licensing program as set forth by the Alaska State Legislature in statute. As mentioned in the beginning of this manual, statutes are state laws that authorize and set out the scope of a board or commission's governance authority of a licensing program. Statutes may also authorize and direct the division's management role in all licensing programs overseen by the division. Where statutes assign to a board the responsibility of adopting regulations, that board must follow the process set forth in the Administrative Procedure Act (APA) (AS 44.62.010–44.62.305) unless the legislature has by statute directed a board or commission to follow another process. The APA's requirements are explained in detail in the *Drafting Manual for Administrative Regulations*. The Drafting Manual is at http://law.alaska.gov/doclibrary/drafting_manual.html.

State agencies subject to the APA must follow the statutory procedures in order to adopt, amend, or repeal a regulation. A significant step in the APA requires that the public receive notice of a proposed regulation and an opportunity to comment on a proposed regulatory action. This ensures that the public and interested parties—predominantly licensees and prospective licensees—are aware of the proposed changes affecting their programs and provides adequate opportunity to comment on them. By ensuring public notice and ability to comment, the APA's procedures support the public's vital role in the regulations process.

Overview of the Regulations Process

When a board identifies the need to propose a regulation to implement, interpret or make specific a state statute, the board, it should begin organizing its collective thoughts on the matter, at a publicly noticed meeting. If the subject matter is highly technical or complex, it may be helpful for the board to form a working group from among its members. That group may engage in fact-finding outside of public meetings, for the purpose of sharing its findings with the entire board at an appropriate meeting.

The maker of the motion to propose amendment, adoption, or repeal of regulations should provide the board with a written draft of the proposal. It is the board's responsibility to be certain that the record reflects what the board intended. This means that the board should articulate what it is hoping to accomplish with the project, and it should carefully review written drafts, to ensure that the language conveys what the board intended. It is the board's job to provide at least the initial draft of language for a proposed regulation or amendment to regulation. Some boards find it helpful to request assistance from their staff, executive director, and the department's regulations specialist.

Under the APA, the public must have a minimum of 30 days to comment (either orally or in writing, or both) on proposed regulations. During the comment period, the staff must publish on the website answers to questions from the public on the proposed regulations received in writing unless the questions are received within 10 days before the close of the comment period; in that case the staff may, but is not required to, answer the questions. The board will meet either telephonically or in person after this period closes to review written comments and amend or adopt the proposal. A board may also notice a meeting at which oral testimony may be heard on the proposal.

If the board chooses to substantially amend its proposal, it must go out for another 30-day public comment period. Whether the amendments to the proposed regulations would require a new notice and comment period should be reviewed by the Department of Law. If the changes are minor and do not alter the meaning of the regulations, it may then be forwarded for review by the Department of Law.

The Department of Law will assign an agency attorney who is familiar with licensing issues to review the proposal for content. Once the agency attorney review is complete, either the regulations attorney or the assistant regulations attorney will review for legality, consistency with other provisions of law and conformance to the state's drafting style. If there are questions, the regulations attorneys will contact the agency attorney. Once the regulations have been approved by the regulations attorney in the Department of Law, the regulations are transmitted to the Office of the Lieutenant Governor for filing. Once signed by the Lieutenant Governor or the Lieutenant Governor's designee, his/her designee, the regulation will become effective in 30 days *unless* another effective date is specified in the adoption order or certification of adoption.

A typical board or commission regulations process can take 90-180 days, depending on the workload of the division Regulations Specialist, the complexity of the project, and scheduling a review with the Department of Law.

Due to Alaska's small population, Board members may be easily accessible to their licensees and public stakeholders. Board members must remember that comments on proposed regulations must be received as requested in the notice of proposed regulations. Comments may only be received on proposed regulations by

Written comments that are received by the division Regulations Specialist during the public comment period as set out in the notice of proposed regulations Oral comments that are received by the board during the public comment period noticed on the state Online Public Notice System

Board members may not receive comments directly via email, text, in the grocery store, at the lodge, in the hair salon, or on the golf course. When well-meaning members of the public offers input, thank them for their interest but remind them that you are only one of several board members and the board can only act as one; therefore, they should submit their comment as directed in the public notice.

The Division Director may also draft and notice regulations through the same process, though there may not be a public meeting to deliberate or adopt final regulations. The same public notice provisions apply, and the Director must consider all written comments received. When setting fees for licensing programs, the Director will seek board input on proposed fees as required in AS 08.01.065. The Director may adopt regulations that pertain to all licensing programs in general (known as Centralized Regulations) and may adopt regulations that direct the licensing programs in AS 08.01 that do not have a governing board or commission.

Where to Seek Help

The division Regulations Specialist II is trained to assist in drafting regulations and moving them through the adoption process. The Division Director, Division Operations Manager, or Executive Administrator should also be able to walk the board through the process of adopting regulations. They may also request attorney advice independently or on behalf of the board. The flow charts that follow should clarify the processes of board and division regulation adoption, though the process is ultimately administered by the Department of Law.

Is It A Regulation Or Policy?

REGULATIONS

- Anything that affects the public or is used by the agency in dealing with the public;
- Have the force and effect of law;
- Licensees must follow them;
- Prospective licensees must comply with them in order to be licensed;
- Can only be created by following the process outlined in the Administrative Procedure Act – AS 44.62;
- This process can be time-consuming, taking months or years. It involves at a minimum:
 - 30-day public notice,
 - Review by Department of Law, and,
 - Can't be changed, except by formal process.

POLICIES, ADVISORIES, AND GUIDELINES

- Anything a regulatory boards says that:
 - Sets out the regulatory board's expectations in general, nonbinding terms,
 - Does not have the force and effect of law.
- Disciplinary Matrix is a *guideline* if it is used as a reference point, along with:

- Careful consideration of facts and circumstances, as well as,
- Underlying goals of the statute and purpose for the discipline.
- Disciplinary Matrix is a *regulation* if it is used:
 - As a formula: “If licensee did X, then disciplinary response = Y.”
 - To achieve or demonstrate consistency by showing how the board will respond in every case where certain facts are present: “All licensees who do X get Y.”

GENERAL PRINCIPLES APPLICABLE TO BOTH REGULATIONS AND POLICIES

- Clarity
 - If it affects licensees or the public, it should be available and understandable. *Ex.:* if the board keeps a list of activities that it will approve as uncompensated professional activities under 12 AAC 44 620((a)(2)(E), the list should be accessible on the board’s website.
- Consistency
 - With other communications about similar facts;
 - With the governing statute’s purpose.
 - Proportionality
 - License denials and disciplinary actions including suspension, revocations, and fines should be consistent with the statute’s goals.

Steps in the Board Regulation Adoption Process

<i>Day 1</i>	1	At an open meeting, the board votes on language to change regulations. This motion is forwarded to the Division Regulations Specialist for drafting.	<i>Day 65</i>	7	Division Regulations Specialist compiles answers to questions and posts FAQ on the program web page.	<i>Once Regulations Are Effective</i> 14a Agency posts summary on Alaska Online Public Notice System 14b Lt. Governor's office sends regulation to ARRC 14c Regulation published in Alaska Administrative Code 14d Forms & FAQ updated on program web page
<i>Day 30</i>	2	Once drafting is complete, the board holds another public meeting to edit or approve draft for public notice.	<i>Day 75</i>	8	Regulations Specialist compiles public comments for distribution to board.	
	3	Approved language is reviewed by Division attorney.	<i>Day 90</i>	9	Board holds an open meeting to review public comments, make minor changes, and adopt regulations. Substantive changes may require additional drafting and public notice (Step 2).	
	4	Department of Law opens file.		10	Division submits final regulation package to Department of Law for review and approval. Law submits to the Governor's office and Legislative Administrative Regulations Review Committee (ARRC) for review.	
<i>Day 45</i>	5	Division publishes and distributes public notice, additional regulation notice information, and proposed regulation to all licensees and interested parties. Public notice posted in newspaper and on Alaska Online Public Notice System		11	Agency attorney reviews regulation	
	6	Public comment period and/or hearing (if applicable).	<i>Day 110</i>	12	Regulations attorney reviews and either approves or disapproves regulation	
			<i>Day 150</i>	13	Unless returned by the Governor, Lt. Governor's office files approved regulation; regulations become effective in 30 days	

Steps in the Fee Regulation Adoption Process

<i>Day 1</i>	1	Division performs fee analysis		
<i>Day 30</i>	2	Division discusses proposed fees with board at a public meeting. Board provides feedback in form of a motion. If no meeting or motion, board members are invited to communicate directly with Division.	<i>Day 90</i>	7
	3	Division develops a draft regulation and public notice information.		8
<i>Day 45</i>	4	Consultation with Division attorney, if needed.		9
	5	Department of Law opens file	<i>Day 100</i>	10
	6	Division publishes and distributes public notice, additional regulation notice information, and proposed regulation to all licensees and interested parties; posts public notice on Alaska Online Public Notice System		11
<i>Day 60</i>				12
			<i>Day 120</i>	
				13a
				13b
				13c
				13d
			<i>Day 150</i>	

Once Regulations Are Effective

13a

Agency posts summary on Alaska Online Public Notice System

13b

Lt. Governor's office sends regulation to ARRC

13c

Regulation published in Alaska Administrative Code

13d

Forms updated on program web page

VII. The Investigative Process

One function of the board or commission is to monitor and enforce compliance with the statutes and regulations governing a licensed profession. The process of denying or disciplining a license involves many areas of law, including the U.S. and state constitutions, the Administrative Procedures Act, case law, and the particular statutes and regulations of a profession.

Complaints

A complaint may be reported directly to the Division. Sometimes a member of the public, or a licensee, may bring a complaint directly to a board member. When this happens, the board member should direct the complainant to contact the Division and forward a summary of the contact to the Division. All written complaints, or reports, alleging a violation of statute or regulations should provide a specific and detailed summary of the complaint. If available, the complaint should include any documentation, and list any potential witnesses. Anonymous complaints are not accepted.

A board or commission has “jurisdiction” over a complaint if the subject of the complaint falls within the scope of the board or commission’s regulatory authority. Upon receipt, the complaint and evidence are reviewed by investigators to ensure jurisdiction over the person named in the complaint and the alleged violation by that person. The Division’s investigators evaluate each complaint; gather evidence, and interview witnesses. This review takes into account informal guidelines established by the board or commission and the statutes and regulations of that specific practice area. If the complaint does not appear to allege a violation that is within the board's jurisdiction, the division may close the complaint. If the complaint does center on a violation that is within the board's jurisdiction, an initial letter may be sent to the licensee against whom the complaint is filed. This letter provides notice of the complaint and allegations and may request records, an interview, or other response by the licensee.

Complaints or reports that present an immediate threat to public safety are given priority. The steps taken in the investigation are determined on a case by case basis by the specifics of the allegations. This portion of the investigative process may be quite lengthy and may require additional information or evidence from the complainant, licensee, businesses, other governmental agencies or state boards, witnesses, or related parties.

Inquiry and Investigation

A division investigator conducts an inquiry into the complaint; generally, the steps for an inquiry include the following:

- obtaining records, documentation and evidence related to the complaint;
- locating and interviewing the complainant, the client, the subject and any witnesses;
- drafting and serving subpoenas for necessary information.

After investigators have gathered pertinent information or evidence to prove or disprove an alleged violation, the matter is reviewed with the Chief Investigator and, when appropriate, the board or commission's liaison, a panel of two board members or an expert in the field who is carefully screened for objectivity by the Chief Investigator and who agrees to maintain confidentiality. This review may result in a recommendation that more information be obtained, that the case be closed, or that the case continues forward. The board's liaison or review panel does not determine a final outcome; it simply reviews the complaint to determine whether the allegations, supported by un-contested or sufficient evidence, would warrant proceeding with disciplinary action even if contested by the licensee.

If the complaint is supported by evidence, it proceeds to a case, or investigation. Once an investigation is opened, the licensee is notified they are under official investigation by the division on behalf of the board or commission. This distinguishes between allegations brought against a licensee and a matter where allegations were brought and it was determined the licensee committed a violation of statutes or regulations governing their license. This is an important step because complaints can be unfounded or determined to be unsupported by evidence, and they are closed before becoming an official investigation, protecting the subject of the complaint from unwarranted repercussions in the community, with the board, in their area of practice. If a violation is supported by evidence and the matter proceeds to an investigation, the next step is determining an appropriate result.

Disposition of Cases

The majority of cases are resolved through a consent agreement, an amicable settlement of a case between the two parties short of a public hearing. This type of settlement spells out agreed-upon obligations and responsibilities between the board and the licensee.

The consent agreement is written by the division. To be effective, a consent agreement must be adopted by the board. Consent agreements may involve:

- reprimand
- revocation
- assessment of a civil penalty (fine)
- suspension (for a specific period of time)
- probation
- condition to take additional continuing education over and above the annual requirement
- restrictions on practice
- surrender

If an agreement cannot be reached, or if the agreement is rejected by the board, the case is referred to division counsel—an Assistant Attorney General (AAG)—for review and possible litigation. The next step is to file an accusation charging the violations. If an accusation is filed, the licensee is entitled to a hearing. All involved parties may be requested to appear and testify at the hearing, conducted by the Office of Administrative Hearings (OAH) through an Administrative Law Judge (ALJ). After the hearing,

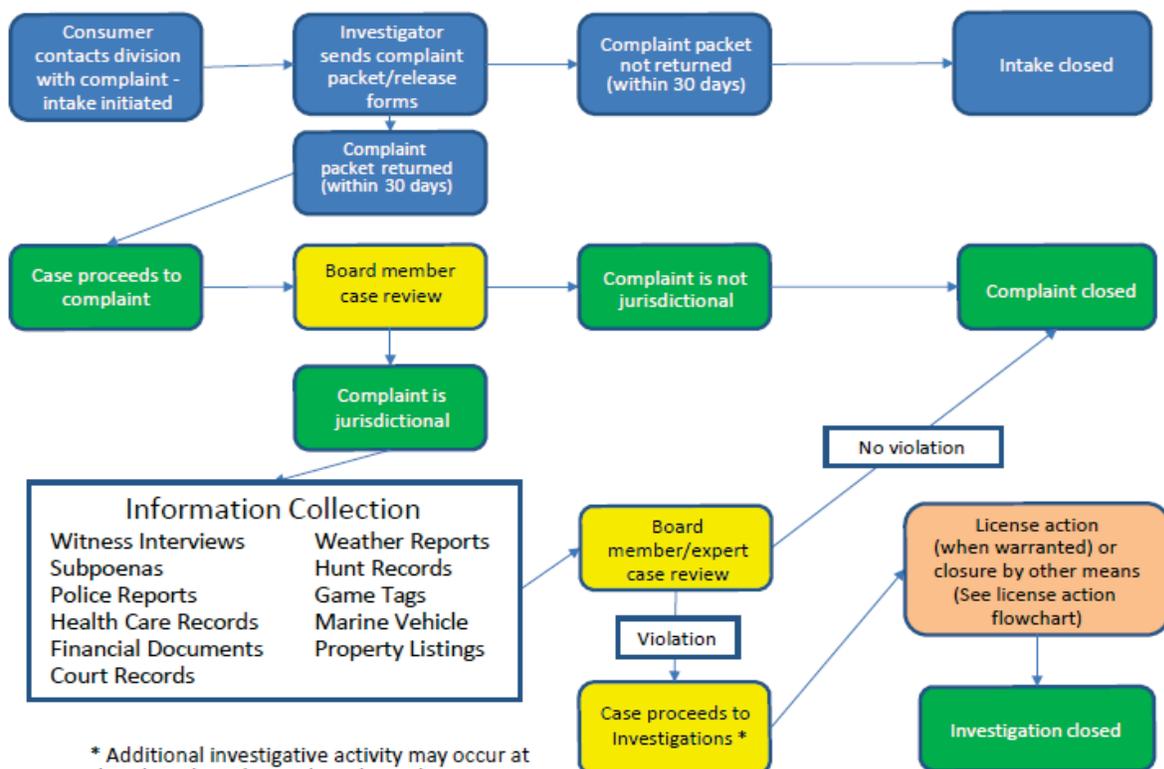
the ALJ issues a proposed decision.. The division’s counsel and the licensee (or the attorney for the licensee) may propose a different outcome in a document called a Proposal For Action. Once it has considered the proposed decision from the ALJ and the proposals for action from the litigants, the board may adopt, amend, or reject the proposed decision from the ALJ and issue its own decision. The board should state its reasons clearly. If the board changes the sanctions proposed by the ALJ, it must explain why. The board may request counsel of its own. Any final decision may be appealed to the superior court.

Confidentiality

Investigations are required by statute to be kept confidential. The Public Records Act provides some exceptions which allow certain documents collected during discovery to be produced as public records. This often prevents the complainant, licensee, and the board from obtaining progress reports or information that may disclose the current status of an open investigation. Even the fact that an investigation is underway is protected. Cases often involve other agencies, businesses, and practices; disclosing information during an ongoing case can compromise the investigation, create conflicts for reviewing board members, or result in unnecessary hardship to the licensee.

Once disciplinary action is final, the final decision becomes public automatically. Certain licensing programs may require that this discipline is reported to a national database for that profession.

Investigative Process



Board/Commission License Action Options

Circumstance	Response/Options
<p>Cease and Desist Order</p> <p>On notice of possible violation, the Commissioner may, if in public's interest, issue Cease and Desist Order. AS 08.01.087(b). The board is polled for objection.</p>	<p>Board can object.</p> <p>Must be majority, within 10 days.</p>
<p>Summary Suspension</p> <p>Investigation shows "clear and immediate threat to public health and safety", Division presents petition for summary suspension.</p>	<p>Board issues summary suspension; hearing to follow within 7 days.</p> <p>AS 08.01.075(c)</p> <p>Post-hearing there is a proposed decision (from a judge), requires adoption by board.</p>
<p>License Denial</p>	<p>Board issues or denies license based on Alaska statutes specific to the profession.</p> <p>Possible hearing if license is denied, proposed decision, and final adoption by board.</p>
<p>Consent Agreement</p> <p>Investigation Unit presents a Consent Agreement, either before or after an Accusation is filed.</p>	<p>Board may approve or reject.</p> <p>If board rejects Consent Agreement, further negotiations may follow or a hearing may be held.</p>
<p>Accusation</p> <p>Investigation informed by the professional opinion of a Reviewing Board Member leads to filing an Accusation; if requested, hearing follows, decision goes to board with proposals for action from both parties, if any.</p>	<p>Board determines whether to accept, reject, or modify proposed decision and determine which sanctions to impose.</p> <p>AS 08.01.075</p>
<p>Violation of Consent Agreement: Automatic Suspension</p> <p>Board is informed of violation warranting immediate suspension under terms of Consent Agreement.</p>	<p>Division initiates suspension (per delegated authority) within Consent Agreement. Hearing possible, after which the board considers proposed ALJ decision, and adopts, rejects or amends.</p>

VIII. Legislative Guidance

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members need to be prepared to champion their cause!

The Open Meetings Act Always Applies

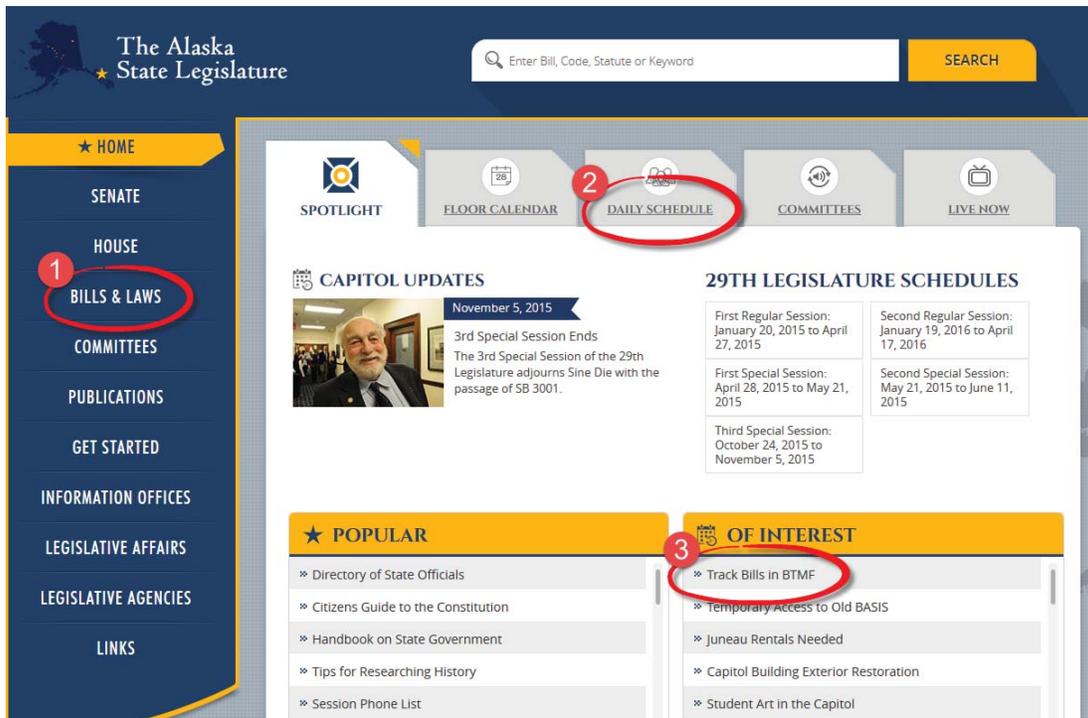
AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject that the body is authorized to act and set policy on and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator.

Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public’s business.

Be Informed: If Not You, Then Who?

- Ahead of the legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the Division will look to the Chair of the board for input and interpretation. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and Division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, Division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes close to 50 bills to track, analyze, and testify on, Division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- Know where to find your bill using the Alaska State Legislature’s web page: akleg.gov. (See graphic below.)
 1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
 2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

3. The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



Guidelines for Board Member Testimony

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with Division management and clearance from the Governor’s Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- Nervous? Don’t worry! Please email or call the Division Director or Deputy/Operations Manager to discuss tips or even run through some potential questions.

Legislative Testimony Call-In Do's and Don'ts

Do remember this “off-net” system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

Do remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

Do use the streaming video available at <http://akl.tv/> to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call 844-586-9085, give your name, bill number and ask to be connected to the _____ Committee.

Do Not call in before the bill you are testifying on comes before the committee.

Do remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

Do use the “mute” function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

Do Not use the “hold” function.

Do try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

Do remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

Do remember to be in a location with good reception if using a cell phone,. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio “loop.”

Do try to adhere to time limits imposed by the chairman.

Remember: There are a limited number of phone lines coming into the Capitol. These lines are also used by LIO's around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

IX. Overview of State of Alaska Travel Policy and Division Procedures

The purpose of travel policy is to provide parameters for approval of actual and necessary expenses incurred by travelers while traveling on state business, to ensure wise management of state resources, and to minimize risks to the state and its travelers. The travel policy of the State of Alaska is adopted by the Commissioner of the Department of Administration in accordance with [AS 39.20.160](#).

State agencies and travelers are required to comply with these policies whenever traveling on state business and are prohibited from adopting their own policies that differ from statewide policies without the approval of the Commissioner of Administration.

The purpose of this guidance from the division of Corporations, Business and Professional Licensing (the division) is to clarify the process of funding, approving, and booking volunteer board member travel on behalf of the State of Alaska. While the Department of Administration sets the state's travel policy, it is the division's responsibility to manage costs and provide approval for state business travel for board members. Travel administration is comprised of a few major stages:

Stage 1: Funding authority and availability: The *authority* to spend must be authorized by the legislature in the division's annual budget. *Availability* of funds to cover expenses for travel on behalf of any program is dependent on that program's bottom line. If the program does not have sufficient funds to meet its obligations through the next biennium, board members are advised to defer travel requests until the deficit position improves.

Stage 2: Approval: When travel is requested, it goes through an approval process to ensure the request meets state policy and to create documentation for planning and risk management purposes. It also clarifies for the traveler the types of approved expenses so there is less opportunity for misunderstanding at the time of reimbursement. The approval process also establishes the minimum business itinerary or window of time the traveler is on state business to identify the business portion of travel. Board members may only enter travel status to represent the state after obtaining prior approval for the estimated costs through this standard process.

Information provided in order to approve travel includes the event description and agenda, dates, estimated costs for transportation, hotel, parking, registration fees, and other allowable expenses. Also requested is the board's rank preference for this travel and potential for third-party reimbursement, as well as whether personal deviation from the minimum business itinerary for the traveler's convenience will occur.

This stage requires the division to work with board members to set forth meeting dates, locations, and individual traveler preferences—such as driving instead of flying or personal deviation from the itinerary by staying an extra day.

Stage 3: Reconciliation: Once travel is completed, receipts are collected, and actual costs are

reconciled. State policy requires receipts to be submitted within five days of travel. Any significant overages in approved cost from the original estimate will require *reapproval*—potentially delaying reimbursement. Additional review is also required when the traveler deviates for personal convenience. Travelers are required to approve any estimated reimbursement; please respond to the email requesting approval as soon as it is received so your travel process can be reconciled and completed.

Stage 4: Reporting: The governor’s office is tracking cost savings incurred on every trip. A form called the Travel Cost Savings Report is due within seven business days of completing travel. Submit to your program staff no later than seven business days after out-of-state travel has concluded. Licensing staff will submit the report on behalf of the board for regular business meetings.

Stage 5: Reimbursement: Final reimbursement of allowable expenses is remitted electronically to the traveler’s bank account if you have direct deposit set up with the state; otherwise it is sent by check and may take several weeks to process. Check your bank statement to confirm receipt of funds that have been direct-deposited.

The approval request and final travel authorization (TA) form are prepared by planners at the the division travel desk. The final TA and attached receipts are audited and processed by the Division of Administrative Services. This is the division that provides centralized accounting, human resources, information technology, budget, procurement, and travel services and oversight for all agencies within the Department of Commerce, Community, and Economic Development.

The state travel policy (AAM 60) is available online through the Department of Administration, Division of Finance or through your board staff. Additional information on board-specific procedures is included to help make the process as smooth as possible. At any time, should you have questions or need to book travel, please contact the division Travel Desk.

CONTACT INFORMATION

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING TRAVEL DESK

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

Phone: 907.269.8160 - Fax: 907.465.2974

08occlctravel@alaska.gov

(For faster response, email instead of call.)

Board Member Travel Procedures

Board members must now utilize division staff to book their travel through the state’s travel contractor’s online system, E-Travel. This will allow board members to travel without worrying about booking their own itineraries in accordance with state policy, personally fronting costs associated with airfare on their personal credit cards, or wondering whether their costs will be reimbursed. Most itineraries will also receive discounted rates because of state-negotiated contracts with Alaska Airlines and other hotel and car rental partners.

Steps in Planning Your Official Travel Itinerary

1. To initiate this process, complete the Travel Approval Request Form (attached) and email to the Travel Desk (08occlctravel@alaska.gov).
2. Your travel planner will discuss any questions or concerns with you, then finalize the form according to the information you have provided in accordance with state policies, and the travel approval will be emailed to you once it has final approval. There is no opportunity for personal deviation using this booking method. If you wish to deviate from the minimum business itinerary, please discuss with staff at the Travel Desk.
3. The itinerary, including airline, hotel, and rental car confirmation numbers, will be emailed to you when booked. Staff will also provide the hotel with instruction to bill the division's credit card; however, since hotels must ensure they bill the proper party, the traveler must ensure that they were not charged for the room or taxes. Travelers are required to get a copy of the hotel receipt, even if they do not pay for the stay. Travelers may still be requested to provide a credit card for any room incidentals, such as movies, room service, telephone calls, etc., which are not covered by the state.
4. Turn in all receipts to the division within five days of trip completion to begin the reimbursement process. Any expenses not covered up front will be processed directly to the traveler's bank account once the traveler has completed an EDI form, which is included in this manual.
5. Once the TA is completed, an estimated reimbursement e-mail will be sent to the traveler asking them to approve the expenses. Travelers must respond in order for the approval to be reconciled and the traveler reimbursed.

Booking Travel Through a Third Party

When associations are able to directly arrange travel for the division board members or staff, there are a few simple steps required to accept their offer:

1. To initiate this process, complete the Travel Approval Request Form (attached) and email to the travel desk (08occlctravel@alaska.gov). All expenses and personal deviation from the minimum business itinerary must be estimated on the approval request. Clearly identify all expenses being booked by the association.
2. Your travel planner will discuss any questions or concerns with you, then finalize the form according to the information you have provided in accordance with state policies, and the travel approval will be emailed to you once the plan receives final approval.
3. Turn in all receipts to the division within five days of trip completion to begin the reimbursement process. Any expenses not covered up front will be processed directly to the traveler's bank account. Receipts are needed to track the amount of travel that is being covered by a third party for audit and ethics purposes.

Reimbursement of Qualifying Expenses by a Third Party

Occasionally, an association will offer to reimburse the traveler for expenses incurred while on state business. For example, the profession's national organization may pay a \$1000 stipend to cover the cost of travel to the conference. Or, the association will pay all the airfare and hotel expenses for new board members.

This offer may be accepted under a few conditions:

1. Program staff must follow up with the association once the travel has been reconciled to ensure proper reimbursement occurs.
2. Checks may only be written and mailed to the State of Alaska, addressed to the division. Board members may not accept checks for this purpose and must immediately endorse any payment of this kind over to the division travel desk for receipting.
3. In FY17, the legislature has authorized \$50,000 to receipt third-party travel reimbursements back to the boards that incurred the expense. Any reimbursements over the authorized amount will be reported but not available to the boards to expend. This tracking is important as it may demonstrate the boards' ability to collect receipts above the authorized limit and allow the division to advocate for additional budget authority in future years.

We have been listening to board member travel concerns and—within our power—have implemented changes to meet your needs. Some of these processes are new to the division and may need some adjustment as they are implemented. Some may be temporary while the state's budget issues are addressed. Your feedback and suggestions are welcomed. Please contact the Division Operations Manager at 907.465.2144 or license@alaska.gov.

If you have questions about a specific scheduled trip or reimbursement, please contact the Travel Desk at 907.465.2550 or 907.269.8160 or by email at 08occlctravel@alaska.gov.

Frequently Asked Questions About Travel

Before Traveling:

Q: I would like the travel planners to book my travel. What do they need to know before they can book?

A: We will need the following information:

- Your name as it is written on a government issued form of identification
- Your birth date
- Your mileage plan number, if any
- A preferred hotel in the city to which you are traveling
- A valid e-mail address so the travel itinerary can be sent to you
- An agenda for the meeting or conference—even a draft is helpful

Q: When you book my travel, what are the rules?

A: All state travel rules apply, regardless of whether we act as your agent. However, booking your flight, hotel, rental car, or other travel is a commitment through the state travel agency. So, keep in mind that non business-related changes and no-shows may result in additional fees, and you may be asked to reimburse the state for those types of avoidable fees .

Unless it has been pre-approved, we can only book the minimum business itinerary. This means that only the lowest ticket class fare for the most direct route will be purchased. We cannot book travel for spouses or other guests. We also will generally only use approved State of Alaska vendors, as we will get the best state negotiated deals on hotels, airfare, and rental cars. This means lower travel expenses for your licensing program.

Alaska Statute 39.20.140(b) requires that the state pay no more than “the lowest ticket class fare for the most direct route.” (AAM 60.050)

Q: If you book my hotel but the hotel asks to see the credit card, what should I do?

A: You can have the hotel call one of your travel planners to confirm the credit card number with them. Your travel planners are available Monday-Friday 8:00am- 5:00pm at either 465-1071 or 465-2591. You may be asked to provide a personal card for incidentals, since the state will not pay for amenities such as room service, tips, mini-bar, etc.

Q: I want to mix my board business trip with pleasure. How can I do this?

Regardless of who books the travel, we need to know if you are deviating from the business itinerary before your trip is submitted for division approval. Please let the Travel Desk or your board staff know if you are deviating as soon as the meeting is being planned. If your original travel plans change, please let your program staff know as soon as possible so they can request reapproval of the trip. If the cost of personal itinerary is greater than the cost of business itinerary you need to book the trip yourself and work with the Travel Desk for reimbursement of qualifying business expenses.

Unapproved deviation from the minimum business itinerary may result in additional costs that you were not anticipating, and the state cannot cover that portion of your travel expenses. For example, if the meeting ends at 2:00 p.m. and you want to stay in Anchorage until the following afternoon, you will be responsible for the hotel, meals, and difference in flight cost. Any rental cars approved for state business use must be turned in at the time of the first flight after the meeting ends. Keeping the car longer may incur personal expenses, and you may not be covered in case of an accident.

If you are planning your own travel, we still need to know the difference in prices between the business itinerary and the deviation that you are taking before you travel. Please provide your board staff with a flight itinerary for both the business itinerary and the deviation. If we do not receive the business itinerary, the travel planner will obtain a quote for the lowest fare currently available. This may result in a lower reimbursement than you were expecting.

Q: What are the rules for renting a car when I travel for the state?

A: When necessary, the rental of a car may be authorized for travelers in travel status according to the minimum business itinerary for the trip. The estimated cost for the rental car must be included in the approval request prior to travel. The cost and intended use of the car must be considered in determining the size and type of car to rent. The State of Alaska supports a mid-size or smaller car rental. Rental of a car larger than mid-size may be allowed when several travelers are traveling together or circumstances require the use

of a larger car. Such situations must also be documented on the completed travel authorization. Planning ahead is recommended.

When a rental car is desired, but not required for state business, it is considered personal deviation. A traveler who submits a receipt for a rental car will receive reimbursement for ground transportation for the minimum business itinerary.

Q. I don't want to stay at the hotel that is closest to the meeting location. What are my options?

A. You will be booked at a state-contracted hotel that most closely meets the meeting's minimum business itinerary. There are often several hotels close to the facilities most used for meetings—the Atwood Building in Anchorage and the State Office Building in Juneau.

If you prefer to stay at a hotel outside of walking distance, we will book the hotel mentioned in your written request as long as it has a contract with the state and is under \$300 per night. You will be responsible for any amount over the standard hotel. If it requires one, a rental car or taxi between the hotel and meeting location will be considered personal deviation, and you will be responsible for any amount over the customary ground transportation.

Q. I want to stay an extra day at the meeting location. Can you still book my flight?

A. Yes, and the difference in cost will be deducted from your reimbursement. If the difference is over \$100, then you may opt to purchase your own ticket and receive reimbursement for the flight listed in the minimum business itinerary.

After Traveling:

Q: What documentation do I need to turn in to be reimbursed?

A: Board staff can provide you with a travel reimbursement envelope to help keep your receipts together. Because you are paid a state Meals and Incidental Expenses (M&IE) rate, you do not need to submit meal receipts unless a third-party reimbursement agreement requires it.

Within FIVE days of completion of travel, please submit:

- Airport receipt and boarding passes
- Hotel receipt(s)
- Taxi receipt(s)
- Rental car receipt(s)
- Parking receipt(s)
- If you went to a conference, we will need a final meeting agenda and a registration fee receipt (if you paid for it).

Q: What if I do not have a receipt for my taxi ride?

A: You will be reimbursed up to \$75 for anything without a receipt. This means if you took a taxi to the airport and back but forgot to get a receipt, you will only get \$75 total for the entire trip. Most taxis cost around \$20-\$30 one way, so it is always a good idea to remember to get the receipt. Please note that taxis for food and entertainment are not reimbursable—only transportation to/from the meeting location or hotel and airport.

Q: The state booked my travel. Do I still need to get a hotel receipt?

A: Yes, we still need to make sure there were only charges that the state allows to be made on the state credit card. If a third party is paying for the hotel, we will still need a receipt to track those expenses for audit and ethics purposes. Please, remember that if you had the state book your travel, there should be no taxes on the bill when traveling within Alaska. Check to ensure that room service, mini-bar, fitness, or other hotel charges are not settled to the state credit card. Look over the hotel receipt carefully before checking out and ask for the bill to be split, if necessary.

Q: What is “mileage,” and why do you need my physical address?

A: You are eligible to request reimbursement for the mileage between your house or place of work to the airport and back if you live more than 50 miles from the airport/meeting location. In order to give you the correct mileage, we need the physical address of your house or place of work so that we can have an accurate calculation. Please make sure to include a note with your receipts if you drove to the airport from a different location than you usually do so that we can give you the correct reimbursement for mileage.

Q: I drove to the board meeting. Why am I not getting reimbursed for all the mileage between locations?

A: If the amount of the mileage is greater than what a plane ticket would cost, you will only be reimbursed for the amount of the minimum business itinerary plane ticket. Also, reimbursement is only available to/from your “duty station,” which is the city in which you claim as your primary location. So, if you are driving (or flying) from a different location, you will receive reimbursement for the lesser of the two legs. For example: If you live in Anchorage but are flying to a Fairbanks meeting while on vacation in Seattle, you will only receive reimbursement for the value of the ANC-FAI flight, unless your actual expense is lower.

Q: I live in the city that the board is meeting in. What am I reimbursed?

A: You may request reimbursement for meals for the time when you are at the board meeting, which is typically lunch. You are also reimbursed for parking if applicable, but remember to get a receipt. Please remember to give the travel planner your exact physical address so you are reimbursed accurately.

Q: I took a trip where part of the travel is being booked or reimbursed by a third party. What do I need to turn in?

A: We need to know the amount the third party paid for airfare and hotel and need all the receipts for travel even if some or all expenses are being paid for by a third party. This is required for state auditing purposes. All expenses must be settled between the Travel Desk and the third party after your travel has been finalized. Board members are not allowed to accept payment from third parties. All payments must be made to the State of Alaska, and any checks to board members must be turned in to the office immediately. Please do not submit receipts directly to the third party; division staff will handle this.

Q: How do I know how much M&IE I will be reimbursed?

A: M&IE is determined by the minimum business itinerary and how long you are in travel status during mealtime portions of the day (see chart below). If you are traveling in state, you will be reimbursed using the state authorized M&IE rate. If you travel out of state, you will receive the federal rate for your destination. The first and last days of travel will be paid a flat 75% of the daily per diem.

Q: I was only able to attend the meeting for a few hours. Will I be reimbursed?

A: To be eligible, you must be in travel status during the meal allowance period for at least three consecutive hours to receive reimbursement for that meal and the daily incidental amount.

Other Questions:

Q: What are the rates and timeframes for M&IE?

A: Here are the rates and the timeframes for breakfast, lunch, and dinner while in state:

- Breakfast: Midnight-10am, \$12
- Lunch: 10am-3pm, \$16
- Dinner: 3pm-Midnight, \$32
- Incidentals are included in the above rates

Q: I am a volunteer—not an employee of the State of Alaska. Why do I need to follow your rules?

A: Board and commission members are appointed by and serve at the pleasure of the Governor. When you are performing board business, you represent the State of Alaska. When you travel for the State of Alaska, you are treated like an employee and thus must follow the same rules that an employee must follow.

The travel policies of the State of Alaska are adopted by the Commissioner of the Department of Administration in accordance with AS 39.20.160. State agencies and Travelers are required to comply with these policies whenever traveling on state business and are prohibited from adopting their own policies that differ from statewide policies without the approval of the Commissioner of Administration. (AAM 60.010)

Q: Travel planners use a lot of terms that I do not know. What do they mean?

A: Here is a list of commonly used terms that are used for travel:

- Travel Planner: Individuals within each department that support travelers by making travel arrangements, explaining policies, ensuring travel is approved prior to purchase, and ensuring reimbursement occurs timely after travel is complete.
- Traveler: A person employed by the state, a board member, or volunteer that travels for state business outside their duty station.
- M&IE: Meals and incidental expense allowance. Incidental expense includes tips and other personal costs of travel.
- Residence: The location, or within 50 miles thereof, where the traveler maintains their primary dwelling.
- Duty Station: The city, town, or village within 50 miles of where the traveler spends the major portion of their working time.

- Travel Authorization (TA): The form that must be completed to show travel related expenses. This is completed by the travel planner.
- Minimum Business Itinerary: Travel plans that fit with the state-authorized business trip, without any personal travel.

Q: Where can I find more information on travel?

A: We are glad you asked! Please visit <http://doa.alaska.gov/dof/travel/index.html>. Here you can find more FAQs and all of the travel policies you may ever want to know.

Q: I have more questions about travel. Who can I contact?

A: The best way to contact any of the planners at the division Travel Desk is by e-mailing 08occlctravel@alaska.gov. Please read all travel information as it is released since policies do change.

X. Board Finances: How Do They Work?

The division is authorized revenues and expenditures in the budget adopted annually by the Alaska State Legislature. The division’s annual budget is published by the Office of Management and Budget; fiscal year 2016 is shown below as an example in Figure 1 as the *Final FY16 Operating as Passed*. Once the budget is signed into law, it goes into effect for the next fiscal year, which begins July 1. Any adjustments to the current year’s budget are adopted as incremental or decremental supplements by the legislature during Legislative Session.

FIGURE 1: FY16 CBPL OPERATING BUDGET (IN MILLIONS):

	Final FY2016 Operating as Passed (12605)
1000 Personal Services	7,249.6
2000 Travel	677.1
3000 Services	4,074.7
4000 Commodities	110.4
5000 Capital Outlay	137.4
7000 Grants, Benefits	0.0
8000 Miscellaneous	0.0
Totals	12,249.2

The division’s operating budget is annually around \$12 to \$13 million; however, we do not receive general funds from the legislature; we are granted authority to spend the funds collected through licensing fees. While individual licensing program revenues are segregated, the total spending authority ceiling is shared among all CBPL activities. The division as a whole cannot spend more than its appropriated amount.

This total includes all aspects of administration of all professional and business licensing programs, board activity, corporation registration, and investigation expenses.

Spending authority gives the green light to expend revenues collected through licensing fees up to the stated limit in each functional area (numbers on the left are the account code series):

1000 Personal Services: Payroll and benefits for division staff (licensing, investigations, administration)

2000 Travel: All travel expenses for board members, staff, and investigators

3000 Services/Contractual:	<p>Agreements with other agencies to perform services outside the division’s expertise, including Department of Law, Office of Administrative Hearings, fingerprinting by the Department of Public Safety, inspections by Department of Environmental Conservation</p> <p>Contracts with vendors to provide services outside the state’s purview, such as printer maintenance, professional testing, program-specific consulting, postage and mailing</p>
4000 Commodities/Supplies:	Consumable supplies, such as paper, pens, envelopes, and staples
5000 Equipment/Capital Outlay:	Major durable purchases, including computers, desks, and office equipment

These functional areas shown in the division budget are the same as board members receive in the Quarterly Schedules of Revenues and Expenditures for their licensing programs and in the division’s Annual Report to the Legislature, the summary of which is included in this report as Appendix D. (The entire report, including individual licensing program detail, is on the division web site at the link shown in Appendix F.) This consistency allows board members to compare how their expenditures fit within the division’s overall spending authority—including all expenses for professional licensing functions and investigations for 40+ programs, corporations and business licensing, and administrative support for each of these sections of the division.

Professional Licensing Fee-Setting Process

The division is tasked in statute (AS 08.01.050) with proper administration of licensing fees, revenues, and expenditures. The state’s professional licensing activities are funded wholly by “receipt supported services.” This means that by statute, all costs must be covered by licensing fees.

State law delegates the responsibility for fee-setting to the division, which in turn must consult with the board when proposing changes to that program’s fees. It requires the division to “annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections.” The annual review informs fee-setting for the biennial licensing period—a cycle that, by design, collects a program’s significant source of revenue only once every two years.

Because AS 08.01.065 requires the division to assess fees that approximate the cost of that particular licensing program, boards should not maintain too large a roll-forward surplus or carry too extreme a deficit. If a licensing program collects a higher fee amount than needed, those funds carry forward from

one fiscal year to the next. The surplus may provide a future benefit to the licensees by allowing fees to be maintained or lowered and for use to offset ongoing program-specific expenses. Conversely, if the amount collected is not adequate to cover expenses, that deficit carries forward as a liability for the next fiscal year. This often results in fee increases for the next renewal or—if the deficit is significant—the deficit can be amortized through incremental increases over multiple licensing periods. (Dept. of Law opinion, Milks, 2014)

Board and Commission Review of Fiscal Documentation

Your board's staff liaison will include documentation of the board's most current finances in materials available before each scheduled meeting. In your board meeting packet, you will receive:

- Quarterly Schedule of Revenue & Expenditure (i.e. the board's quarterly report)
- Breakout of direct program expenditures

The fourth quarter report will contain all year-end revenue and expense information, including the final annual indirect allocation, as well as additional fiscal back-up documentation.

Board meetings may happen more frequently than new reports are published, which may result in a meeting without updated financial information. Please keep that in mind as meetings are scheduled.

Report publication schedule:

1st Quarter (July-September) = Reports ready the 15th of November

2nd Quarter (October-December) = Reports ready at the end of January

3rd Quarter (January-March) = Reports ready at the end of April

4th Quarter (April-June) = Reports ready mid-October

Due to the statewide year-end financial close-out process, the raw data to produce final end-of-year reports is available to the department becomes available September 1. Reporting for the various agencies within the department then requires additional time, so a little "radio silence" between May and October is necessary. Once this data is final, though, final reports will be issued, followed shortly by each program's first-quarter report.

Around this time, the division also publishes its Annual Professional Licensing Report to the Legislature, which contains a breakout of legal and investigative expenses for the prior six years. This and other reports are always available online at <https://www.commerce.alaska.gov/web/cbpl/AnnualPerformanceReports.aspx>.

Final year-end reporting is complete for FY14; each board member will receive a copy via email from their staff liaison, and these documents will also be included in board packets for the first regular meeting following this report.

Direct Expenses

Direct expenses are incurred specifically on behalf of the licensing program in implementation of the administrative and investigative responsibilities enumerated in statute to the division and/or a board appointed by the Governor.

Personal services charges (account code 1000) include the salaries and benefits of division staff working directly on behalf of a program—typically a licensing examiner, records and licensing supervisor, and investigator. Some programs may also directly utilize the services of an office assistant, project assistant, regulations specialist, paralegal, or executive administrator. Many licensing programs share staff, so only the time actually worked on their activities is charged to that program's code.

Travel expenses (2000) for board members, licensing staff, and investigators working in support of a specific licensing program are charged to that program. Travel through the state system requires adherence to the state travel policy, which is outlined in a separate document. Travel arranged directly through associations after obtaining pre-approval from the CBPL director will not reflect in a program's 2000 line of expenses.

Contractual expenses (3000) include services provided by agencies outside the division. These costs predominantly represent advice provided by an attorney with the Department of Law in conjunction with board meetings, regulations, enforcement, or appeals of board decisions. They may also include appeal expenses incurred by the Office of Administrative Hearings and expenses for licensing examinations, facilities usage, expert witnesses, credit card fees, FedEx, and other similar contracts required to support the mission of the program.

Supplies (4000) and equipment (5000) used for a program are usually fairly minimal and may include binders for board books, folders and labels for licensing files, and other tangible resources requested by a specific employee to meet the needs of their program(s). Equipment and supply requests are reviewed by a supervisor and purchased by the department through processes required by the state's procurement code.

Indirect Expenses

Indirect expenses are services and expenses that are not directly attributable to a singular program or profession. Within the Division of Corporations, Business & Professional Licensing (CBPL), costs meeting this criterion are charged to one administrative code, then allocated among the two revenue-generating units of the division: (1) Corporations and Business Licensing and (2) Professional Licensing.

CBPL's indirect costs include:

- Salaries for CBPL division management, front desk staff, and certain employees performing services for multiple programs.

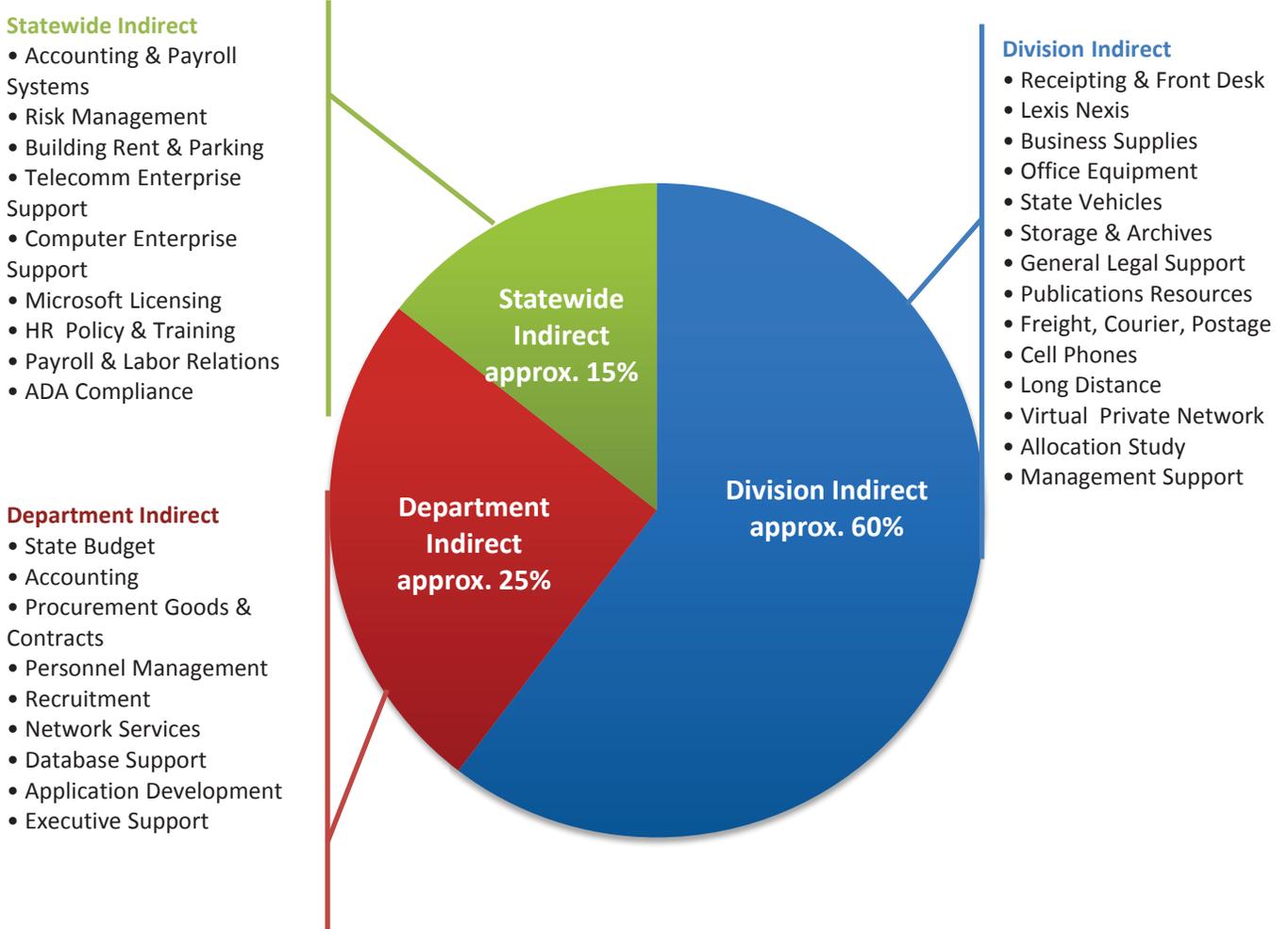
- Travel for management that is not directly chargeable to a singular program.
- Various services and commodities, such as the Lexis Nexis research database subscription, copies of statutes and regulations, records storage, purchase/lease and maintenance of printers and copiers, and other shared supplies and equipment.

It is more cost-effective for the division to share certain central resources with other agencies in the department and across the state. Department cost allocations, to which every department agency contributes, include services of the Commissioner's Office and the Division of Administrative Services (ASD). Costs are distributed equitably in accordance with a plan approved by the Office of Management and Budget and put into place in FY10.

Included in this indirect allocation are:

- Department-wide functional support areas, including fiscal oversight and accounting, network services and support, software programming and support, human resources, and procurement
- Statewide core costs for services that every state agency receives, including:
 - Department of Administration – Human Resources, Risk Management, AKSAS/AKPAY accounting systems, mail services, state-owned building rental, parking garages, Microsoft licenses, enterprise computer services, computer anti-virus protection, telecom support services, telecom PBX phones, pagers, and virtual private networks
 - Department of Labor – ADA management and compliance

FIGURE 2: BREAKDOWN OF INDIRECT ALLOCATION TO CBPL:



Indirect Expense Allocation Methodology

The division has strived to define and further refine its indirect allocation methodology since a Legislative Audit in FY11 revealed a deficiency in the indirect expenses carried by the Corporations and Business Licensing Unit. The legislature in FY12 provided \$3.4 million to recoup the indirect expenses overpaid by professional licensing programs. The division, in partnership with its sister Division of Administrative Services, undertook an exhaustive examination of all revenues and expenses for each of its professional licensing programs, ensuring each transaction was reconciled to the state accounting system. This project, sometimes referred to as the “10-year look-back,” provided boards and commissions with accurate documentation of accounting for their programs since 2001.

This effort did not make “whole” all programs that had been operating at a deficit; it only made correct the operating expenses over the last decade. Some programs converted their negative carry-forward

balances to surplus; some discovered that they were deeper in deficit than anticipated before the reconciliation. Regardless of the outcome of this massive effort in FY12, it paved the way for programs to receive transparent fiscal details—and for the division to be held accountable for its responsibility to accurately manage its fiscal affairs.

Another outflow of the project was to codify a reasonable, defensible, justifiable method of allocating indirect expenses to the division from the state and department levels—and then within the division across the work units and various licensing programs. From FY12-FY13, indirect expenses were allocated to the division according to level of effort, then distributed further to professional licensing programs by licensee count.

In FY14, from this position of strength, CBPL launched a deeper analysis of indirect costs. The result led to implementation of three new indirect allocation methodologies, as represented in Figure 4, below:

- 1) Allocating costs, both statewide and departmental, to agencies based on PCN, or position, count. It was determined that the division should be consistent with the statewide and department allocation methodology whenever possible. This methodology is based on percentage of time coded to each program; these percentages are driven by payroll reports for each position.

Examples of CBPL indirect expenses now allocated by PCN count are indicated by account code; a full explanation of each line of account code can be found on the Department of Administration's website.

Statewide (per federally approved cost allocation plans):

- 3805 IT/Non-Telecom
- 3806 IT/Telecom
- 3810 Human Resources
- 3811 Building Leases

Departmental:

- 3155 Software Maintenance
- 3979 Management/Consulting (support from the Division of Administrative Services and Commissioner's Office)

- 2) Allocation of CBPL personal services costs for administrative and accounting activity during high-volume renewal cycles. Following a review of CBPL administrative staff personal services, specifically the receipting staff & a portion of their supervisor's time, resulted in an updated allocation based on the number of transactions staff processed for each program in the department's receipting system.

This change resulted in the Business Licensing and Corporations programs paying a more accurate, higher percentage of the administrative staff's personal services costs due to the fact that there is a higher volume of business license and corporations transactions processed when compared to

professional licensing transactions. Professional Licensing programs were charged for 49.2% (\$193.9) of the personal services of CBPL administrative staff in FY14 vs. 84% (\$331.2) they would have been allocated if maintaining the allocation methodology used in FY13.

3) Allocation of ASD personal services costs for administrative and accounting activity during high-volume renewal cycles. The allocation for ASD revenue support staff that process CBPL's accounting transactions was similarly adjusted, now driven by the count of financial lines entered to the State Accounting System for each program.

FIGURE 4: INDIRECT ALLOCATION WITHIN CBPL



Looking forward, indirect expenses are expected to increase since Undesignated General Fund (UGF) allocations are being reduced to the DCCED Division of Administrative Services, Department of Administration, and other agencies providing services to CBPL. As positions are cut in other DCCED divisions, CBPL's percentage of costs allocated by PCN from the department to divisions will increase. As this dynamic will change year to year, division management will keep board members informed.

XI. Evaluating Your Board...and Yourself

Feedback is the gift of awareness. Without awareness, boards have no real knowledge of their strengths and weaknesses, successes and failures, realities and perceptions, or positive and negative impacts.

How easily could your board fall into one of these situations without realizing it:

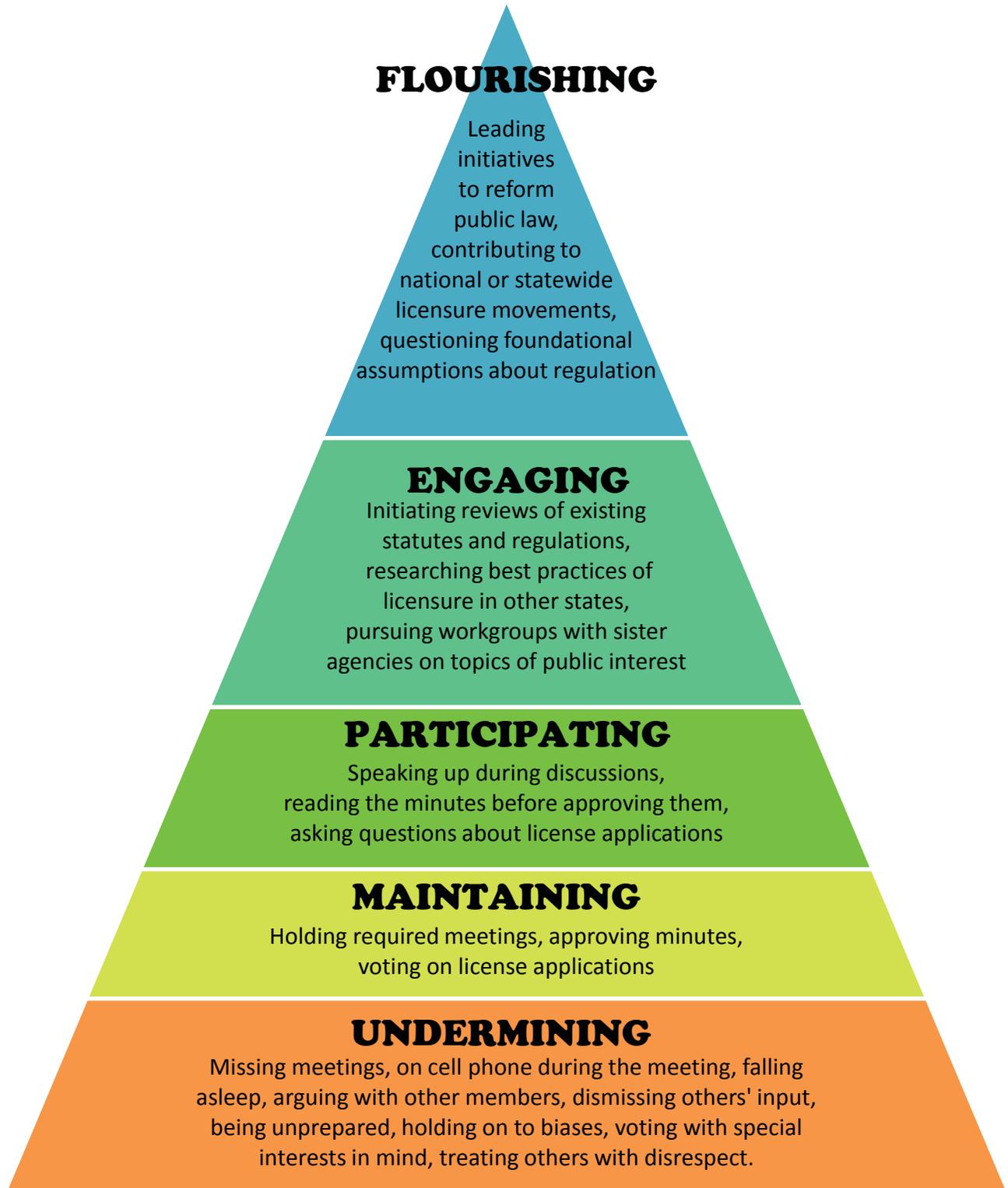
- The chair adjourns, praising the members for an extremely efficient meeting. The next week, the chair discovers that a hasty deliberation and quick vote just to get to lunch on time resulted in the board's passage of a decision that violates state law. All activity on the issue has to stop until the attorney can meet with the board the following month, secure their withdrawal of the vote, and ensure that any replacement is legal.
- Members who are licensees of the profession they govern are deliberating on scope of practice issue by using jargon and terminology specific to specialized practice. Instead of explaining and providing supplementary material to the public member, they railroad him into voting for something he hasn't had the opportunity to learn about.
- A board member takes great pride in her success as a professional—however, she shuts people down midsentence, solicits feedback from friends in the public gallery during the business session, and pressures the chair to change the agenda midday because she wants to get to a certain topic she cares about. Her personality is so offensive that several members are considering resigning from the board.
- During a long, drawn-out discussion, two board members turn on their cell phones and disengage from the discussion. Once the chair requests their input, they jump in with active support for the same controversial viewpoint. A member of the public notices this and files a complaint with the Ombudsman that they were texting about the vote, thus violating the Open Meeting Act. The controversial vote wins, the board is sued, and the members' cell phones are subpoenaed and confiscated.

Tough situations can and will arise during service on a regulatory board or commission. These types of surprises, however, can be avoided if members invest in regular, active evaluation of board practices and of their own contributions (or lack thereof) to the process.

Simply filling out the evaluation form and calling it a day is not enough. Analysis of the responses and communication with members about their needs and contributions deepens the experience of individual members, sowing the ground for a more fertile harvest of ideas, insights, and outcomes.

Following are two evaluation forms that boards and commissions are encouraged to use after each meeting or at least quarterly to ensure awareness becomes the cultural norm.

Chambers' Hierarchy of Effective Regulators



MEETING EVALUATION

Board/Commission: _____ Date: _____ Member Name _____

Goal	Agree	Needs Improvement	Suggestions for Improvement
1. The agenda was clear, supported by the necessary documents, and circulated prior to the meeting.			
2. All board members were prepared to discuss materials sent in advance.			
3. Documents were clear and contained needed information.			
4. A variety of opinions was expressed and issues were managed in a respectful manner.			
5. The chair guided the meeting effectively and members participated respectfully and responsibly.			
6. Next steps were identified and responsibility assigned.			
7. All board members were present.			
8. The meeting began and ended on time.			
9. Meeting accommodations were satisfactory.			
10. Presentations/interaction with public and guests was appropriate, productive, and efficient.			
11. The board had enough information to make good decisions on issues.			
12. The objectives of the meeting were met or appropriately tabled until a subsequent scheduled meeting.			

Other Comments (What went well, what needs to be done better next time):

Board/Commission Member Self-Evaluation

Indicate the degree to which you think you meet each of the following expectations. Follow by completing the Personal Action Plan, then sign and date.

E: Excellent S: Satisfactory NI: Need Improvement I: Inadequate UR: Unable to Rate (indicate why)					
	E	S	NI	U	UR: Why?
KNOWLEDGE					
I know and understand the board’s mandate, mission, and vision.					
I know and understand the statutory requirements related to the board.					
I know and understand the regulatory framework of the board.					
I am conversant and knowledgeable of the issues before the board and facing its stakeholders.					
I understand the distinction between the board’s governance and division’s management roles.					
I understand and utilize the board’s processes for decisionmaking.					
I understand and adhere to the board’s processes for communication with each other, with the division, and with stakeholders.					
PREPARATION AND PARTICIPATION					
I review all board meeting material sent before the meeting, and I am able to demonstrate a reasonably comprehensive knowledge of the material during the meeting.					
I attend and fully participate in all meetings.					
I contribute fully to board discussions and debates, and participate in its decisions by voting unless formally recused by the chair.					
I facilitate consensus building and commitment towards the board’s mission and its implementation.					
CONDUCT					
I abide by the board/state codes of ethical conduct and support my fellow board members in meeting this standard.					
I treat all members of the board, staff, and guests with respect.					
I raise issues in a respectful manner that encourages open discussion.					

I understand and respect the power, authority, and influence associated with my role as a board member and do not misuse this trust for personal gain.				
I avoid situations that may pose or be perceived as having a possible conflict of interest.				
I disclose all potential conflicts of interest, whether financial or relating to ex parte communication, in writing to the chair and on the record at the beginning of a public meeting.				
DECISIONMAKING				
I always act objectively and in the best interests of the public.				
I am fair, impartial, and unbiased in my decision making.				
I am flexible in my thinking; I listen to the perspective of my fellow members prior to determining my final vote on any matter.				
I consider the perspectives, input, and suggestions received on proposed regulations during the formal written or oral public comment period before voting.				
I base my decisions on all the facts at hand and strive to be consistent when facts are similar. When inconsistent with past decisions, I state my reasons on the record.				
I redirect matters to board staff as appropriate.				
ACCOUNTABILITY				
I ensure that I understand the fiscal structure of the licensing program and its current financial position.				
I publicly support the decisions of the board and provide rationale when asked.				
I maintain confidentiality with all information coming into my possession.				
My fellow board members would agree with my responses on this self-assessment.				
EVALUATION				
I participate in the ongoing monitoring and evaluation of the board's goals and priorities and my performance in furthering them.				
ADDING VALUE				
I anticipate future needs and issues facing the organization and proactively contribute this to the environmental scan.				

I demonstrate my independent judgment through my willingness to respectfully voice my concerns, take an independent stand, or espouse an unpopular or controversial idea when in the public's best interest.					

Personal Action Plan

What did I learn from this self-evaluation?

Did I improve in my previously identified areas for development? How do I know this?

What areas would I identify for self-improvement at this time?

What actions will I take to continually improve in this area(s)?

Are there any possible barriers to implementing my strategies?

Are resources required to meet my improvement of these goals? What are they?

I will hold myself accountable by:

Additional thoughts and comments:

Please submit this self-evaluation to board staff at the end of the meeting. Your board chair or staff will review each confidentially in order to deliver additional support, training, or resources. The evaluation will be returned to you so you can monitor your own accountability to the plan you've created. Sign below to indicate your dedication to continued excellence and improvement as a valued member of this board or commission.

Name

Signature

Board or Commission

Date

XII. Updates to This Manual

The Division of Corporations, Business and Professional Licensing strives to be an efficient and effective partner in meeting the boards' obligation to ensure that competent, professional, and regulated commercial services are available to Alaska consumers.

From time to time, this manual may be updated as regulations or policies change or as new tools become available to assist boards and commissions in fulfilling their important role in this partnership.

First Issued: July 2012

Updated: January 2015, August 2016, March 2017

The manual was last reviewed by Assistant Attorneys General with the Department of Law in August 2016.

Should you have question about the contents of this manual or suggestions for future training materials, please contact the Deputy Director/Operations Manager at 907-465-2144.

Additional credit for certain contents:

- Alaska Office of the Governor and Department of Law
- Alaska Department of Commerce, Community, and Economic Development; Division of Community and Regional Affairs
- Alaska Department of Administration; Division of Finance
- The Council on Licensure, Enforcement, and Regulation (CLEAR) and its members
- The staff of the Division of Corporations, Business and Professional Licensing
- Nathan Garber & Associates

XIII. Comments and Suggestions

Please complete this form and return to the Deputy Director/Operations Manager:

FAX: (907) 465-2974

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

EMAIL: license@alaska.gov

1) This manual helped clarify issues pertaining to:

	Agree	Somewhat Agree	Somewhat Disagree	Disagree
a) Purpose and Role of a Board/Commission Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Executive Branch Ethics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflicts of Interest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Open Meetings Act	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Public Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Executive Session	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Ex Parte Contact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Travel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Finances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Meeting Procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Making Motions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Voting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Board/Staff Relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2) I would like future manual revisions to include more information about:

3) Other comments/suggestions:

Ground Rules for Successful Meetings

Thank you for volunteering to serve Alaska as a designee of the State on behalf of the Office of the Governor. The simple yet effective rules below serve as a set of expectations to keep Alaska's Board and Commission meetings productive and respectful. Most important, the consistent use of the cornerstones of Roberts Rules by the appointed members of Alaska's Boards and Commissions builds the Public's trust, and reflects positively on all involved.

Shirley Marquardt,

Director of Boards and Commissions, Office of the Governor

- 1) Everyone participates.** As the Chair, encouraging the full participation of team members allows your support staff and the public to have a clear understanding of everyone's view of the issue at hand. Call on quiet team members as they may only need a clarification or an explanation.
- 2) Different opinions are welcome, but must stay on track.** The Chair helps guide the team to places of agreement, so the discussion can focus on areas that need clarification, legal advice or further vetting. Keep the discussion on track or you may find yourself in the middle of a philosophical argument in which there is no winner and no productive action.
- 3) Limit side conversations.** A quick question or clarification is one thing, but it is disconcerting to say the least when whispered conversations are held between members of the board during an open meeting. It does nothing to encourage trust between the board and the public, and the Chair should not allow it.
- 4) Re-state the Motion and clarify Amendments.** This is a simple way for the Chair to be sure that everyone on the team is on the same page as you move through the process. It also gives support staff the opportunity to clarify the language or intent if needed. It is surprising how often people are halfway through an argument before they realize they didn't have a clear understanding of the motion or amendment before them. As a member of the board/commission, don't hesitate to ask for clarification if you are unsure.
- 5) Hold team members accountable.** If a board member is interrupting others, rude to staff or refusing to keep their comments on track, the Chair should call for a brief time out and address it with him/her directly. Honest mistakes or over-eagerness can be quietly corrected at a break, but obvious, bad behavior by anyone should never be tolerated by the Chair.
- 6) Listen respectfully and thoughtfully to Public testimony.** Remember that the Public has an important role in the process. They have given of their time and effort to be heard, and the issue at hand is probably very important to them personally. If testimony gets heated, the Chair can always call for a short time out so that tempers can cool.
- 7) Cell phones off.** Ringing phones are annoying, but texting someone in the audience or another board member during the meeting is secretive and sneaky. That does not encourage trust between the team members themselves or the public.
- 8) Speak clearly.** When before the public, always speak so that they can hear you. You may not have a good sound system to amplify your voice, so speak loudly and clearly.

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
TRAVEL DESK

P.O. Box 110806, Juneau, Alaska 99811-0806
Phone: 907.269.8160
Fax: 907.465.2974
08occlctravel@alaska.gov

BOARD MEMBER TRAVEL APPROVAL REQUEST FORM

Effective September 1, 2014, Updated August 2016

This form is for board member use when submitting a travel request. Submit 6-8 weeks before anticipated travel. See the board and commission member [Guide to Excellence](#) for details.

Traveler's Name: _____ **Daytime Phone Number:** _____
Mailing Address: _____ **Email:** _____
Board Requesting Travel: _____
Association/Conference/Event: _____
Dates in Travel Status: _____ **Destination:** _____

	Estimated total cost	Cost reimbursed by third party (if any)	Cost of travel booked directly by third party (if any)
Conference Fee			
Air Travel			
Hotel			
Car Rental/Taxi			
Other Expenses			
Describe:			
Totals			

Deviation from minimum business itinerary for personal convenience? Yes/No

Meeting/Conference Agenda: Attach meeting agenda or link to view the agenda.

List the number of meals provided by conference/hotel: _____

Method of travel booking requested for this trip:

___ **I would like CBPL to book this travel through the state system on my behalf.**

Airline: _____ Mileage Plan#: _____ Birth Date (required for TSA): _____

Hotel Preference/Member Number: _____ Airline seating preference: _____

You may attach a screen shot of your preferred route from a web site.

___ **A third-party will book this travel, and I will submit a Notification of Receipt of Gift as required by law.**

Other information:

STATE OF ALASKA

ELECTRONIC PAYMENT AGREEMENT

Mail completed form to:
 DEPT OF ADMINISTRATION / DIV OF FINANCE
 PO BOX 110204 / JUNEAU AK 99811-0204
 or FAX to: (907) 465-2169
 Questions? Call (907) 465-5622

FOR VENDORS DOING BUSINESS WITH THE STATE OF ALASKA

PAYEE INFORMATION

AKSAS VENDOR NUMBER (PVN)		TAXPAYER ID - SSN / EIN <i>Required</i>		<i>ID number assigned to the legal name below and used for tax reporting</i>	
LEGAL NAME <i>Required</i> (Name that Tax ID above is assigned to and is used for tax reporting)					
BUSINESS NAME (DBA - Doing Business As Name. If different from legal name shown above)				ACCEPT CREDIT CARD PAYMENTS <i>Required</i> <input type="radio"/> YES <input type="radio"/> NO	
MAILING ADDRESS <i>Required</i>			CITY	STATE	ZIP CODE + 4
CONTACT NAME	DAYTIME PHONE <i>Required</i>	FAX NUMBER	EMAIL ADDRESS		

BANKING INFORMATION

Per National Automated Clearing House Association (NACHA) Operating Rules, the State of Alaska must send a pre-note zero dollar test transaction to verify the accuracy of the banking information below. Payments will not be sent electronically until the pre-note process is complete, generally ten business days. The State of Alaska will contact you if the pre-note fails.

ARE YOU <input type="radio"/> ADDING, <input type="radio"/> * CHANGING, <input type="radio"/> OR CANCELLING THIS AGREEMENT? <i>Required</i>					
FINANCIAL INSTITUTION NAME <i>Required</i>			ACCOUNT NAME (Business / Legal Name on Account) <i>Required</i>		
ABA/ROUTING TRANSIT NUMBER (9-DIGIT RTN) <i>Required</i>			FULL ACCOUNT NUMBER <i>Required</i> <i>Please attach a voided check or other bank verification of account number as applicable</i>		
ACCOUNT TYPE <i>Required</i> <input type="radio"/> CHECKING <input type="radio"/> SAVINGS					
* FOR CHANGES ONLY. If you indicated you are changing banks, please list your prior banking information:		ABA/ROUTING TRANSIT NUMBER		FULL ACCOUNT NUMBER	
IS THIS ACCOUNT PRIMARILY A PERSONAL OR BUSINESS ACCOUNT? <i>Required</i>					
<input type="radio"/> PERSONAL. Payments are deposited separately with one addendum (remittance) record for each payment.					
- OR -					
<input type="radio"/> BUSINESS. Choose ONE of the business account addenda information format options below.					
<input checked="" type="radio"/> Payments deposited separately with one addendum (remittance) record for each payment.					
<input checked="" type="radio"/> Payments combined into one deposit with multiple addenda (remittance) records for each payment in the deposit (used by large businesses expecting multiple daily payments).					
NACHA Operating Rules requires your banking institution to provide you with addenda (remittance) information that the State includes on each payment. Any banking charge to receive this information is the responsibility of the account holder.					
For EDI Payment Inquiry and other electronic payment information, visit our website at: http://doa.alaska.gov/dof/epay/					

AGREEMENT AND AUTHORIZATION

I hereby authorize the State of Alaska to satisfy payment obligations due me by making deposits to the account indicated above. I understand that receipt of the electronic fund transfer(s) will fulfill the State's payment obligation and the State will be credited for the full amount on the date the fund transfer is completed. I understand the State will make a reasonable effort to notify me within 24 hours if a reversing entry is made against this account. This authority is to remain in full force through the duration of this agreement. I understand that thirty (30) days written notice is required if I change financial institutions, account numbers or type of account.

In addition, as required by the Federal Office of Foreign Asset Control in support of U.S.C. Title 50, War and National Defense, I attest that the full amount of my direct deposit is not being forwarded to a bank in another country and that if at any point I establish a standing order with my receiving bank to forward the full direct deposit to a bank in another country, I will inform the State of Alaska immediately.

I certify all information regarding this authorization is true and correct. Any intent to falsify information is punishable under AS 11.56.210 as a class A misdemeanor.

If the State discovers that the full amount of a direct deposit has been forwarded to another country or if information on the form has been falsified, this agreement shall be terminated. All correspondence with the State concerning this agreement or any changes to account information should be sent to the address at the top of this form. All terms remain in effect until this agreement is terminated by either party.

PRINTED NAME <i>Required</i>	TITLE
SIGNATURE <i>Required</i>	DATE <i>Required</i>



Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board: Dates of Business:

Person Reporting: # of Travelers: *Employees* *Board Members*

Type of Meeting: Regular board business Adjudication only
 Special board meeting Subcommittee meeting
 On-site Investigation/Inspection Other:

Cost Savings

What expenses were reduced?

1.
2.
3.

What is the estimated savings?

Meeting Deliverables

Information gained:

Action recommended:

5. Investigative Report

6. Division Update

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

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

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

The 4th quarter board reports reflect the current year's actual indirect expenses allocated to the boards.

Appropriation	(All)
Activity Code	PSY1

Sum of Expenditures Row Labels	Column Labels			
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodi ties
1011 - Regular Compensation	24,379.02			
1014 - Overtime	168.25			
1023 - Leave Taken	2,586.25			
1028 - Alaska Supplemental Benefit	1,666.77			
1029 - Public Employee's Retirement System Defined Benefits	228.66			
1030 - Public Employee's Retirement System Defined Contribution	1,346.02			
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,077.31			
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	268.64			
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	3,048.34			
1039 - Unemployment Insurance	75.54			
1040 - Group Health Insurance	9,652.15			
1041 - Basic Life and Travel	12.42			
1042 - Worker's Compensation Insurance	251.62			
1047 - Leave Cash In Employer Charge	622.84			
1048 - Terminal Leave Employer Charge	345.85			
1053 - Medicare Tax	376.47			
1062 - GGU Business Leave Bank Contributions	89.31			
1069 - SU Business Leave Bank Contributions	100.31			
1077 - ASEA Legal Trust	35.25			
1079 - ASEA Injury Leave Usage	0.72			
1080 - SU Legal Trst	21.44			
1970 - Personal Services Transfer	3,581.12			
2000 - In-State Employee Airfare		1,208.11		
2001 - In-State Employee Surface Transportation		196.25		
2002 - In-State Employee Lodging		1,130.40		
2003 - In-State Employee Meals and Incidentals		524.10		
2005 - In-State Non-Employee Airfare		3,052.10		
2006 - In-State Non-Employee Surface Transportation		-		
2007 - In-State Non-Employee Lodging		2,977.96		
2008 - In-State Non-Employee Meals and Incidentals		1,317.40		
2009 - In-State Non-Employee Taxable Per Diem		192.00		
2010 - In-State Non-Employee Non-Taxable Reimbursement		1,189.29		
2012 - Out-State Employee Airfare		1,365.58		
2013 - Out-State Employee Surface Transportation		105.80		
2014 - Out-State Employee Lodging		1,085.33		
2015 - Out-State Employee Meals and Incidentals		248.75		
2017 - Out-State Non-Employee Airfare		1,365.58		
2019 - Out-State Non-Employee Lodging		1,085.33		
2020 - Out-State Non-Employee Meals and Incidentals		682.25		
2022 - Out-State Non-Employee Non-Taxable Reimbursement		1,708.31		
2036 - Cash Advance Fee		10.61		
2970 - Travel Cost Transfer		-		
3000 - Training/Conferences			630.00	
3001 - Test Monitor/Proctor			-	
3002 - Memberships			1,160.00	
3035 - Long Distance			92.72	
3045 - Postage			3.24	
3046 - Advertising			410.57	
3067 - Honorariums/Stipend			96.00	
3069 - Commission Sales			138.00	
4002 - Business Supplies				28.92
3085 - Inter-Agency Mail			93.00	
Grand Total	49,934.30	19,445.15	2,623.53	28.92

FY 2018 CBPL COST ALLOCATIONS

Name	Activity Code	Direct Revenues	3rd Party Reimbursement	Total Revenues	Direct Expense	Percentage of board licenses/total licensees:	Division receiving personal services by transaction %:	Department Personal Services - Fiscal Revenue personal services by transaction %	Indirect Expense (Total Non-PCN Allocated)	Percentage of direct personal services:	Total Indirect Expenses	Total Expenses	2018 Annual Surplus (Deficit)
Acupuncture	ACU1	\$ 4,875	\$ -	\$ 4,875	\$ 6,772	\$ 2,955	\$ 342	\$ 259	\$ 3,566	2,387	\$ 5,943	\$ 12,715	\$ (7,840)
Architects, Engineer	AEL1	\$ 909,305	\$ 13,692	\$ 922,997	\$ 365,518	\$ 183,868	\$ 20,083	\$ 4,202	\$ 208,153	110,051	\$ 318,204	\$ 683,722	\$ 239,275
Athletic Trainers	ATH1	\$ 15,965	\$ -	\$ 15,965	\$ 1,934	\$ 1,083	\$ 135	\$ 309	\$ 1,527	726	\$ 2,253	\$ 4,187	\$ 11,778
Audiology/Speech Pathologists	AUD1	\$ 37,685	\$ -	\$ 37,685	\$ 33,745	\$ 19,195	\$ 2,921	\$ 1,364	\$ 23,480	12,577	\$ 36,057	\$ 69,802	\$ (32,117)
Barbers & Hairdressers	BAH1	\$ 1,210,958	\$ -	\$ 1,210,958	\$ 370,573	\$ 192,033	\$ 27,986	\$ 9,220	\$ 229,239	113,491	\$ 342,730	\$ 713,303	\$ 497,655
Behavior Analysts	BEV1	\$ 7,815	\$ -	\$ 7,815	\$ 4,167	\$ 1,286	\$ 176	\$ 169	\$ 1,631	1,118	\$ 2,749	\$ 6,916	\$ 899
Chiropractors	CHI1	\$ 36,390	\$ 505	\$ 36,895	\$ 87,493	\$ 8,548	\$ 1,719	\$ 1,065	\$ 11,332	22,375	\$ 33,707	\$ 121,200	\$ (84,305)
Collection Agencies	COA1	\$ 152,230	\$ -	\$ 152,230	\$ 29,563	\$ 20,954	\$ 2,134	\$ 1,125	\$ 24,213	9,571	\$ 33,784	\$ 63,347	\$ 88,883
Concert Promoters	CPR1	\$ 1,205	\$ -	\$ 1,205	\$ 874	\$ 519	\$ 114	\$ 110	\$ 743	338	\$ 1,081	\$ 1,955	\$ (750)
Construction Contractors	CON1	\$ 895,543	\$ -	\$ 895,543	\$ 614,413	\$ 221,512	\$ 24,133	\$ 6,233	\$ 251,878	119,600	\$ 371,478	\$ 985,891	\$ (90,348)
Home Inspectors	HIN1	\$ 21,035	\$ -	\$ 21,035	\$ 6,630	\$ 2,819	\$ 155	\$ 428	\$ 3,402	2,497	\$ 5,899	\$ 12,529	\$ 8,506
Dental	DEN1	\$ 179,011	\$ -	\$ 179,011	\$ 225,001	\$ 116,023	\$ 7,934	\$ 2,380	\$ 126,337	62,459	\$ 188,796	\$ 413,797	\$ (234,786)
Dietitians/Nutritionists	DTN1	\$ 34,685	\$ -	\$ 34,685	\$ 5,527	\$ 7,037	\$ 766	\$ 1,215	\$ 9,018	2,009	\$ 11,027	\$ 16,554	\$ 18,131
Direct Entry Midwife	MID1	\$ 24,565	\$ -	\$ 24,565	\$ 17,315	\$ 1,376	\$ 217	\$ 149	\$ 1,742	5,322	\$ 7,064	\$ 24,379	\$ 186
Dispensing Opticians	DOP1	\$ 8,465	\$ -	\$ 8,465	\$ 18,731	\$ 4,759	\$ 549	\$ 319	\$ 5,627	7,093	\$ 12,720	\$ 31,451	\$ (22,986)
Electrical Administrator	EAD1	\$ 183,575	\$ -	\$ 183,575	\$ 60,636	\$ 23,457	\$ 3,905	\$ 2,529	\$ 29,891	10,066	\$ 39,957	\$ 100,593	\$ 82,982
Euthanasia Services	EUT1	\$ 125	\$ -	\$ 125	\$ 76	\$ 338	\$ 31	\$ 60	\$ 429	29	\$ 458	\$ 534	\$ (409)
Geologists	GEO1	\$ 920	\$ -	\$ 920	\$ 1,011	\$ 316	\$ 197	\$ 179	\$ 692	369	\$ 1,061	\$ 2,072	\$ (1,152)
Guardians/Conservators	GCO1	\$ 2,688	\$ -	\$ 2,688	\$ 1,733	\$ 383	\$ 41	\$ 50	\$ 474	621	\$ 1,095	\$ 2,828	\$ (140)
Guide-Outfitters	GUI1	\$ 1,122,760	\$ -	\$ 1,122,760	\$ 378,702	\$ 39,020	\$ 14,428	\$ 4,879	\$ 58,327	84,045	\$ 142,372	\$ 521,074	\$ 601,686
Marine Pilots	MAR1	\$ 6,100	\$ -	\$ 6,100	\$ 103,406	\$ 3,428	\$ 207	\$ 110	\$ 3,745	32,195	\$ 35,940	\$ 139,346	\$ (133,246)
Foreign Pleasure Craft	FPC1	\$ 85,050	\$ -	\$ 85,050	\$ 7,520	\$ -	\$ 259	\$ 110	\$ 369	2,850	\$ 10,739	\$ 74,311	\$ 74,311
Marital & Family Therapy	MFT1	\$ 7,975	\$ -	\$ 7,975	\$ 46,122	\$ 2,346	\$ 269	\$ 259	\$ 2,874	14,232	\$ 17,106	\$ 63,228	\$ (55,253)
Massage Therapists	MAS1	\$ 346,505	\$ 1,161	\$ 347,666	\$ 275,296	\$ 33,787	\$ 10,627	\$ 4,212	\$ 48,626	57,328	\$ 105,954	\$ 381,250	\$ (33,584)
Mechanical Administrator	MEC1	\$ 140,540	\$ -	\$ 140,540	\$ 42,623	\$ 14,728	\$ 2,393	\$ 1,952	\$ 19,073	8,258	\$ 27,331	\$ 69,954	\$ 70,586
Medical	MED1	\$ 347,304	\$ 3,517	\$ 350,821	\$ 835,051	\$ 160,997	\$ 23,957	\$ 4,431	\$ 189,385	265,121	\$ 454,506	\$ 1,289,557	\$ (938,736)
Mortuary Science	MOR1	\$ 3,525	\$ -	\$ 3,525	\$ 4,617	\$ 3,564	\$ 269	\$ 239	\$ 4,072	1,644	\$ 5,716	\$ 10,333	\$ (6,808)
Naturopaths	NAT1	\$ 77,640	\$ -	\$ 77,640	\$ 16,825	\$ 1,218	\$ 207	\$ 239	\$ 1,664	1,741	\$ 3,405	\$ 20,230	\$ 57,410
Nurse Aides	NUA1	\$ 416,180	\$ -	\$ 416,180	\$ 291,375	\$ 99,940	\$ 17,318	\$ 3,735	\$ 120,993	68,460	\$ 189,453	\$ 480,828	\$ (64,648)
Nursing	NUR1	\$ 814,178	\$ 1,666	\$ 815,844	\$ 1,213,025	\$ 440,702	\$ 43,221	\$ 9,648	\$ 493,571	336,688	\$ 830,259	\$ 2,043,284	\$ (1,227,440)
Nursing Home Administrators	NHA1	\$ 1,740	\$ 131	\$ 1,871	\$ 7,888	\$ 1,308	\$ 124	\$ 60	\$ 1,492	1,685	\$ 3,177	\$ 11,065	\$ (9,194)
Optometry	OPT1	\$ 8,900	\$ 1,000	\$ 9,900	\$ 78,027	\$ 4,962	\$ 383	\$ 249	\$ 5,594	24,519	\$ 30,113	\$ 108,140	\$ (98,240)
Pawnbrokers	PAW1	\$ 20,300	\$ -	\$ 20,300	\$ 865	\$ 744	\$ 73	\$ 229	\$ 1,046	322	\$ 1,368	\$ 2,233	\$ 18,067
Pharmacy	PHA1	\$ 801,317	\$ 210	\$ 801,527	\$ 309,070	\$ 128,112	\$ 24,071	\$ 3,774	\$ 155,957	103,723	\$ 259,680	\$ 568,750	\$ 232,777
Physical/Occupational Therapy	PHY1	\$ 405,168	\$ 1,064	\$ 406,232	\$ 119,083	\$ 46,035	\$ 7,675	\$ 2,937	\$ 56,647	41,206	\$ 97,853	\$ 216,936	\$ 189,296
Professional Counselors	PCO1	\$ 345,905	\$ 246	\$ 346,151	\$ 94,113	\$ 18,540	\$ 3,221	\$ 2,509	\$ 24,270	28,620	\$ 52,890	\$ 147,003	\$ 199,148
Psychology	PSY1	\$ 17,080	\$ 1,017	\$ 18,097	\$ 72,032	\$ 6,541	\$ 829	\$ 587	\$ 7,957	18,943	\$ 26,900	\$ 98,932	\$ (80,835)
Public Accountancy	CPA1	\$ 730,935	\$ 6,580	\$ 737,515	\$ 265,624	\$ 40,960	\$ 6,090	\$ 2,579	\$ 49,629	76,215	\$ 125,844	\$ 391,468	\$ 346,047
Real Estate	REC1	\$ 766,875	\$ -	\$ 766,875	\$ 197,108	\$ 93,129	\$ 20,321	\$ 3,893	\$ 117,343	63,165	\$ 180,508	\$ 377,616	\$ 389,259
Real Estate Appraisers	APR1	\$ 76,010	\$ 1,534	\$ 77,544	\$ 98,416	\$ 7,714	\$ 1,699	\$ 846	\$ 10,259	26,568	\$ 36,827	\$ 135,243	\$ (57,699)
Social Workers	CSW1	\$ 250,209	\$ 1,116	\$ 251,325	\$ 95,707	\$ 21,269	\$ 3,470	\$ 2,011	\$ 26,750	30,588	\$ 57,338	\$ 153,045	\$ 98,280
Storage Tank Workers	UST1	\$ 17,105	\$ -	\$ 17,105	\$ 3,530	\$ 1,669	\$ 684	\$ 468	\$ 2,821	1,329	\$ 4,150	\$ 7,680	\$ 9,425
Veterinary	VET1	\$ 57,225	\$ -	\$ 57,225	\$ 79,311	\$ 19,848	\$ 2,662	\$ 1,275	\$ 23,785	28,190	\$ 51,975	\$ 131,286	\$ (74,061)
No longer existent board/commission (ie Athletic)													
Totals All Boards		\$ 10,593,566	\$ 33,439	\$ 10,627,005	\$ 6,487,048	\$ 1,999,022	\$ 277,995	\$ 82,596	\$ 2,359,613	\$ 1,800,334	\$ 4,159,947	\$ 10,646,995	\$ (19,990)

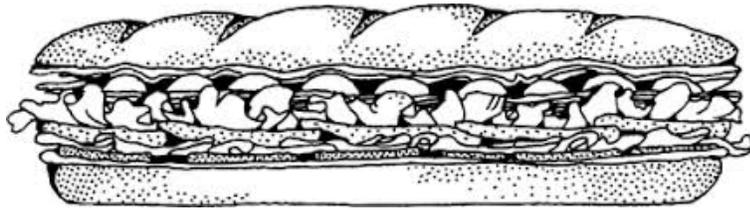
ABL & Corporations	080801005	\$ 9,564,539	\$ -	\$ 9,564,539	\$ 1,087,580	\$ 108,258	\$ 269,779	\$ 9,178	\$ 387,215	\$ 138,603	\$ 525,818	\$ 1,613,398	
Fines & Forfeit GF		174,538		174,538									
Revenue Transfer In (Carry Forward)	CFWD	20,763		20,763									
Reimbursable Service Agreements AR 080801007		-		-									
RSA 0680470- DHSS Nurse Aide Program		120,000		120,000	120,000							120,000	
RSA 0680378- DHSS PDMP		200,000		200,000	200,000							200,000	
RSA 0680154- DHSS EPI PDMP		59,500		59,500	59,500							59,500	
RSA 0680579- DHSS PDMP		34,391		34,391	34,391							34,391	
RSA 0480042 Child Support Assistance		2,139		2,139	2,139							2,139	
RSA 0880179- Publication Specialist Duties		222		222	222							222	
Real Estate Recovery Fund	ZSU1	132,315		132,315	126,264							126,264	
Clear SDRP training	8000		1,306	1,306	1,306							1,306	
Total CBPL		\$ 20,901,973	\$ 34,745	\$ 20,936,718	\$ 8,118,450	\$ 2,107,280	\$ 547,774	\$ 91,774	\$ 2,746,828	\$ 1,938,937	\$ 4,685,765	\$ 12,804,215	

12,804,215

Indirect Expense Allocated by License %: license count by board / total professional licenses currently active Note: does not include Geologists
HIN1 and CON1 combined for board reports

DIVISION INDIRECT EXPENSES	Total		Prof Lic	Corp & Bus Lic
Percentage of direct personal services:				
Business Supplies	21,186		20,259	927
Office Equipment	82,223	**	73,972	8,251
State Vehicles	4,908		4,458	450
Storage and Archives	7,130		7,127	3
Legal Support	21,233		21,233	-
Mail postage	19,962		33,034	(13,072)
Software Licensing and Maintenance	54,275	***	53,533	742
Division coding adjustment - conversion				
Division Administrative Expenses - all other	354,300		350,369	3,931
Division allocated by percentage of direct personal services:	565,217		563,985	1,232
Percentage of board licenses/total licensees:				
Division supervisors of receiving Personal Services 75%	143,358	****	129,022	14,336
Receiving Personal Services 40%	333,326	****	299,993	33,333
Investigations indirect Personal Services	391,513	*****	362,108	29,405
Division Administration Personal Services	511,173		462,870	48,303
Professional License Administration Personal Services	131,941		219,324	(87,383)
Division allocated by percentage of board licenses/total licensees:	1,511,311		1,473,317	37,994
Receiving personal services by transaction %:				
Division supervisors of receiving Personal Services 25%	47,786	****	24,251	23,535
Receiving Personal Services 60%	499,988	****	253,744	246,244
Division receiving personal services by transaction %:	547,774		277,995	269,779
Total Division Indirect Expenses	2,624,302		2,315,297	309,005
DEPARTMENT INDIRECT EXPENSES				
Percentage of direct personal services:				
Commissioner's Office	201,103		180,993	20,110
Administrative Services - Director's Office	60,198		54,178	6,020
Administrative Services - Human Resources	69,920		62,928	6,992
Administrative Services - Fiscal	84,892		76,403	8,489
Administrative Services - Budget	56,286		50,657	5,629
Administrative Services - Information Technology	146,370		131,733	14,637
Administrative Services - Information Technology - Network & Database	147,192		132,473	14,719
Administrative Services - Mail postage	8,704		7,834	870
Administrative Services - Facilities - Maintenance	9,772		8,795	977
Department allocated by percentage of direct personal services:	784,437		705,994	78,443
Percentage of board licenses/total licensees:				
Department administrative services support: Fiscal, IT, Procurement	595,969	*	525,705	70,264
Receiving personal services by transaction %:				
Department Personal Services - Fiscal Revenue personal services by transaction %	91,774		82,596	9,178
Total DEPARTMENT INDIRECT EXPENSES	1,472,180	****	1,314,295	157,885
STATEWIDE INDIRECT EXPENSES				
Percentage of direct personal services:				
Accounting and Payroll Systems	16,397		14,757	1,640
State Owned Building Rental (Building Leases)	303,308	*****	272,977	30,331
Human Resources	63,573		57,216	6,357
IT Non-Telecommunications	75,572	*****	68,015	7,557
IT Telecommunications	128,543	*****	115,689	12,854
Risk Management	1,890		1,701	189
Statewide allocated by percentage of direct personal services:	589,283		530,355	58,928
FY18 TOTALS BY METHODOLOGY				
Percentage of direct personal services:	1,938,937		1,800,334	138,603
Percentage of board licenses/total licensees:	2,107,280		1,999,022	108,258
Receiving personal services by transaction %:	639,548		360,591	278,957
Grand Total	4,685,765		4,159,947	525,818

7. Lunch Break



8. Review and Approve Meeting Minutes

Board Meeting Minutes August 2018

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
7 **Minutes of Meeting**
8 **August 9-10, 2018**
9

10 By the authority of AS. 08.01.070(2), and in compliance with the provisions of AS
11 44.64, Article 6, a scheduled board meeting was held at 550 W 7th Ave, Suite 1270,
12 Anchorage, AK.

13
14 **Thursday, August 9, 2018**

15
16 **Agenda Item 1 - Call to order and Roll call**

17 Board Chair Al Levy called the meeting to order at 9:01am.

18
19 Those present constituting a quorum of the Board:

20 Al Levy, Psychological Associate

21 Joel Wieman, Psychologist

22 Suzanne Dutson, Public Member

23
24 In attendance from the Department of Commerce, Community and Economic
25 Development, Division of Corporations, Business and Professional Licensing were:

26 Rissa Teske, Licensing Examiner

27 Autumn Roark, Investigator

28 Sara Chambers, Deputy Director via telephone

29
30 Members of the public in attendance:

31 Jana Zeedyk, Alaska Psychological Association via telephone

32
33 **Agenda Item 2 - Review & Approve Agenda**

34 The board reviews the draft agenda of the meeting.

35
36 **UPON A MOTION MADE BY SUZANNE DUTSON; SECONDED BY JOEL WIEMAN**
37 **AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO APPROVE THE AGENDA AS**
38 **WRITTEN.**

39 **Agenda Item 3 - Ethics Report**

40 There are no ethics disclosures from the board. Board Member Dutson states that she
41 has a question about paid leave, a topic she says she had previously discussed with
42 Chair Levy. Chair Levy advises her to direct her question to Shalome (Cederberg) with
43 Boards and Commissions, who is in the building today and Board Member Dutson
44 would be able speak with her in her office. Chair Levy asks Board Member Dutson to
45 share what information she gets from Shalome about paid leave with the rest of the
46 board.

47
48 **Agenda Item 4 - Review & Approve Meeting Minutes**

49 The board reviews the draft minutes of the May 2018 board meeting and the July 2018
50 special teleconference; the board notes spelling errors and grammatical corrections.

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UPON A MOTION MADE BY JOEL WIEMAN; SECONDED BY SUZANNE DUTSON AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO APPROVE THE MAY 2018 BOARD MEETING MINUTES AS AMENDED.

UPON A MOTION MADE BY JOEL WIEMAN; SECONDED BY SUZANNE DUTSON AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO APPROVE THE JULY 2018 SPECIAL TELECONFERENCE MEETING MINUTES AS WRITTEN.

Board Member Dutson expresses concern about the security of the executive session recordings. Licensing Examiner Teske assured her that the recordings were stored securely.

While the board is waiting for Dr. Jana Zeedyk with the Alaska Psychological Association (AKPA), to arrive for the next agenda item, they review applications to make best use of their time.

At 9:35 Dr. Jana Zeedyk phones in to the meeting.

Agenda Item 5 - Alaska Psychological Association with Dr. Jana Zeedyk

Dr. Zeedyk discusses that AKPA is in the process of trying to develop updated licensing law(s) that would meet the contemporary requirements for practice in the state. She shares that AKPA does not have a big pre-conceived idea of what that will look like; however, AKPA is preparing a comparison of the ASPPB's (Association of State and Provincial Psychology Boards) suggested model licensing act and APA's (American Psychological Association) suggested model licensing act addressing various components of practice. She states that they will collaborate with members of AKPA and any other licensed psychologist and psychological associate covered by the act who are not part of AKPA, to involve and address any practice concerns. She states that the one point AKPA is interested in, is the dialog about the EPPP2 be considered the gateway for independent practice which would eliminate the need for a post-doc (post-doctoral experience) before people could practice independently. She states that this is the one issue AKPA would really like to hear a lot of dialog on to make sure they are representing their membership. She states that the EPPP2 eliminating the post-doctoral experience requirement could potentially have benefits for our rural state and rural communities. She shares that AKPA will start the dialog at their annual meeting in September and everyone who is a licensed psychologist or psychological associate is invited to participate. Board Member Wieman would like clarification and asks if Dr. Zeedyk is saying that if you pass the EPPP2 that you won't need to do a post-doc? Dr. Zeedyk confirms that is what she's saying and states this is an APA suggestion; once someone takes the EPPP2 it would be considered the minimum bar to practice independently. Board Member Wieman points out that the EPPP2 hasn't been implemented yet and there was tremendous pushback at the last ASPPB meeting in regard to the EPPP2. Chair Levy invites Dr. Zeedyk to attend the meeting tomorrow at 11:00 am for the discussion with Sheila Young from ASPPB regarding the EPPP2. Dr. Zeedyk does agree that there are many moving pieces for the EPPP2, at another time she can bring information about other states who have deleted the requirement for a post-doc. Chair Levy summarizes that what he's hearing is that AKPA has an interest in seeing that the current licensing statutes and regulations be reviewed and updated to keep pace with the current practice nationwide. Dr. Zeedyk confirms that this is a fair summary of what she is saying, she then invites all board members to the meeting on September 8th. Chair Levy requests that AKPA send the board a summary of what

103 transpired in the September meeting and to follow up with another agenda item on
104 this topic so they could keep the conversation going. He also suggests that AKPA send
105 a representative to the ASPPB annual meeting in October to get direct updates on all of
106 the ongoing ASPPB issues. Chair Levy then states that when it comes to the Licensing
107 Board and AKPA engaging in something where their mutual interests overlap, he would
108 like to encourage the use of the words “cooperation” and “communicate”. He
109 discourages the use of the word “collaboration” as it then begins to look like they are
110 crossing a line between being a regulatory board and being too closely involved with
111 the guild. He adds that good boundaries are needed so there is no misperception, and
112 there needs to be an independence of what the guild does and what the Licensing
113 Board does.

114
115 Break at 10:01 am
116 Return at 10:15 am
117

118 **UPON A MOTION MADE BY SUZANNE DUTSON; SECONDED BY JOEL WIEMAN**
119 **AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO AMEND THE AGENDA TO**
120 **USE THE NEXT 15 MINUTES FOR APPLICATION REVIEW UNTIL THE NEXT AGENDA**
121 **ITEM AT 10:30 AM TO MAKE GOOD USE OF THE BOARD’S TIME.**
122

123 The board reviewed of applications for licensure until the next agenda item.
124

125 Agenda Item 6 - Investigative Report

126 Investigator Autumn Roark, reviews the investigative report with the board. For the
127 period of May 5, 2018, through July 16, 2018, the division opened three (3) matters
128 and closed four (4) matters; the program has zero (0) matters ongoing and/or under
129 active investigation at this time. Investigator Roark discusses with the board what an
130 “incomplete complaint” means on the report she provided. She states that an
131 incomplete complaint is when someone does not return the complaint packet within
132 the 30 day time period and the case is then closed. However; there is no statute of
133 limitations and if the complaint packet does get submitted they can reopen the case.
134

135 The board resumed application review while waiting for the next agenda item.
136

137 Agenda Item 7 - Division Update

138 Deputy Director of the Division Sara Chambers joins the meeting via teleconference to
139 provide the division update. There is no new fiscal report to review so Deputy Director
140 Chambers discusses travel restriction details with the board. Chair Levy discusses how
141 important it is that the board gets authorization for travel above and beyond what has
142 been typically approved due to the amount of new board members and the amount of
143 information that one is expected to bring back from these conferences. Deputy
144 Director Chambers advises that the Board and the Licensing Examiner work together to
145 put the need for travel in writing and articulate specific business reasons for each
146 traveler’s need to attend. She also recommended that backup documentation be
147 provided, such as the agenda, to go along with specific descriptions of who will attend
148 which parts of the meeting. A strong case must be made for sending multiple people,
149 so it must be shown that one person can’t attend all desired parts of the conference.
150 She also wanted to make sure that the Board understands that saying “yes” to a travel
151 request may mean saying “no” to another. Ways to offset costs to the state is also
152 good information to include in the travel request, such as 3rd party reimbursement.
153 Board Member Wieman says he is willing to pay for his plane ticket (to the ASPPB
154 meeting in October) if the state will cover the cost of the conference and the lodging,

155 as a show of commitment and how important the conference is. Chair Levy states that
156 he will work with Licensing Examiner Teske to put together a request for Board
157 Members Wieman and Dutson to get authorization to attend the October ASPPB
158 meeting in Salt Lake City.

159
160 Agenda Item 8 - Application Review

161 The board continued the review of applications for licensure. (5 applications)

162
163 Recess for lunch break at 12:00 pm
164 Back on record at 1:06 pm

165
166 **UPON A MOTION MADE BY SUZANNE DUTSON; SECONDED BY JOEL WIEMAN**
167 **AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO APPROVE THE FOLLOWING**
168 **APPLICATIONS WITH THE STIPULATION THAT THE INFORMATION IN THE**
169 **APPLICANTS FILES TAKE PRECEDENCE OVER THE MINUTES OF THIS MEETING.**

170
171 **JENNIFER HENDERSON - PSYCHOLOGIST LICENSE BY CREDENTIALS**
172 **KATRINA RAST - PSYCHOLOGIST BY EXAM TEMPORARY LICENSE**
173 **KERI BOYD - PSYCHOLOGIST BY EXAM TEMPORARY LICENSE**
174 **MARK MAYO - PSYCHOLOGIST BY EXAM TEMPORARY LICENSE**
175 **RACHEL WOODS - PSYCHOLOGIST BY EXAM TEMPORARY LICENSE**

176
177 Agenda Item 10 - Public Comment

178 At 1:10 no one has called in or appeared for public comment yet.

179
180 **UPON A MOTION MADE BY SUZANNE DUTSON; SECONDED BY JOEL WIEMAN**
181 **AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO AMEND THE AGENDA TO**
182 **MAKE GOOD USE OF THE BOARD'S TIME AND TO GO INTO EXAM SCORING AS NO**
183 **ONE HAS CALLED IN OR APPEARED FOR PUBLIC COMMENT. THE BOARD WILL**
184 **ENTERTAIN PUBLIC COMMENT BEFORE 2 PM SHOULD ANYONE CALL IN OR**
185 **ARRIVE IN PERSON.**

186
187 Agenda Item 11 - Exam Scoring

188
189 **UPON A MOTION MADE BY JOEL WIEMAN; SECONDED BY SUZANNE DUTSON**
190 **AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO ENTER INTO EXECUTIVE**
191 **SESSION IN ACCORDANCE WITH AS 44.62.310(C), AND ALASKA CONSTITUTIONAL**
192 **RIGHT TO PRIVACY PROVISIONS FOR THE PURPOSE OF DISCUSSING MATTERS**
193 **INVOLVING CONSIDERATION OF GOVERNMENT RECORDS THAT BY LAW ARE NOT**
194 **SUBJECT TO PUBLIC DISCLOSURE. BOARD STAFF RISSA TESKE TO REMAIN IN THE**
195 **ROOM.**

196
197 **OFF RECORD AT 1:17 PM**
198 **BACK ON RECORD AT 2:56 PM**

199
200 Chair Levy summarizes the work that was accomplished today during the meeting, the
201 board reviewed and approved 5 applicants, graded 3 tests, and they discovered a
202 problem and brought it to the attention of the Division. Chair Levy points out that
203 they have done good work today under difficult circumstances as they are working
204 with reduced numbers.

205
206 The board recessed at 2:28 pm until 9:00 am Friday, August 10, 2018.

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FRIDAY, August 10, 2018

Board Chair Al Levy called the meeting to order at 9:04 am.

Those present, constituting a quorum of the Board:

Al Levy, Psychological Associate

Joel Wieman, Psychologist

Suzanne Dutson, Public Member

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

Members of the public in attendance:

Cathy von Hippel via telephone

Jana Zeedyk in person, AKPA

Sheila Young, Association of State and Provincial Psychology Boards via telephone

No changes to the agenda at this time.

Agenda Item 15 - Correspondence

The board reads and discusses with Cathy von Hippel her response to the questions the board had for her after the May meeting regarding post-doctoral supervision via a telepsychology practice. Dr. von Hippel states that things have changed a bit since she has written her response on May 23, 2018. She states that she has secured an office in Anchorage so there would be fact-to-face services provided; she is in Anchorage about 25% of the time and her partner Patrick Dulin is there 100% of the time. She states that 50% of the supervision she provides to their post-doc (who has not been named) would be distant and 100% of the supervision from Dr. Dulin would be in person. Dr. von Hippel would be considered the primary supervisor, and Dr. Dulin would be considered the secondary supervisor. Board Member Wieman wants to make sure that he's understanding and he reiterates that the bulk of the supervision provided by Dr. von Hippel would be test analysis and reporting psychological testing evaluations with children, and the therapeutic side would be under a different supervisor who was available 100% of the time. Dr. von Hippel confirms that is correct. Board Member Wieman asks if there is an emergency then the local supervisor would be available to handle that? Dr. von Hippel says that is correct. She adds that the supervisee was their psych intern for almost two years and one year of that was traveling back and forth to Anchorage. She states that they have already worked together in the way that is being proposed, but now instead of paper and pencil kits they can now do electronic testing and Dr. von Hippel can watch and record everything the post-doc administers and watch it in real time or review it later with her. She points out that the potential for supervision is vastly improved with technology. Board Member Dutson asks if the Pearson product has improved their security measures so there are no longer issues. Dr. von Hippel answers yes, that everything is HIPPA compliant and also encrypted. Board Member Dutson asks if there is 24 hour tech support for the software. Dr. von Hippel states that it may take up to 24 hours for her to get an answer when she calls tech support but there is always someone available. All Board Members state that they are is satisfied with the answers from Dr. von Hippel and Chair Levy says that he sees no issue in approving her proposal, he suggests that she and Dr. Dulin put together a

259 detailed letter and attach it as an addendum to a request for alternate supervision
260 plan. Dr. von Hippel asks what the minimum number of hours is that the board would
261 like her to be seeing people physically face-to-face as opposed to videoconferencing.
262 Chair Levy states that is not a concern of the boards, rather the concern was about the
263 availability of face-to-face supervision. Dr. von Hippel states that she has consulted
264 with APA (American Psychological Association) and done everything she can to make
265 this new practice ethically robust and HIPPA compliant, she asks the board if there is
266 anything that they see that she can improve on. Chair Levy says that at the moment
267 no, and asks her if she doesn't mind, to forward her materials that guided her work
268 from APA or other sources. Dr. von Hippel says that she will forward information to
269 Licensing Examiner Teske to distribute to the board.

270
271 After the phone call with Dr. von Hippel, Chair Levy states that the application for this
272 supervisee can be done by a mail vote.

273 Agenda Item 17 - Old Business

274 Board Member Dutson has prepared a PowerPoint presentation on PSYPact and the
275 screening tool she is developing. She shares with the board this is not a completed
276 project, and her intent is that the PowerPoint presentation that she is showing them
277 today will be the presentation that they bring when they discuss PSYPact with the
278 legislature. Chair Levy suggests that this presentation would be a good training tool
279 for our new board members at the November meeting to help bring them up to speed
280 on PSYPact. Board Member Dutson shares that she hopes to have the presentation and
281 screening tool completed by the November meeting so that the board can review it,
282 approve it, and then bring it to the legislature in January. After this discussion, Board
283 Member Dutson goes through the slides in her PowerPoint presentation for the board.
284 Chair Levy and Board Member Wieman give her feedback on her presentation. Chair
285 Levy asks Board Member Dutson to send the next draft of her presentation and
286 screening tool to Alex Siegel with ASPPB and get his feedback on it. Chair Levy says
287 that he will reach out to Alex by email and introduce Board Member Dutson as the
288 point of contact on PSYPact, as he is an excellent resource to have for this. Chair Levy
289 says the plan going forward is at the next meeting under Old Business, they will take a
290 look at the next draft of Board Member Dutson's PSYPact presentation. He states again
291 that he wants to spend more time on it as a training opportunity for the new board
292 members. When looking at the draft of Board Member Dutson's screening tool, Chair
293 Levy suggests that when she puts the tool into document form that she include a map
294 of Alaska near the top of the page so that the first question can ask the applicant to
295 identify and locate the region of the proposed client on the map. He also suggests that
296 there be a series of questions regarding access factors and isolation factors so that the
297 person taking on a client in Alaska can have an idea of the risk factors. Chair Levy also
298 suggests including the following questions: What is the tribal or cultural affiliation of
299 the client? And what is your familiarity with this particular culture? He adds that a
300 scale can be included as "0 - No familiarity" to "5 - Very well versed on the
301 history/culture/traditions of this particular cultural group". Board Member Dutson
302 states that she is glad Chair Levy has brought this up as she wants make sure that if
303 we included a series of questions regarding cultural familiarity that it's done in a way
304 that isn't going to imply to the providers and the Alaska population that the board was
305 trying to dissuade people from providing services to a high risk population. Chair
306 Levy states that the title of that section of questions would be "Cultural Competence of
307 the Provider" and states that it's an issue of cultural competence. Board Member
308 Wieman suggest that it could prefaced with a sentence that says Alaska has "x"
309 number of different cultural groups and is the most diverse state in the nation. The
310

311 board briefly discusses the work that Board Member Dutson has already done on this
312 project, Chair Levy states that she has done an excellent job so far and the rest of the
313 board will work to improve on what she's done.

314
315 Chair Levy states that he will send an email to Sarah Angstman to ask for a draft of the
316 Supervised Practice Plan form that we can use as a starting point.

317
318 Break at 9:59 am
319 Return at 10:05 am

320
321 Chair Levy brings up two pieces of Old Business that aren't on the agenda; two
322 legislation projects that the board has in mind: background checks and licensing
323 status updates. Chair Levy asks Licensing Examiner Teske to send a letter to the other
324 metal health boards stating that the Psychology Board is interested in pursuing
325 legislation on background checks for any applicant for a mental health license and the
326 board also wants to create licensing categories that allow for honorable license
327 retirement. Licensing Examiner Teske states that some of the other mental health
328 boards already have background check legislation in place. Chair Levy asks that she
329 finds out what boards those are and if they already have background checks would
330 they be supportive of those actions and also the licensing status legislation. He adds
331 that we should let them know they would be welcome to sit in on a meeting or call in if
332 they have something they would like to say about it.

333
334 **UPON A MOTION MADE BY JOEL WIEMAN; SECONDED BY SUZANNE DUTSON**
335 **AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO AMEND THE AGENDA TO**
336 **MOVE THE BOARD ADMINISTRATION BUSINESS FROM 1:00 PM TO 10:10 AM TO**
337 **MAKE GOOD USE OF THE BOARD'S TIME.**

338
339 Agenda Item 20 - Board Administrative Business

340 Licensing Examiner Teske shared that there is one courtesy licenses to report on. The
341 board reviewed her report and agreed that it was sufficient.

342
343 The board discussed upcoming meeting dates:
344 -November 8-9, 2018, in Anchorage
345 -January 31- February 1, 2019, in Juneau

346
347 The board discussed upcoming ASPPB meeting dates:
348 -October 17-21, 2018 Annual Meeting in Salt Lake City, Utah. Attendees: Joel Wieman
349 and Suzanne Dutson. Board Member Wieman stated that he is willing to pay for his
350 own airline ticket for this conference.
351 - April 8-14, 2019 Midyear Meeting in Santa Fe, New Mexico. Attendees: Al Levy and
352 one or two new board members.

353
354 Chair Levy signs the final meeting minutes for May 2018 and July 2018 special
355 teleconference.

356
357 The board signs certificates of appreciation for Sarah Angstman and Paul Dukarm for
358 their time on the board.

359
360 There is a very brief discussion about the Alaska telepsychology website and what to
361 think about for the next meeting.

362

363 Chair Levy states that he would like the first part of the next meeting to be about
364 board training. There is a brief discussion about asking Dr. Alex Siegel to come up for
365 board training.

366
367 Break at 10:26 am
368 Return at 10:58 am

369
370 Agenda Item 18 - New Business

371 Sheila Young from ASPPB is on the phone to check in with the board and see if there is
372 anything the board needs and to answer any questions about the process of
373 implementing the EPPP2 exam. Chair Levy states that it is his understanding that our
374 regulations allow the board to have the authority to accept any exam that is
375 administered. Sheila discusses the EPPP2 test and the process for developing and
376 implementing the test in all jurisdictions. Chair Levy states that this isn't so much a
377 regulation change as it is a procedural change and asks if ASPPB has been in touch
378 with the University of Alaska or Alaska Pacific University. Sheila states that there has
379 been staff that has been going to all of the training organizations. Chair Levy states
380 that Alaska has a master's level psychology license that has full independent practice,
381 and that some folks when they are in their PhD program they apply for the masters
382 level license. They then are working on their PhD internship and getting their
383 supervised experience for their master's level license. This means they have already
384 passed the EPPP to get their masters level license, and with this new procedure they
385 would also have to take and pass the new EPPP2. Chair Levy asks if this would be a
386 problem. Sheila says that she can't think of how it would be a problem. There is a
387 discussion about what a psychological associate can do as a scope of practice. Chair
388 Levy introduces Dr. Jana Zeedyk of AKPA, who is present at the meeting, and gives her
389 a chance for questions and comments. Dr. Zeedyk briefly summarizes the ideas that
390 AKPA has for the EPPP2. Chair Levy states that the Board may set up another
391 conversation with ASPPB about this same topic at its next Board meeting to help get
392 our new board members up to speed. Sheila says she would be happy to speak again
393 with the Board.

394
395 Dr. Zeedyk leaves the meeting after the teleconference call with Sheila Young.

396
397 Chair Levy briefly summarizes the work that has been accomplished during the
398 meeting. Board Member Wieman brings up what Deputy Direct Chambers discussed
399 and individual board members submit a written statement about why they would like
400 to go the ASPPB meeting. That written statement can be given to Licensing Examiner
401 Teske. Chair Levy states that he will be sending a request for travel to the ASPPB
402 October meeting as well.

403
404 **UPON A MOTION MADE BY SUZANNE DUTSON; SECONDED BY JOEL WIEMAN**
405 **AND APPROVED UNANIMOUSLY, IT WAS RESOLVED TO ADJOURN THE MEETING.**

406
407 Chair Levy adjourned the meeting at 11:22 am
408 Off the record at 11:22 am

409
410 Respectfully Submitted:

411
412
413
414 -----
Rissa Teske, Licensing Examiner

415
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430
431

Approved:

Board Chair, Al Levy

Date

9. Public Comment

10. Application Review

11. Exam Scoring

(Executive Session)

There is 1 exam to score at this meeting. Each board member will be provided with the exam packet during the meeting.

12. Recess until 9am Friday
November 30, 2018
(Later if necessary)

Friday November 30, 2018

14. Call to Order &
Roll Call

BOARD OF PSYCHOLOGIST & PSYCHOLOGICAL ASSOCIATE EXAMINERS

BOARD MEMBERSHIP ROSTER

<u>Board Member</u>	<u>Term Ends</u>
Al Levy, Board Chair Psychological Associate Anchorage, AK	March 1, 2020
Christopher Reynolds Psychologist Anchorage, AK	March 1, 2021
Joel Wieman Psychologist Anchorage, AK	March 1, 2020
Richard Lazur Psychologist Anchorage, AK	March 1, 2019
Suzanne Dutson Public Member Juneau, AK	March 1, 2020

15. Correspondence

September 5, 2018

Dear Board Members,

I am writing to finalize a post-doctoral plan, to be activated in the future once our post-doc applicant has completed her dissertation. I understand that a signed application for temporary license, as well as a signed post-doctoral plan, will be required at that future date. My purpose here is to define in advance a board-approved post-doctoral training plan for future post-doctorates to be employed at Alaska Telepsychology.

Please confirm that the following is acceptable:

- The applicant will accrue at least 1500 hours of supervised experience in psychotherapy and psychological testing, completed in no fewer than 10 months and no longer than 24 months.
 - At least 50% of the total supervised hours will be direct service* (minimum of 750 hours) and
 - 50% of the direct service hours will be spent in direct patient contact (minimum of 375 hours). Direct services will occur either in our Anchorage office or via a HIPAA-encrypted videoconferencing platform.
 - The scope of work will include individual psychotherapy and psychological testing.
- The applicant will be instructed in issues and concerns related to ethical behavior and demonstrate understanding and application of ethical principles and guidelines.
- A minimum of 1 hour of individual supervision will be provided weekly by licensed clinical psychologists Cathleen von Hippel, Ph.D or Patrick Dulin, Ph.D. In addition to scheduled weekly supervision, Drs. von Hippel and Dulin will be available for additional supervision in-person and/or via HIPAA-encrypted email, a HIPAA-encrypted telephone call, or HIPAA-encrypted videoconferencing. Dr. Dulin will be the supervisor of record and resides in the state of Alaska; he is available to supervise our post-doc in person. Dr. von Hippel will supervise all psychological testing and will be available to consult regarding psychotherapy and other topics.
- Dr.s von Hippel and Dulin will have complete and immediate access at all times to the medical records of all AK Telepsychology patients, as these are stored online on a HIPAA-encrypted medical records platform.

We look forward to your response.

Again, thank you for your help!

Cathy von Hippel, Ph.D.

From: Cathleen von Hippel
To: [Teske, Rissa J \(CED\)](#)
Cc: [Danielle Allen](#); [Patrick Dulin](#)
Subject: Board Correspondence
Date: Thursday, September 06, 2018 10:26:59 AM
Attachments: [AK Telepsych Post-Doc Plan 2.0.docx](#)

Hello Rissa,

Please forward the attached letter to the Board.

Thank you for your help!

Best,

Cathy von Hippel, Ph.D.

16. Old Business

A. EPPP2

Teleconference

Discussion

with Sheila Young &
Matt Turner, ASPPB



ASPPB

Association of State and
Provincial Psychology Boards

Supporting member jurisdictions in fulfilling their responsibility of public protection.

Jurisdictional Update on the Enhanced EPPP

October 24, 2018

Dear Membership,

It was wonderful to see many of you in Salt Lake City at the Annual Meeting. We hope you enjoyed smooth sailing on your way back home, and we wish all of our membership a happy and healthy autumn.

As we move forward together, we would like to provide you a summary of recent Board of Directors decisions regarding the Enhanced EPPP. This information is a review of what we discussed at the Annual Meeting.

- 1) We have rescinded the August 2017 decision which made the Enhanced EPPP (including both knowledge and skills portions) the single licensure exam offered by the ASPPB. There are now two exam options.
- 2) **Option One** is for jurisdictions to continue to use the current EPPP, a standardized assessment of the knowledge needed for independent practice, with jurisdictions determining their own method of assessing the skills needed for independent practice.
- 3) **Option Two** is to use the Enhanced EPPP, which will be available in January, 2020. The Enhanced EPPP will be one exam with two parts: the current EPPP, the standardized assessment of knowledge and the Part 2 of the EPPP, the standardized assessment of skills.
- 4) An applicant must pass the knowledge portion of the exam (the current EPPP) prior to taking the skills portion of the exam (the Part 2 of the EPPP). The skills exam will not be offered as a stand-alone exam
- 5) Only applicants who are registered through a jurisdiction that has adopted the Enhanced Exam, and who have passed the knowledge portion of the exam, will be allowed to take the skills portion of the exam.
- 6) January 1, 2020 through December 31, 2021 is designated as an **early adoption period**. All jurisdictions who decide to adopt the Enhanced EPPP *at any point during this time frame* will be offered reduced fees for their applicants.
- 7) **Fees for the skills portion of the exam**, not including test center and jurisdictional fees will be:
 - a. \$300 for early adopters – from exam launch through December 31, 2021
 - b. \$450 as of January 1, 2022
- 8) **ASPPB Exam Fees for Beta Testers**, not including test center and jurisdictional fees will be:
 - a. \$100.00

President, Board of Directors – Sharon Lightfoot, PhD | Chief Executive Officer – Mariann Burnetti-Atwell, PsyD

- 9) Beta testing is commonly used for professional licensing exams and ASPPB has conducted Beta Testing in the past for both the EPPP and the PEP. One of the goals of beta testing is to assess how each item performs. Typically, many items are found to be psychometrically sound and are included in the applicant's score, while some items do not perform well and are discarded. Because of the need to assess items, longer examinations are given during the beta testing time frame. Items that do not perform well are not used to determine a candidate's score.
- 10) Beta testers: Approximately 150 initial test-takers will be "beta testers." Beta Testing will occur for approximately two months starting at exam launch. Beta testers **do** receive an exam score; however, they may need to wait a bit longer than is now typical to receive their score.
- 11) One of ASPPB's commitments is to strive towards best practices and consistency in regulation. Towards that end we anticipate that as jurisdictions adopt and gain experience with the Enhanced EPPP, they will come to see its value, such that at some point, as was the case with the EPPP, all jurisdictions will adopt it as the licensure exam for psychology. You can expect continued support from ASPPB in your efforts to implement the Enhanced EPPP. After several years of experience of jurisdictions using the Enhanced EPPP (2022), the ASPPB Board of Directors will evaluate that experience and decide on future directions for the national licensing exam. That decision will not be made in isolation and without the ongoing input of our member jurisdictions.
- 12) ASPPB strongly supports an early admittance option which would allow students to take the knowledge portion of the EPPP (Part 1) pre-degree -- after completion of all academic coursework excluding internship and research. The early admittance option will only be allowed for candidates who are registered through an Enhanced EPPP jurisdiction and is not limited to those coming from accredited programs, rather it is the jurisdictions that will make the determination of eligibility.
- 13) Enhanced EPPP jurisdictions will decide whether they will allow for this option. Students will need to check with jurisdictions to see if they will allow for an early option and if they will accept EPPP scores if taken early.
- 14) More information about the Enhanced EPPP can soon be found on the ASPPB web site at <https://www.asppb.net/page/EPPPPart2>.

Sincerely,

Sharon Lightfoot, PhD
President, ASPPB Board of Directors
lightfoot@sbcglobal.net

B. Licensing Categories Discussion

C. Background Checks

- Collaborate with other boards
- Who will pay for project
- What is the time-line

OTHER PROGRAMS WITH BACKGROUND CHECKS

	A	B	C	D	E
	Program	Yes/No	Details		OLE
1					
2	Board of Professional Counselors	Yes	Name based check		RT
3	Collection Agency Operators	Yes	Fingerprint		JH
4	Guardian/conservator	Yes	Fingerprint		JH
5	Dental	Yes	Professional Background Information Services (PBIS)		AT
6	Massage Therapy	Yes	Fingerprint (if they submit 2 un-useable cards then it goes to name base)		DD
7	Real Estate Appraisers	Yes	Federal background requirement is satisfied by the answering of PFQ's in the application		DD
8	Barbers & Hairdressers	No			CS
9	Big Game Guides	Yes	Name & SSN checks		DH
0	Physical Therapy	No			CP
1	Behavior Analysts & Assistant Behavior Analysts	Yes	Fingerprint		PL
2	Clinical Social Workers	No			CC
3	Marital and Family Therapy	No			CC
4					
5					
6					
7					
8					
9					
0					

From: [Teske, Rissa J. \(CED\)](#)
To: ["Allen Levy"](#)
Cc: [Board of Psychologists \(CED sponsored\)](#)
Subject: PSY Background Check Info from Other Programs
Date: Monday, September 10, 2018 2:52:00 PM
Attachments: [image001.png](#)

Hi Al,

In regards to background check requirements for other programs, I asked other examiners what their program requirements were and below is the results. It was requested in the last meeting that I write a letter proposing a collaboration project for background check requirements to other boards, and before I can do that I need to know who will be paying for the project and what the timeline will be. I'm not sure if this is information you can give me or if these questions need to be answered by the entire board. Please let me know how you would like me to proceed, thanks Al!

Rissa Teske

Licensing Examiner

Board of Professional Counselors

Website: <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/ProfessionalCounselors.aspx>

Board of Psychologists & Psychological Associates

Website: <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofPsychologists.aspx>

State of Alaska, DCCED
Division of Corporations, Business,
and Professional Licensing
P.O. Box 110806
Juneau AK 99811-0806
(907) 465-2694 - Direct
(907) 465-2974 – Fax

D. Edit Supervised Practice Plan Form

Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
Board of Psychologist and Psychological Associate Examiners
P.O. Box 110806
Juneau, Alaska 99811-0806
Telephone: (907) 465-2550
E-mail: license@alaska.gov

SUPERVISED PRACTICE PLAN

NOTE: SUPERVISION MAY NOT BEGIN UNTIL THE BOARD APPROVES THE SUPERVISION PLAN AND THE APPLICANT RECEIVES THE TEMPORARY LICENSE ISSUED UNDER 12 AAC 60.020.

COMPLETE THIS FORM AND RETURN IT DIRECTLY TO THE BOARD AT THE ADDRESS LISTED ABOVE.

NAME OF APPLICANT: _____
(Please Print)

TYPE OF SUPERIVSION: POST MASTER POST DOCTORAL

NAME OF SUPERVISOR: _____
(Please Print)

PROFESSIONAL LICENSE(S) HELD BY SUPERVISOR:

Type	State	License Number	Expiration Date

EMAIL ADDRESS: _____

NAME OF AGENCY WHERE SUPERVISION IS TO BE PROVIDED:

LOCATED AT: _____

MAILING ADDRESS: _____

BUSINESS PHONE NUMBER: _____

Name of Agency or setting where supervised experience will occur: _____

As the **supervisee**, I have read 12 AAC 60.070 and .080 and agree to accept supervision consistent with the requirements in 12 AAC 60.070 and .080.

As the **supervisor**, I have read 12 AAC 60.070 and .080 and agree to provide supervision consistent with the requirements in 12 AAC 60.070 and 080. To the best of my knowledge I attest that my professional license is in good standing and that there are no pending complaints against my license at this time.

We both acknowledge that changes in this supervision plan must be reported to the board in writing and approved by the Board. We further acknowledge that supervision may begin upon formal notification from the Board of the approval of the Supervised Practice Plan and, for those receiving supervision in Alaska, the issuance of a temporary license to the applicant.

Signature of Supervisee (Notarization not required)

Signature of Supervisor *(Signature must be Notarized)

*SUBSCRIBED AND SWORN before me, a Notary Public, in and for the State of _____
this _____ day of _____, 20_____.

NOTARY SEAL

Notary Public

My Commission Expires: _____

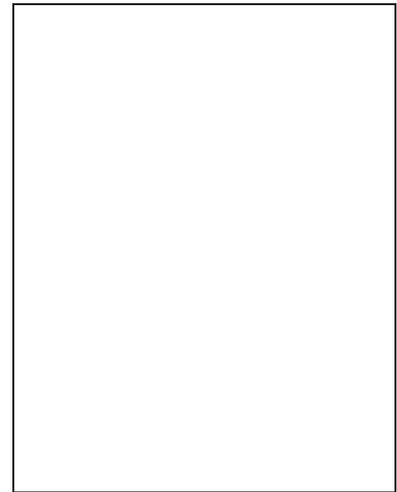


THE STATE of ALASKA

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

Board of Psychologist and Psychological Associate Examiners

State Office Building, 333 Willoughby Avenue, 9th Floor
PO Box 110806, Juneau, AK 99811-0806
Phone: (907) 465-2550 * Fax: (907) 465-2974
Email: license@alaska.gov
Website: http://commerce.alaska.gov/dnn/cbpl/ProfessionalLicensing/BoardofPsychologists.aspx



SUPERVISED PRACTICE PLAN

NOTE: Supervision may not begin until the board approves the supervision plan and the applicant receives the temporary license issued under 12 ACC 60.020.

COMPLETE THIS FORM AND RETURN IT DIRECTLY TO THE BOARD AT THE ADDRESS LISTED ABOVE. PLEASE PRINT.

Name of Applicant: _____

Name of Supervisor: _____

Professional License(s) Held by Supervisor:

Table with 4 columns: Type, State, License Number, Expiration Date. Three rows for listing licenses.

Name of Agency or setting where supervised experience will occur: _____

Located at: _____
Street Address City State Zip Code

Mailing Address: _____
Street Address or PO Box City State Zip Code

Email Address: _____

Business Phone Number: _____

Name of Alternate Supervisor: _____

E. PSYPact Discussion
&
Draft Screening Tool

PsyPact for Alaska

Considerations of Practice in Alaska

Suzanne Tutson, MS Psy. (ok, ok AI , but I have to be able to
write it sometime, and I chose now !! Just indulge me !! !)

1



Psychology Interjurisdictional Compact (PSYPACT)



Approved in February 2015 by the ASPPB Board of Directors, the Psychology Interjurisdictional Compact (PSYPACT) has been created to facilitate telehealth and temporary in-person, face-to-face practice of psychology across jurisdictional boundaries. PSYPACT is an interstate compact, which is an agreement between states to enact legislation and enter into a contract for a specific, limited purpose or address a particular policy issue.

E.Passport and Interjurisdictional Practice Certificate

Once seven states enact PSYPACT, licensed psychologists will be able to apply for and use ASPPB certificates, which include the E.Passport to practice telepsychology and the Interjurisdictional Practice Certificate (IPC) to conduct temporary in-person, face-to-face practice in PSYPACT states. Alaska has not enacted PsyPact, although the Psychologists and Psychological Associates Examiner's Board is currently engaged in discussions about PsyPact. According to Dr Alex Siegel (director of professional affairs at the Association of State and Provincial Psychology Boards (ASPPB)) five states have adopted PsyPact with another five or six expected in 2019 (Calkins, 2018).

3



Alaska Overview

4



Alaska presents unique challenges in access to and delivery of primary care services most notably because of the state's vast size, number of isolated communities, and the amount of area that is medically underserved. Cultural and linguistic variations also lend to this challenge. With an area of 663,268 square miles, Alaska is approximately one fifth the size of the contiguous United States and has the lowest population density of one person per square mile. Alaska has an estimated population of 737,6252 with the densest population area in Anchorage and the Matanuska-Susitna Valley.

Alaska Overview cont'd

5



With the exception of the urban boroughs of Anchorage, Fairbanks, Juneau and Sitka, all of Alaska's boroughs and census areas are considered frontier by the State Offices of Rural Health. The frontier nature of Alaska, with the official nickname of The Last Frontier, presents additional challenges to delivery of primary care. Many communities are located at considerable distance from hospitals and without road access. For many small communities physicians, dentists, and mid-level providers are available on an itinerant basis only. Treatment for serious conditions must occur at larger hospitals in urban centers for which air travel is necessary. According to the 2016 Data Source: SDMS Designation Demographic and Health Data Export (4/18/16) Alaska has 28 underserved census areas.

National Data on Mental Healthcare Shortages

6



Behavioral health practitioners by county type Providers per 100,000 people

Census division	Psychiatrists	Psychologists	Psychiatric NPs
Overall US	15.6	30.0	2.1
Metropolitan	17.5	33.2	2.2
Non-metropolitan	5.8	13.7	1.6
Non-core	3.4	9.1	0.9

Non-core are counties whose major city or clusters of cities have populations of < 10K or do not have a substantial population center

Source: American Journal of Preventive Medicine, 2018

Facts about the state of mental healthcare in Alaska

7



Facilities

- Southeast Alaska hospitals are virtually the only Alaska Hospitals with Designated Evaluation and Treatment beds
- Alaska Psychiatric Hospital (API) is the state's only psychiatric hospital and is often at capacity
- Patients often wait days in Emergency Departments of Hospitals across the state for a MH bed
- 40% of Dept of Corrections admissions suffer behavioral health disorders

Providers and Consumers

- Alaska experienced a 31.9-40.6% change in suicide rates from 1999 to 2016 (CDC data)
- According to SAMHSA, 2015, Alaska's rates of mental health disorders were higher than the national average in all domains measured

Anchorage Daily News, 2017

Here's what it can do for Alaska

8



Benefits of PsyPact

- Increases client/patient access to care
- Facilitates continuity of care when client or patient travels/moves/etc.
- Certifies that professionals meet quality standards
- Promotes interjurisdictional cooperation between PsyPact and licensure/regulatory entities
- Increases interjurisdictional consumer protection

How PsyPact Impacts Psychologists

- Psychologists practice in Psypact states under one license vs multi-state licenses
- Psychologists can practice in under-served or geographically isolated areas
- Standardizes temporary licensure regulations in PsyPact states

Here's what PsyPact can't do for Alaska

9



- Restrict Telepsychology service provision in Alaska exclusively to areas with adequate safety resources
- Alter infrastructure deficiencies that cause areas to be designated as MUAs
- Assure that providers are familiar with the unique limitations in resources/infrastructure/staffing in MUA areas in Alaska

Here's what the board can do to help

10



- Maintain close relationship with ASPPB and its PsyPact divisions to remain informed and seek options to increasing Alaska's ability to take full advantage of PsyPact
- Maintain close relationship with Alaska legislators who can assist in efforts to create a favorable environment for PsyPact success
- Learn more about Alaska's Telemedicine rules and regulations to understand if quality and safety improvement suggestions may be forwarded to legislators
- Create and maintain relationships with other boards and agencies involved in Alaska Telepsychology services
- Create a "local infrastructure safety screening tool" to provide to PsyPact providers for use in their Informed Consent Documents

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11



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12



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Local Infrastructure Screening Tool

13

- Is there a hospital in this town/city/village?
- What is the distance to the nearest hospital with an Emergency Department and/or mental health beds?
- What is the access route to the nearest hospital? Air? Land? Water?
- Is there a doctor in this town/city/village? Nurse Practitioner? Psych Associate? Village Health Aide/EMT?
- What is the distance to the nearest healthcare professional?
- What is the access route to the nearest healthcare professional? Air? Land? Water?
- What is the access route to the nearest healthcare professional? Air? Land? Water?
- Does this village have local, full- time law enforcement personnel?
- What is the access route to the nearest law enforcement personnel? Air? Land? Water?
- Does this town/city/village have access to satellite or fiber optic telephone and internet service?
- Does this town/city/village have seasonal (weather related) access problems by Air? Land? Water?
- What are those seasonal (weather related) access problems and when do they occur?

PSYPACT: An Introduction

Alex M. Siegel, J.D., Ph.D.
Director of Professional Affairs
Association of State and Provincial Psychology Boards

PSYPACT Educational Summit
August 16, 2018



ASPPB

- 64 jurisdictions in the US and Canada
- Resource for licensing boards and colleges
- Helps promote mobility and standards for the regulatory community
 - EPPP
 - Credentials Bank – (there is no fee to bank your credentials)
 - Psychology Licensure Universal System (PLUS)
 - Interjurisdictional Practice Certificate (IPC)
 - Certificate of Professional Qualification (CPQ)
 - Model Act and Regulations
 - Code of Conduct
 - PSYPACT



Telepsychology

- Telepsychology

Regulations of Telepsychology Practice (intra)

PA, ND, OH, CA

- Definition

- History, Need and Rationale

- APA / ASPPB / The Trust Joint Task Force on Telepsychology
- APA Guidelines for the Practice of Telepsychology
- ASPPB Principles / Standards
- Risk Management
- Psychology Interjurisdictional Compact (PSYPACT)
 - What is a Compact?
 - What is PSYPACT?



Telepsychology

- What is it?

- Is it a new concept or just another mechanism to provide psychological services?

- Do you need specialized training to provide electronic services?

- Do you need to develop a separate ethics code for the telepsychology practice?

- Do you need to develop special competencies?

- How do you deal with difference laws in difference jurisdictions?



Terminology

Psychology

- Telepsychology
- Cyberpsychology
- Web based psychology
- E-psychology

VS

General

- Telemental health
- Telehealth
- Internet based Practice
- E-therapy



How is Telehealth Defined?

National Telehealth Resource Centers (NTRCs)

Collection of means or methods for enhancing health care, public health, and health education delivery and support using telecommunications technologies.

The American Telemedicine Association (ATA)

Uses the term telehealth interchangeably with telemedicine which it defines as the use of medical information exchanged from one site to another via electronic communications to improve a patient's clinical health status.

The Center for Medicare & Medicaid Services (CMS)

Certain services like office visits and consultations that are provided using an interactive 2-way telecommunications system (with real-time audio and video) by a doctor or certain other health care provider who isn't at your location.

HHS – Health Resources and Services Administration (HRSA)

Use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration.



Telepsychology

- Telepsychology is defined...as the provision of psychological services using telecommunication technologies. Include but not limited to:
 - Telephones, mobile devices, interactive videoconferencing, email, chat, texting, and Internet (e.g. self-help, websites, blogs and social media)
- In writing or images, sounds or other data
- Synchronous with multiple parties in real times (videoconferencing, telephone) or
- Asynchronous (email, online bulletin boards, storing or forwarding information) (APA Guidelines)



Telepsychology

- Interjurisdictional
 - Across state, provincial or international boundaries
 - Federal Supremacy Clause – DOD and VA
 - Australia / New Zealand
 - EUROPSY
- Intrajurisdictional
 - PA Regulations allow licensees to provide telepsych services within the Commonwealth
 - No different than providing face to face services
 - Must adhere to the APA guidelines for the Practice of Telepsychology
 - Ohio
 - California
 - North Dakota
 - Idaho



Why Telepsychology?

- Licensing boards want licensees to be licensed in their state, where the patient and psychologist are located to protect the public.
- Psychologists want to be able to provide better access to care to clients/patients through the use of telecommunications technologies.
- It is untenable to require psychologist to be licensed in each state due to cost, etc.
- It is equally unrealistic for regulatory bodies to allow psychologists to practice in their state without some type of oversight.



TP Applications

- Assessment / Diagnosis
- Treatment
- Client Education
- Clinical Education
- Clinical Supervision
- Consultation
- Public Education



Advantages of Telepsychology

- Access to specific professionals with special expertise who may be geographically remote;
- Possibility of combining face-to-face and remote care;
- Possibility of more frequent therapeutic contacts to assess treatment compliance, progress, etc.



Advantages of Telepsychology

- Access to clients in rural and otherwise less accessible locations;
- Extended hours of service, with possibility for consistent and continuous care;
- Client may feel less inhibited and more willing to disclose information



Disadvantages to Clients...

- Some presenting problems may be less appropriate for telepsychology;
- Some clients may be less appropriate for telepsychology;
- Capacity for crisis intervention may be diminished; and
- Misunderstandings may arise due to lack of non-verbal cues.



APA/ASPPB/The Trust Joint Task Force

- Started in 2011
- APA Guidelines for the Practice of Telepsychology adopt by APA on 7/31/13
- Endorsed by ASPPB and The Trust (formerly APAIT)



APA Guidelines are Aspirational

- These guidelines on telepsychology are intended to be aspirational in nature to guide psychologists proactively towards the ethical and legal practice of telepsychology.
- Except in the Commonwealth Of Pennsylvania
 - Grossman v. State Board of Psychology 2003
 - If the Board's principle states that it will adhere to the Standards and Guidelines of the APA and the APA issues a new set of guidelines, it stands to reason that the new guidelines apply to psychologists licensed in the Commonwealth of Pennsylvania...Principle 3(e) requires adherence to the standards and guidelines of the APA.
 - 3(e) As practitioners and researchers, psychologists act in accord with American Psychological Association standards and guidelines related to practice.



Eight Guidelines

- Competence
- Standard of Care in Delivery of Telepsychological Services
- Informed Consent
- Confidentiality of Data and Information
- Security and Transmission of Data and Information
- Disposal Of Data and Information and Technologies
- Testing and Assessment
- Interjurisdictional Practice



1. Competence of the Psychologist

- Psychologists who provide telepsychological services strive to take reasonable steps to ensure their competence with both the technologies used and the potential impact of the technologies on clients/patients, supervisees or other professionals.
 - Which technology works for each patient
 - Handling emergency situations/resources available in the distant community
 - Using telepsychology for supervision encouraged to consult with others who are knowledgeable about the unique issues with telepsychology and local regulations



2. Standard of Care in the Delivery of Telepsychology Services

- Psychologists make every effort to ensure that ethical and professional standards of care and practice are met at the outset and through the duration of the telepsychology services they provide.
 - Apply same ethical standards that are required when providing in-person services
 - Field rapidly evolving, psychologists assess appropriateness of using telepsych during initial assessment (risk/benefits) and medium
 - Geography, cultural, patient competence, mental status
 - Monitor progress to determine if still appropriate



3. Informed Consent

- Psychologists strive to obtain and document informed consent that specifically address the unique concerns related to the telepsychology services they provide.
- When doing so, psychologists are cognizant of the applicable laws and regulations, as well as organizational requirements that govern informed consent in this area.
 - How will patients react
 - Confidentiality, information security and storage
 - Which laws govern



4. Confidentiality of Data and Information

- Psychologists who provide telepsychology services make reasonable effort to protect and maintain the confidentiality of the data and information relating to their clients/patients and inform them of the potentially increased risks to loss of confidentiality inherent in the use of the telecommunication technologies, if any.
 - Don't need to be IT expert but should consult
 - Social media
 - HIPAA Compliant
 - Protecting from Breaches



5. Security and Transmission of Data and Information

- Psychologists who provide telepsychology services take reasonable steps to ensure that security measures are in place to protect data and information related to their clients/patients from unintended access or disclosure.
 - Security of patient records
 - Viruses, flawed software, hackers (informed consent), hard drives problems
 - Develop policies and procedures unique to telepsych for the impact of intended and unintended consequences



6. Disposal of Data and Technologies

- Psychologists who provide telepsychology services make reasonable efforts to dispose of data and information and the technologies used in a manner that facilitates protection from unauthorized access and accounts for safe and appropriate disposal.
 - Develop P&P to maximally preserve patient confidentiality and privacy
 - Securely dispose of software and hardware



7. Testing and Assessment

- Psychologists are encouraged to consider the unique issues that may arise with test instruments and assessment approaches designed for in-person implementation when providing telepsychology services.
 - Integrity of assessment validity and reliability
 - Adhere to *The Standards for Educational and Psychological Testing* (APA/National Council on Measurement in Education/American Educational Research Association)



8. Interjurisdictional Practice

- Psychologists are encouraged to be familiar with and comply with all relevant laws and regulations when providing telepsychology services to clients/patients across jurisdictional and international borders.



ASPPB Telepsychology Task Force Principles / Standards

- **Principle/ Standard 1:** Held to same standards of care/competence/conduct as when providing more traditionally based services.
- **Principle/ Standard 2:** Shall be licensed/registered in good standing in the home jurisdiction from which the services are being provided.
- **Principle/ Standard 3:** Shall be aware of the location of the client/patient and ensure the legal entitlement to provide telepsychology services in that jurisdiction.
- **Principle/ Standard 4:** At the onset of professional services, psychologist shall provide notification to the boards of all jurisdictions into which the telepsychological service will be provided and in which the client/patient resides or is located at the time of service. The psychologist shall identify the home jurisdiction in which they hold a license in good standing.



ASPPB Telepsychology Task Force Principles / Standards

- **Principle/ Standard 5:** Shall be aware of applicable laws, rules, regulations, and standards for practice in the jurisdiction into which the service is being delivered, including but not limited to any requirement to have liability insurance in the jurisdiction into which the services are being provided. Where there is a conflict between jurisdictions with regard to laws, regulations, and standards, psychologists shall adhere to the laws, regulations and standards of his/her home jurisdiction in a manner consistent with the distant jurisdiction's laws and regulations as is reasonably possible. The psychologist **will inform the patient/client of all significant conflicts that may adversely impact the professional services** that the psychologists will provide with a particular emphasis on any limits to confidentiality, privilege, and duties to report.



ASPPB Telepsychology Task Force Principles / Standards

- **Principle/ Standard 6:** Shall be competent in the technology of the service delivery medium and maintain current competency through continuing professional development, consultation or other procedures, in conformance with current regulatory requirements.
- **Principle/ Standard 7:** Will ensure the electronic and physical security and integrity of client records, including any electronic data and communications.
- **Principle/ Standard 8:** Shall be competent in the maintenance of privacy, confidentiality, and security related to equipment, electronic records and electronic communications or data, including the disposal of such.



ASPPB Telepsychology Task Force Principles / Standards

- **Principle/ Standard 9:** Shall provide the patient with the contact information and process for filing a complaint with the regulatory body of the home jurisdiction in which they hold a license in good standing.
- **Principle/ Standard 10:** Shall establish and communicate policies with the client/patient regarding technological difficulties or failures.
- **Principle/ Standard 11:** Must verify at the onset of each contact the identity of the client/patient, as well as the identity of all individuals privy to any electronically transmitted service, at any time during the contact.
- **Principle/ Standard 12:** Must inform the patient of any limits to confidentiality, security, and privacy unique to the telepsychology service being provided.



Interjurisdictional Telepsychological Practice

- Which laws to apply?
 - Where psychologist is located?
 - Where patient is located?
 - Which state has jurisdiction?
 - What to do with conflicting laws
 - Duty to Warn
 - Duty to Report
 - Record Keeping
 - Red Flag Laws (DE, FL and MD)



About Compacts

- More than 200 compacts exist today
- Typically, each state has between 20 to 40 compacts
 - MI has 28 (CSG): Great Lakes Basin Compact, Mental Health, Midwestern Higher Education Compact, Interstate Compact on Juveniles, Interstate Compact on the Placement of Children, Adult Offender Compact, Great Lakes Forest Fire Compact, Boundary Compact between MI,WI and MN, Interstate to Control Oil and Gas.
- Examples include:
 - New York-New Jersey Port Authority Compact of 1921
 - Interstate Compact on Adult Offender Supervision
 - Interstate Compact on Mental Health
 - Driver's License Compact
 - 1 driver, 1 license, 1 record



Other Compacts Currently in Development

- Nurse Licensure Compact (NCSBN)
- Interstate Medical Licensure Compact (FSMB)
- Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (NASEMSO)
- Physical Therapy Licensure Compact (FSBPT)



Need for PSYPACT

- In February 2015, the Board of Directors of ASPPB introduced the Psychology Interjurisdictional Compact (PSYPACT) to address concerns by member jurisdictions about the increasing availability of unregulated services provided via telecommunication technologies
- Goal is to protect public through the regulation of interjurisdictional practice through verification of education, training and experience to ensure accountability for professional practice



What is and why PSYPACT?

- Compromise between psychologists and licensing boards
- Will allow great access to care and greater flexibility for psychologists
- Allow psychologists to practice interjurisdictionally with one license from a PSYPACT state
- Protect public through verification of education, training and experience to ensure accountability for professional practice



About PSYPACT

- Cooperative agreement enacted into law by participating states
- Interstate compact designed to:
 - Facilitate the practice of psychology using telecommunication technologies (telepsychology) across participating state lines through Authorization to Practice Interjurisdictional Telepsychology(unlimited)
 - AND
 - Allow for temporary in-person, face-to-face psychological practice for up to 30 work days per year in each PSYPACT state through Temporary Authorization to Practice



How Telepsychological Practice Works under PSYPACT



How PSYPACT Works?

- PSYPACT becomes operational when seven states enact PSYPACT into law.
- Psychologists who wish to practice under PSYPACT obtain:
 - E.Passport (certificate for telepsychology)
 - Interjurisdictional Practice Certificate (IPC) for temporary in-person, face-to-face practice
- PSYPACT states communicate and exchange information including verification of licensure and disciplinary sanctions.
- The Commission is the governing body of PSYPACT and is responsible for its oversight and the creation of its Rules and Bylaws.



Benefits of PSYPACT

- Increases client/patient access to care
- Facilitates continuity of care when client/patient relocates, travels, etc.
- Certifies that psychologists meet acceptable standards of practice
- Promotes cooperation between PSYPACT states in the areas of licensure and regulation
- Compact states authority to hold licensees accountable
- Offers a higher degree of consumer protection across state lines
- Promotes ethical and legal interjurisdictional practice



Challenges of PSYPACT

- Needs to be general enough but specific enough since you can't change it once adopted
- Not too high of a bar to exclude everyone or too low of a bar to allow everyone
- Degree requirements Masters v. Doctorate
- Does not apply when psychologists are licensed in both Home and Receiving/Distant States
- Does not apply to permanent face to face practice



PSYPACT Generally

- If a state enacts PSYPACT, those psychologists wishing to practice under the authority of PSYPACT will be eligible to provide telecommunication services across jurisdictions into other PSYPACT states based on that state's license
- These psychologists will also be eligible to provide temporary in-person, face-to-face psychological services into other PSYPACT states based on that state's license
- Psychologists participating under the authority of PSYPACT must adhere to its terms and conditions.

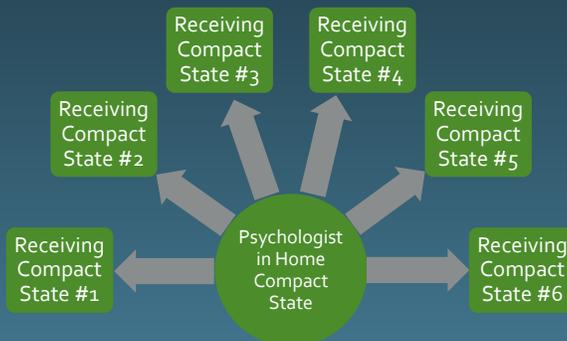


Authorization to Practice Interjurisdictional Telepsychology

A licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, into another Compact State.



How Telepsychological Practice Works under PSYPACT



Authorization to Practice Interjurisdictional Telepsychology

- MI psychologists can see patients in MI face to face.
- MI psychologists can see patients in MI via electronic mean?
- As of now, if patient goes to Florida, can you see the patient via video conferencing?
- As of now, if patient is in Florida and you vacation in Florida, can you see the patient while in Florida?
 - MI psychologist to MI patient but both in Florida
- If patient goes to Florida and the psychologist is in MI (and both Mi and FL are PSYPACT states), the psychologist can see the patient electronically.
- If MI participates in PSYPACT, MI psychologists can provide telepsychological services from MI to patients in Florida if Florida is a PSYPACT state.
- If MI participates in PSYPACT, MI psychologists cannot provide telepsychological services from Florida (if Florida is a PSYPACT state) into other PSYPACT states unless the psychologist is also licensed in Florida.



Home State

- **Home State:** A Compact State where a psychologist is licensed to practice psychology
 - If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered



Receiving State

- **Receiving State:** A Compact State where the client/patient is physically located when the telepsychological services are delivered
- Can issue Injunction or Cease and Desist Order
- PSYPACT takes precedence over individual state telepsych laws
 - North Dakota (one face to face session)
 - Kentucky (pro hoc vice)
 - California (must be licensed in CA to provide services if providing services to citizen of CA)



How Does it Work?

- States must adopt the compact. A state would have to become a Compact State for psychologists in that state to participate.
 - Require licensees to hold an active E.Passport
 - Mechanism for receiving and investigating complaints about licensed psychologist
 - Notify the Commission of adverse action or significant investigatory information
 - Attest at beginning and require identity history summary data at initial licensure, including fingerprints or biometric data checks compliant with FBI
 - Comply with Bylaws and Rules of the Commission



E.Passport Requirements

- Meet educational standards-doctoral degree
 - Graduate degree (education, experience, residency)
- Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State
- No history of adverse action
- No criminal record history
- Possess a current, active E.Passport
- Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification and
- Meet other criteria as defined by the Rules of the Commission.



E.Passport Requirements: Graduate Degree

- Graduate degree from an institute of higher education that was at the time the degree was awarded;
 - Regional Accreditation (North Central) or authorized by Provincial statute or Royal Charter to grant doctoral degrees
 - Foreign Equivalent a foreign college or university deemed to be equivalent by a NACES (National Association of Credential Evaluation Services)
 - Non-North American
 - NACES evaluates board deem if education is deemed the equivalent



E.Passport Requirements: Graduate Degree

- Psychology Program must be clearly identified and labeled a psychology program
- Intent to Educate/Train Professional Psychologist
- Coherent Organizational Entity within institution
- Clear Authority for core and specialty areas
- Integrated/Organized Sequence of Study
- Psychology Faculty
- Director of Program is Psychologist
- Body of Students
- Practicum, Internship or field Training
- Minimum Duration of Curriculum



E.Passport Requirements: Residency

- Residency “The program includes an acceptable residency as defined by the Rules of the Commission.”



Responsibility of E.Passport Holder

- Agree to be bound by E.Passport Policies and Procedures
- Appropriately represent their E.Passport as reflecting the practitioner’s basic qualification and should not be represented as an additional qualification or as superior level of psychological qualification
- Comply with all statutory, regulatory and ethical requirements
- Shall report to ASPPB any findings of criminal or unethical conduct or disciplinary actions that arise after application



Responsibility of E.Passport Holder

- Inform patients limitation of practice and where and how patients can file a complaint
- Notify patients of conflicts in law regarding confidentiality at outset of provision of services –Duty to Warn, Duty to Report Child abuse
- Comply with injunctions and/or cease and desist orders from receiving state
- Disclose E.Passport on all promotional/professional materials in connection with interjurisdictional telepsychological practice



Responsibility of E.Passport Holder

- Notify ASPPB of any address or licensure change each renewal period
- Obtain 3 hours or education relevant to the use of technology in psychological practice
- Agree to release information for posting in E.Passport directory
- Notify ASPPB of intended interjurisdictional telepsychological practice to include start date as well as jurisdiction
- At renewal, list all states into which you provide interjurisdictional telepsychological practice services



Revocation of E.Passport

- Fraud in Application
- Any public discipline sanction imposed upon a license
- Failure to comply with all applicable statutory, regulatory and ethical standards in representing the E.Passport
- Conviction of a crime
- Failure to comply with the P&P terms



Revocation of E.Passport

- Occurs if a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited.
- No longer eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology



Who Controls?

- A psychologist practicing into a Receiving State under the Authority of Compact will be subject to the Receiving State's scope of practice.
- Practice defined where psychologist is located



Discipline on License

- A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.
- A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.
- If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.
- If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.



Temporary Authorization to Practice

A licensed psychologist's authority to conduct **temporary** in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.



Home State

- **Home State:** A Compact State where a psychologist is licensed to practice psychology
 - If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.



Distant State

- **Distant State:** A Compact State where a psychologist is physically present (not through using telecommunications technologies) to provide temporary in person, face to face psychological services
 - Up to 30 work days per year in each PSYPACT state
 - Louisiana -no temporary privilege
 - Pennsylvania -14 day
 - A "day" is defined as any part of a day in which psychological work is performed (*One minute counts as a day*)



Temporary Face-to-Face Practice

1. States must adopt the compact. A state would have to become a Compact State for psychologists in that state to participate.
 - Require licensees to hold an Interjurisdictional Practice Certificate (IPC)
 - Mechanism for receiving and investigating complaints about licensed psychologist
 - Notify the Commission of adverse action or significant investigatory information
 - Require identity history summary data at initial licensure, including fingerprints or biometric data checks compliant with FBI
 - Comply with Bylaws and Rules of the Commission



Interjurisdictional Practice Certificate (IPC)

- A certificate that grants temporary authority for in-person, face-to-face practice
- Based on:
 - Notification to the Commission of intention to practice temporarily and
 - Verification of one's qualifications for such practice.
- ASPPB to review, vet credentials and issue IPC based on established criteria



Interjurisdictional Practice Certificate (IPC)

- Licensed in good standing, current, full unrestricted license to practice
- No adverse actions on your license (discipline)
- No criminal record that violates rule of Commission



Interjurisdictional Practice Certificate (IPC)

- Attestations:

- Regarding areas of Intended Practice
- Work Experience
- Provide Release of Information to allow for primary source verification



Interjurisdictional Practice Certificate (IPC)

- Commission Rules: Meet other criteria as defined by the Commission
- Scope of Practice: It is the scope of practice in the Distant State
- Regulation: Psychologist under the authority of the Distant State's authority and law
- Impact of Discipline: If Temporary Authorization to Practice is revoked, suspended or limited, ASPPB will revoke the IPC and make the psychologist ineligible for the use of the compact privilege.

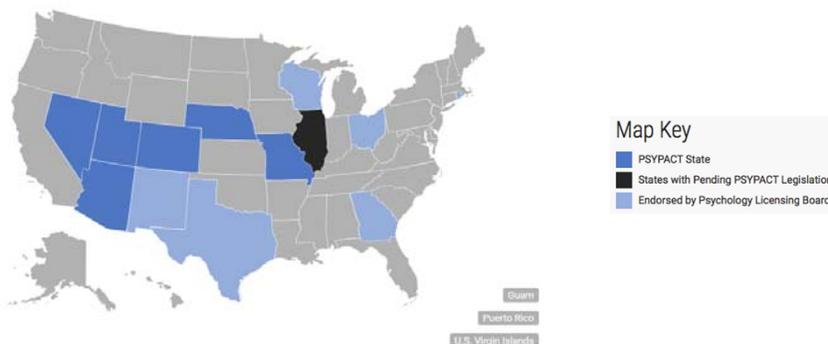


Discipline on License

- A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.
- A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.
- If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.
- If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.



Current State of PSYPACT



Illinois – IL HB 2688 / IL SB 1391

- Arizona – AZ HB 2503 (Enacted on 5/17/2016)
- Nevada – NV AB 429 (Enacted on 5/26/2017)
- Utah – UT SB 106 (Enacted on 3/17/2017)
- Colorado – CO HB 1017 (Enacted on 4/12/2018)
- Nebraska – NE L 1034 (Enacted on 4/23/2018)
- Missouri – MO HB 1719/MO SB 660 (Enacted on 6/1/2018)

Where are we now?

- PSYPACT have been adopted in 6 states
 - Arizona
 - Utah
 - Nevada
 - Colorado
 - Nebraska
 - Missouri
- Following States with Current PSYPACT Bills
 - Illinois



For More Information...

- PSYPACT Website: www.psypact.org
 - Resources include: Compact legislation, legislative resource kit, FAQs, Up-to-date information about the status of PSYPACT in each state
- Follow us on Twitter -- @PSYPACT
- Sign up for our email listserv by emailing info@psypact.org



For additional information, please contact:

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PSYPACT Website www.psypact.org

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When PSYPACT Goes Live

The story of what happens after number seven...



ON AIR

PSYPACT Educational Summit – August 15-16, 2018

Exploring Uncharted Territory



PSYPACT Educational Summit – August 15-16, 2018



Shaping the PSYPACT Story



Establishing the Commission



Defining the Details

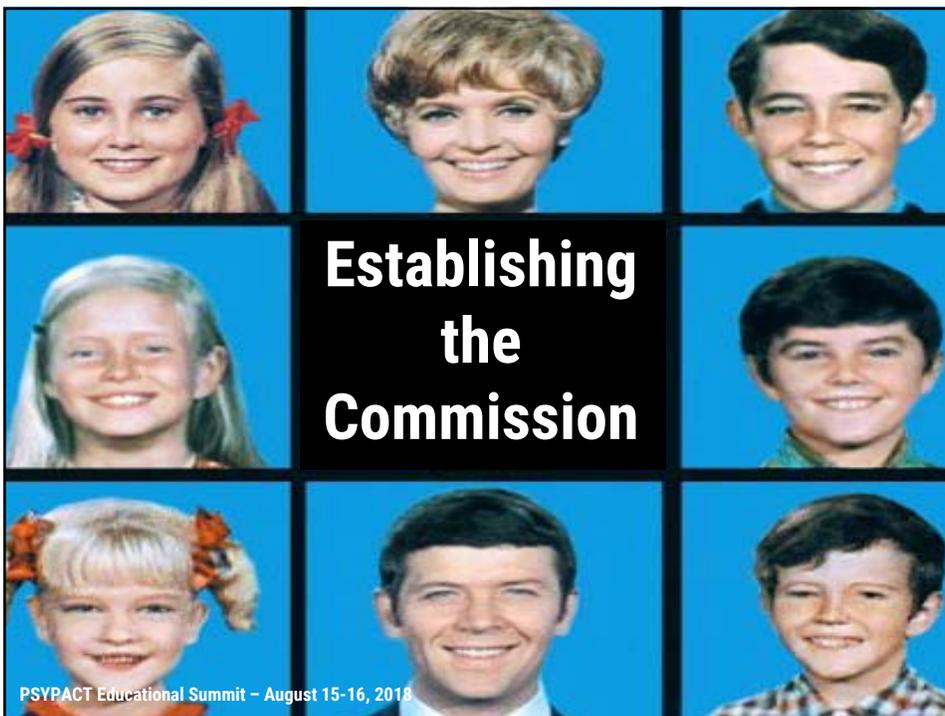


Spreading the News



Continuing State Educational Outreach

PSYPACT Educational Summit – August 15-16, 2018



Establishing the PSYPACT Commission

- What is the Commission?
 - Governing body of PSYPACT responsible for the oversight of the compact and the creation of the Rules and Bylaws
- Who is on the Commission?
 - One voting representative appointed by each PSYPACT state will serve as that state's Commissioner
 - Can be the Executive Director, current member of the psychology licensing board, or a designee
- When will they meet?
 - At least once a year

PSYPACT Educational Summit – August 15-16, 2018

Establishing the PSYPACT Commission (continued)

- Responsibilities of the Commission
 - Create Rules and Bylaws
 - Conduct Meetings
 - Establish an Executive Board
 - Appoint Committees
 - Update Website

PSYPACT Educational Summit – August 15-16, 2018

Defining the Details

- PSYPACT Rules and Bylaws
- PSYPACT Directory
- Timeline

PSYPACT Educational Summit – August 15-16, 2018

A white dog is looking through a magnifying glass, focusing on its own nose. The background is a red brick patio.

A Deeper Dive of the Rules and Bylaws

- **Bylaws**
 - Govern the internal affairs and actions of the PSYPACT Commission
 - Can define components including functions of the Commission, membership requirements, voting policies, responsibilities of the Executive Board, notice of meetings, rulemaking procedures, etc...
- **Rules**
 - Clarify the provisions of the model legislation and govern the process associated with practicing under the authority of PSYPACT
 - “As defined by the Rules of the Commission...”
 - Can specify information for Identity History Summaries, residency, discipline, adverse actions, telepsychology practice, data system components, etc.

A whale is breaching the water surface, with a diver visible in the background. The scene is underwater, showing the whale's tail and the diver's silhouette against the blue water.

Software: The PSYPACT Directory

- Referred to in the PSYPACT language as the “Coordinated Licensure Information System (Coordinated Database)”
- Database containing licensure and disciplinary information on all psychologists PSYPACT is applicable to as defined by the Rules of the Commission

PSYPACT Educational Summit – August 15-16, 2018

Software: The PSYPACT Directory (continued)

- Will contain information including:
 - Identifying information
 - Licensure data
 - Significant investigatory information
 - Adverse action against a psychologist’s license
 - Indicate if psychologist’s authority to practice under PSYPACT has been revoked
 - Alternative program participation information
- PSYPACT states will be notified of any adverse action taken against, or significant investigative information on, any licensee in a PSYPACT state

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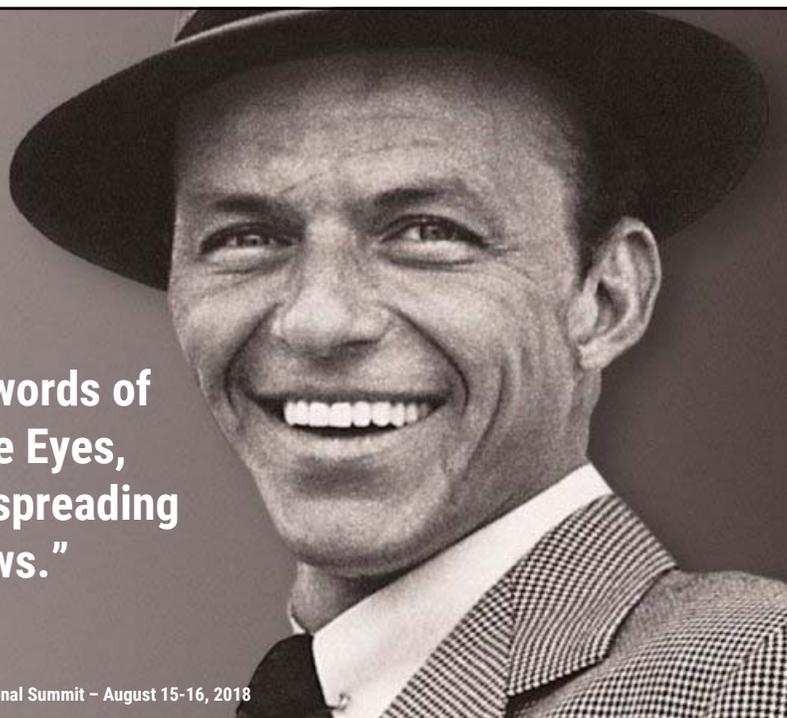
Timeline?



Anticipated to be 6 months to one year

PSYPACT Educational Summit – August 15-16, 2018

In the words of
Ol' Blue Eyes,
"Start spreading
the news."



PSYPACT Educational Summit – August 15-16, 2018

Getting the Word out about PSYPACT

- So the Commission has all the pieces and part ready to go – now what?
 - Licensed psychologists can start applying for the E.Passport and IPC via PSY|PRO
 - Outreach through the PSYPACT listserv and from psychology licensing boards and state psychological associations
 - Consumers be made aware they care receive care via telepsychology in PSYPACT states

PSYPACT Educational Summit – August 15-16, 2018

Continuing State Educational Outreach

- Annual Summits
- In-Person Visits
- Webinars
- Informational Packets
- Articles and Publications



PSYPACT Educational Summit – August 15-16, 2018



PSYPACT: THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT



Article I Purpose

- Allows for telepsychological communications from providers to patients in separate states
- Allows for up to 30 days of in-person, face-to-face practice
- Recognizes that states have vested interest in protection of public health and safety and through this compact and regulation will afford the best available protection
- Only applies to persons not holding licenses in both home and receiving states
- Compact does not apply to permanent in-person, face-to-face practice



Article II

- This article defines terms used throughout the compact to alleviate confusion on the part of the states and practitioners.
- **(N) "Home State"** is the Compact State where a psychologist is licensed to practice.
 - When delivering telepsychology services it is where the psychologist is physically located, and in this case the client/patient is in the **(V) "Receiving State."**
 - When practicing in person and face-to-face on a temporary basis, both the psychologist and the client/patient are present is the **(K) "Distant State."**



Article III

- **Home State Licensure**

- This article denotes what home state licensure means and the minimum requirements to provide services through the compact.
- Discusses what must be required by the state to allow for the practice of telepsychology (Section E).
- Discusses what must be required by the state to allow for the temporary in-person, face-to-face practice of psychology (Section F).



Article IV

- **Compact Privilege to Practice Telepsychology**

- This section allows for the practice of telepsychology in a "receiving state" in which the psychologist is not licensed.
- This section lays out the requirements of education and training to provide services through the compact.
- Requires the psychologist practicing under the compact must practice within the areas of competence and is subject to the scope of practice of the receiving state.



TEMPORARY

Article V

• Compact Temporary Authorization to Practice

- By accepting the compact, the state will allow for temporary in-person face-to-face practice.
- Psychologist required to hold an Interjurisdictional Practice Certificate (IPC).
- The other components are similar to those in Article IV.

Article VI

• Condition of Telepsychological Practice in a Receiving State

- A psychologist must practice interjurisdictional telepsychology in accordance with the scope of practice of the receiving state and within the rules of the commission.
- The psychologist initiates a client/patient contact from home state via telecommunications with a client/patient in a receiving state or condition regarding telepsychology as determined by rules promulgated by the Commission.



Article VII

- **Adverse Actions**
- This section covers how the compact, home and receiving states will conduct and report adverse actions as well as the consequences for a psychologist who receives adverse actions.
- All adverse actions taken should be reported to the Commission.
- If discipline is reported against a psychologist, the psychologist will not be eligible for telepsychology or temporary practice.



Article VIII

- **Additional Authorities Invested in a Compact State's Psychology Regulatory Authority**
- This section provides all compact states the right to maintain their psychology regulatory authority.
 - Issue Subpoenas, for both hearings and investigations.
 - Issue Cease and Desists and injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or through temporary authorization.





Article IX

• **Coordinated Licensure Information System**

- This section denotes the requirement of sharing licensee information for all compact states.
- Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform dataset to the Coordinated Database on all psychologists to whom this compact is applicable as required by the rules of the commission.

Article X

• **Establishment of the Psychology Interjurisdictional Compact Commission**

- This section establishes the ruling commission of the compact. The compact is not a waiver of sovereign immunity.
 - The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner.
 - Appointed by each states regulatory Board.
 - Vacancies of Commissioners must be filled in accordance of the laws of the compact state.
 - Each commissioner is granted (1) vote in regard to creation of rules and bylaws and shall otherwise have the opportunity to participate in the business and affairs of the Commission.



Article XI

Rulemaking

This section lays out the requirements for rules made to the current compact once accepted by the first 7 states.



Article XII

- **Oversight, Dispute Resolution and Enforcement**
- This section details the oversight and enforcement of the compact by accepting states.



Article XIII

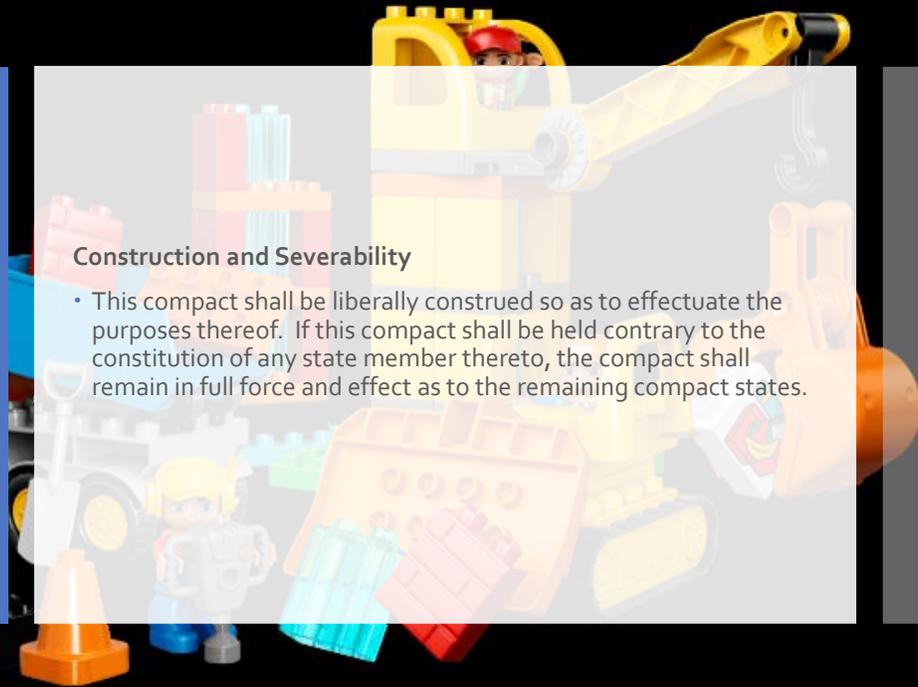
- **Date of Implementation of the Psychology Interjurisdictional Compact Commission and Associated Rules, Withdrawal and Amendment**
- The compact becomes effective on the date of enactment in the seventh compact state.
- States that join after the adoption of the rules shall be subject to the rules as they exist on the date which the compact becomes law in that state.



Article XIV

Construction and Severability

- This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.





• **Questions?**

17. New Business

A. Update Regulation
12 AAC 60.065 Courtesy License

Authority: AS 08.86.070 AS 08.86.080

12 AAC 60.060. APPLICATION NOT RETURNED. An application becomes the property of the board upon receipt by the department, and neither the application nor its supporting documents will be returned to the applicant. However, if an applicant fails to qualify for licensure, the license fee submitted with the application, if any, will be refunded.

Authority: AS 08.86.080 AS 08.86.140

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

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

Authority: AS 08.01.062 AS 08.86.070 AS 08.86.080

ARTICLE 2. EXPERIENCE AND EDUCATION.

Section

- 70. "Psychologist" and "psychological associate experience" defined**
- 80. Criteria for evaluation of experience**
- 82. Criteria for programs of graduate study in psychology**
- 83. Additional criteria for doctorate degree**
- 84. Additional criteria for master's degree**
- 85. (Repealed)**
- 90. (Repealed)**

12 AAC 60.070. "PSYCHOLOGIST" AND "PSYCHOLOGICAL ASSOCIATE EXPERIENCE" DEFINED. (a) Repealed 1/14/82.

(b) The one year's experience required for a psychologist applicant by AS 08.86.130(a)(3) is satisfied by one year of post-doctoral experience in a field of psychology the same as or similar to that in which the applicant acquired academic training under the supervision of a licensed psychologist or a diplomate of the American Board of Professional Psychology.

(c) The two years' experience required for a psychological associate applicant by AS 08.86.160(a)(3), is satisfied by two years' supervised experience in the specialty area that is the same or similar to the field of psychology in which the applicant received education and training.

Authority: AS 08.86.070 AS 08.86.080 AS 08.86.130

12 AAC 60.080. CRITERIA FOR EVALUATION OF EXPERIENCE. (a) In order to be credited with the experience required by 12 AAC 60.070, a psychologist or psychological associate applicant must meet the following minimum requirements:

(1) the applicant's supervised experience must have been in the same or a similar field of psychology as was the applicant's education and training;

(2) a year of experience must consist of not less than 1,500 clock hours completed in not less than 10 months and not more than 24 consecutive calendar months; during weeks the applicant works, the applicant must obtain at least 20 hours, but not more than 40 hours, of supervised experience per week;

(3) during

(A) the first year of post master's supervised experience, contact between the supervisor and the applicant must be for a minimum of two hours per week of face-to-face supervision, one hour of which must be individual face-to-face supervision, dealing with direct services provided by the applicant; an applicant must also obtain two additional hours per week in learning activities, as defined in 12 AAC 60.990(a)(10), covering case conferences, ethics, co-therapy, and other content assigned by the supervisor; and

(B) the second year of post master's and the year of post doctoral supervised experience, contact between the supervisor and applicant must be for a minimum of one hour per week of individual face-to-face supervision dealing with direct services provided by the applicant;

BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS PSYCHOLOGY COURTESY LICENSE CHECKSHEET – 12 AAC 60.035

Name: _____

Date: ____/____/____

NOTE: Licensing examiner may issue a courtesy license without Board approval per 12 AAC 60.065(b) *unless* applicant answers “yes” to Professional Fitness questions 1-4 (must then require Board review/approval)

Date Received:

_____ \$200 Nonrefundable application fee – 12 AAC 02.330(1)(B), 12 AAC 60.035(c)(2) Receipt #: _____
 _____ \$200 Courtesy license fee – 12 AAC 02.330(10), 12 AAC 60.035(c)(2) Receipt #: _____

_____ Application postmarked no later than 30 days before intended practice unless reasonable cause or excusable neglect is indicated and reviewed by the Board – 12 AAC 60.035(c)(1), 12 AAC 60.035(e)
 _____ 12-month courtesy license period requested – 12 AAC 60.035(c)(6)
 _____ Scope of practice for courtesy license requested – 12 AAC 60.035(c)(7)

Professional Data -

_____ At least one state indicated; state of residence is *not* Alaska – 12 AAC 60.035(c)(3)
 _____ Verification of current license in good standing, sent directly from jurisdiction – 12 AAC 60.035(c)(4)
 _____ At least one score indicated; passed EPPP? Yes No – 12 AAC 60.035(c)(5)
 _____ Verification of EPPP exam sent directly from: jurisdiction ASPPB indicating a passing score (≥450 on computerized **or** ≥60% on non-computerized version) Score: _____ – 12 AAC 60.035(c)(4), 12 AAC 60.140

Professional Fitness -

_____ “No” responses provided for questions 1-3 (if any yes responses, applicant does not qualify) – 12 AAC 60.035(c)(8)
 _____ Responses provided for questions 4-11 (if any yes responses, complete Investigations box) – 12 AAC 60.035(d)

Investigations Yes <input type="checkbox"/> No <input type="checkbox"/> _____ “Yes” Answer _____ Explanation _____ Documentation _____ To Investigations _____ Back from Investigations		ASPPB Databank Date checked: _____ Information of concern? Yes <input type="checkbox"/> No <input type="checkbox"/>
---	--	---

***The licensee must be sent a copy of the “Courtesy License Monthly Report” with their license and status letter. This report must be submitted by the licensee on a monthly basis each month for the 1 year the courtesy license is valid. 12 AAC 60.035(a)**

Examiner approval of courtesy license for dates _____ through _____ (authority to issue per 12 AAC 60.065(b))

License Number: _____ **Date Issued:** ____/____/____

FEE amounts have changed and been updated on this check-sheet since 2004.

B. Telepsychology Website Discussion

From: Suzanne Dutson
To: [Teske, Rissa J \(CED\)](#)
Subject: concern
Date: Sunday, August 05, 2018 10:06:23 AM

Rissa,

Could you add a discussion about this website to the new business section for our meeting please?

<https://www.aktelepsych.com/about-us/>

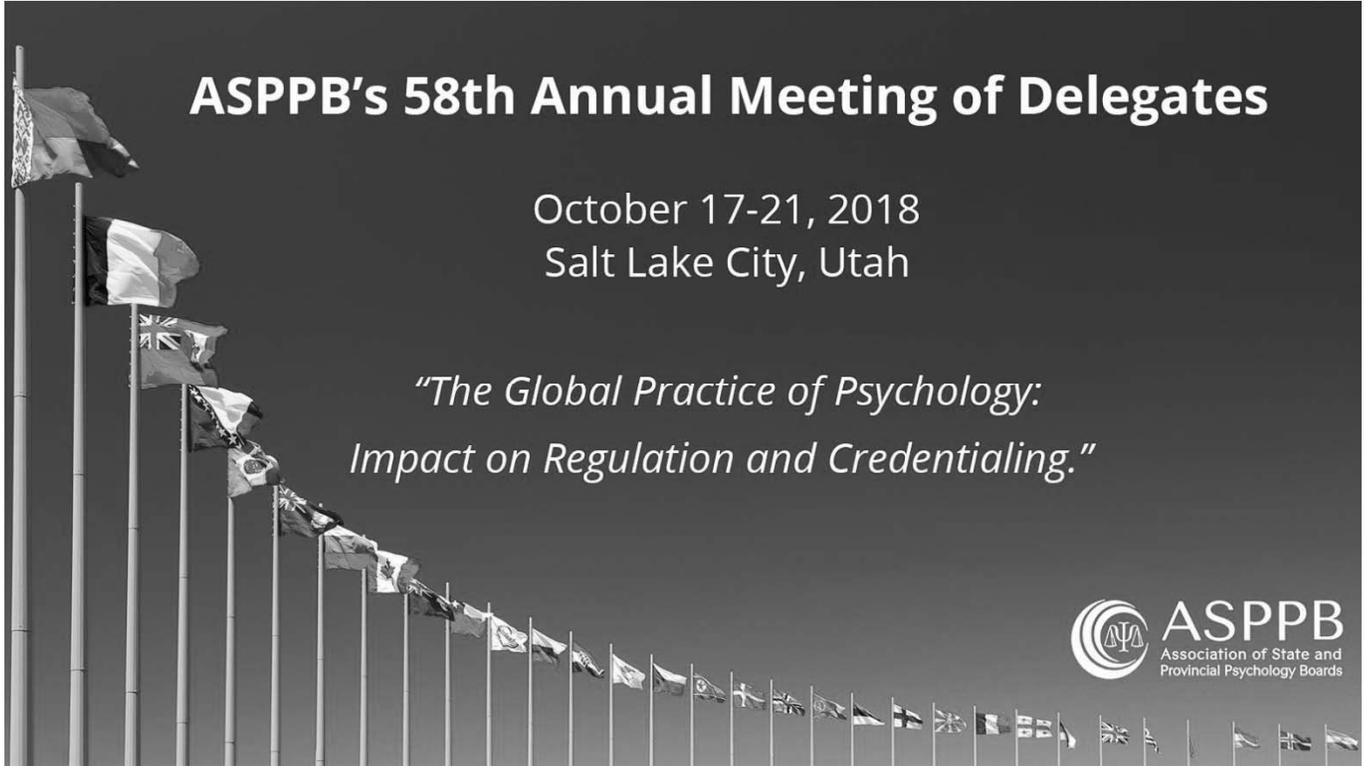
Suzanne T. Dutson, MS Psy.
Juneau, Alaska



"Your value does not decrease based on someone's inability to see your worth".

Zig Ziglar

C. ASPPB October 2018 Meeting



ASPPB's 58th Annual Meeting of Delegates

October 17-21, 2018
Salt Lake City, Utah

*"The Global Practice of Psychology:
Impact on Regulation and Credentialing."*



ASPPB's 58th Annual Meeting of Delegates

October 17-21, 2018
Salt Lake City, Utah



TUESDAY, October 16, 2018

Time/location	Topic	Presenter(s)
5 am – 11:00 pm Sinclair	Office	
8:00 am– 5:00 pm Sawtooth	BOD Meeting – Closed Session	
8:00 – 9:00 am Sawtooth	BOD Breakfast	
12 noon Sun Valley	Lunch	

WEDNESDAY, October 17, 2018

Time/location	Topic	Presenter(s)
9:00 am– 5:00 pm Olympus	BOD Meeting – Open Session	
8:00 – 9:00 am Olympus	BOD Breakfast	
10 am – 4:00 pm Sawtooth	BARC Meeting (Board Administrators/Registrars of Jurisdictional Boards Only)	
12 noon Wyoming	BOD & Board Chair Lunch	
12:30 pm East Terrace	BARC Lunch	
1:00 – 4:00 pm Sun Valley	Board Chair Meeting (Board Chairs of Jurisdictional Boards/Colleges Only)	

WEDNESDAY, October 17, 2018

Time/location	Topic	Presenter(s)
5:00 – 8:00 pm Idaho/Wyoming	Welcome Reception Come Meet and Greet ASPPB’s New CEO <i>Mariann Burnetti-Atwell, PsyD</i>	

THURSDAY, October 18, 2018

Time/location	Topic	Presenter(s)
7:00 – 8:30 am Arizona/Idaho	General Breakfast	
7:30 – 8:30 am Tucson	New Attendee Breakfast	Janet Orwig Mariann Burnetti-Atwell Alex Siegel C. Gerald O'Brien
8:30 am Ballroom A	Call to Order	Sharon Lightfoot
	Meeting App Instructions	John Mickley
	Welcome Remarks: ASPPB President	Sharon Lightfoot
	Local Board	
	Introduction of BOD and Staff	Mariann Burnetti-Atwell
	Certification of Delegate Attendance	Karen Messer-Engel
	Approval of Minutes from 2017 AM	Karen Messer-Engel
	CEO's Report	Mariann Burnetti-Atwell
	Financial Report	Karen Messer-Engel
	Nominations Committee Report and Nominations from Floor	Don Meck
10:00 am Ballroom Foyer	Break	
10:15 am Ballroom A	ASPPB Program Updates	
	<ul style="list-style-type: none"> • Exam Program (EPPP Update) • Disciplinary Data System 	Matt Turner Carol Webb
	<ul style="list-style-type: none"> • PSYPACT • Supervision Guidelines • PLUS 	Janet Orwig Janet Orwig Alan Slusky
11:15 am	Presentations by Nominees for Office	
12:00 – 1:00 Arizona/Idaho	Lunch	

THURSDAY, October 18, 2018

Time/location	Topic	Presenter(s)
Continuing Education - Session 1 – The Competency Movement		3.5 Credit Hours
1:15 pm Ballroom A	CE Instructions	John Mickley
1:15 pm	Meeting Theme and Overview	Don Meck
1:30 – 2:30 pm	The Professional Practice of Psychology in a Globalizing World: Overview of International Developments	Janel Gauthier
2:30 – 3:15 pm	History of the Competency Movement in the US, Canada and Europe	Emil Rodolfa Janel Gauthier Rosaleen McElvaney
3:15 pm Ballroom Foyer	Break	
3:30 – 4:00 pm	ASPPB Competency Model for Licensure	Emil Rodolfa Matt Turner
4:00 – 4:30 pm	International Competency Movement and Declaration	Sverre Nielsen Stephen DeMers
4:30 – 5:00 pm	Q & A	
5:00 PM	Recess (Dinner on Your Own)	

FRIDAY, October 19, 2018

Time/location	Topic	Presenter(s)
7:30 – 9:00 am Ballroom B	General Breakfast	
Continuing Education - Session 2 – New Board Member Training		1.5 Credit Hours
7:30 – 9:00 am Tucson	New Board Member Training Breakfast	Alex Siegel
9:00 am Ballroom A	Call to Order and Announcements	Sharon Lightfoot
Continuing Education - Session 3 – Current Opportunities Available for Mobility		3 Credit Hours
9:00 – 10:00 am	ASPPB Mobility Programs <ul style="list-style-type: none"> • CPQ • IPC • PSYPACT 	Janet Orwig/Alex Siegel
10:00 – 10:30 am	Balloting and Break	
10:30 – 11:30 am	Mobility Agreements in Europe (EuroPsy) and Pan Asia	Rosaleen McElvaney Steve Osborne
11:30 – 12:00 pm	Q & A	

FRIDAY, October 19, 2018

Time/location	Topic	Presenter(s)
12:00 - 2:00 pm Ballroom B	Awards Luncheon <ul style="list-style-type: none"> • Awards • Recognition of Outgoing Past-President • Recognition of Outgoing President • Recognition of Outgoing Secy/Treas Introduction of New CEO	
2:00 – 2:30 pm	Break	
Continuing Education - Session 4 – The Enhanced EPPP		2 Credit Hours
2:30 – 4:30 pm Ballroom A	Town Hall - Let's Talk About the EPPP: Questions, Concerns and Discussion	Sharon Lightfoot and ASPPB Board of Directors
4:30 pm	Recess	
6:30 – 8:30 pm Ballroom A-B	PRESIDENT'S DINNER Theme dinner: "Where in the World is Waldo?"	

SATURDAY, October 20, 2018

Time/location	Topic	Presenter(s)
6:30 am Hotel Lobby	ASPPB Annual Fun Run/Walk	Tomas Granados
7:30 – 9:00 am Arizona/Idaho	General Breakfast	
7:30 – 9:00 am Tucson	Attorney's Breakfast	Don Meck
9:00 am Ballroom A	Call to Order and Announcements	Sharon Lightfoot
Continuing Education - Session 5 – Evaluating Training and Credentials Internationally		3 Credit Hours
9:00 – 9:30	ASPPB Educational/Training Requirements for Licensure (New Model Act)	Alex Siegel MARC Members
9:30 – 10:00 am	APA's Efforts at Providing Guidance for Training in Programs Outside the US or Canada	Amanda Clinton, Director of APA Office of International Psychology
10:00 am Ballroom Foyer	Break	
10:15 – 10:45 am	Assessing Foreign Graduates' Training in Canada	David Perry (BC)
10:45 - 11:15 am	Assessing Foreign Graduates' Training in the United States	Mickey Davis, Data Flow Group
11:15 – 11:45 am	Ensuring Credentials are Valid	Lorinda Grogg, World Education Services
11:45 – 12:00 pm	Q & A	
12:00 pm Arizona/Idaho	Box Lunches	

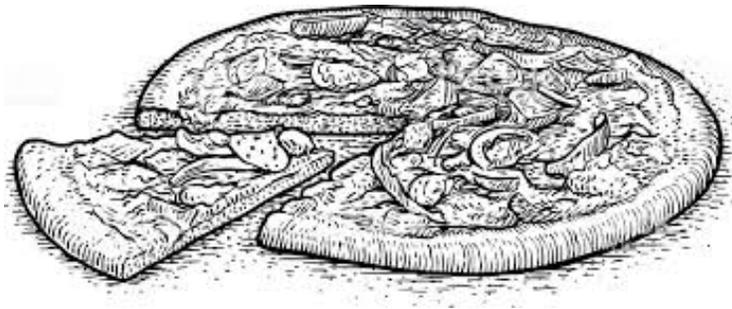
SATURDAY, October 20, 2018

Time/location	Topic	Presenter(s)
Continuing Education - Session 6 – Workshops		1.5 Credit Hours
12:30 – 2:00 pm Ballroom A	Optional Workshops I - Enhanced EPPP	BOD?
Wasatch	II – Assessing International Credentials	Mickey Davis, Lorinda Grogg
7:30 – 9:00 pm Arizona	President’s Dessert Reception	

SUNDAY, October 21, 2018

Time/location	Topic – “Legal Considerations for ASPPB Members”	Presenter(s)
7:30 – 9:00 am Ballroom A	General Breakfast	
9:00 am Ballroom A	Call to Order and Announcements	
Continuing Education - Session 7 – Legal Considerations for ASPPB Members		1.5 Credit Hours
9:00 – 10:00 am	Legal Considerations for Assessing Competency	Jennifer Semko, Partner at Baker-McKenzie, Washington, DC
10:00 – 10:30 am	Q & A	
10:30 am	Break	
10:45 am	Installation of New Officers New President’s Remarks	Don Meck C. Gerald O’Brien
11:30 am	Adjourn	

18. Lunch Break



19. Administrative Business

A. Courtesy License Report

- S. Wood
- R. Denney

Department of Commerce, Community, and Economic Development
 Division of Corporations, Business and Professional Licensing
 Board of Psychologist and Psychological Associate Examiners
 P.O. Box 110806
 Juneau, AK 99811-0806
 Telephone: 907-465-2550 ♦ Fax: 907-465-2974
 E-mail: license@commerce.state.ak.us
 Web Site: www.commerce.state.ak.us

Psychology Courtesy License
Monthly Report

12 AAC 60.035(a) – A courtesy license authorizes the licensee to practice psychology for no more than 30 days on a 12-month period. An applicant will only be issued one courtesy license in that person’s lifetime. A courtesy licensee shall submit a report to the board each month during the period of courtesy licensure indicating the number of days practiced under the courtesy license during the month. A courtesy license does not authorize the licensee to conduct a general psychology practice or to perform services outside the scope of practice of psychology that is specified on the courtesy license.

**Monthly reports due within five business days of the next calendar month.*

Licensee Name	STACEY A. WOOD
Courtesy License #	133166
License Issued	PSYCHOLOGIST COURTESY LICENSE
Scope of Practice	SCOPE OF PRACTICE FOR WHICH COURTESY LICENSE WAS ISSUED: To complete forensic evaluation in a federal criminal case including neuropsychological testing; draft report; and possibly testifying at trial.

To be completed by licensee:

Month				
Number of days practiced				

** SEE ATTACHED **

Signature

Date

Once the report is complete, please either mail, or e-mail a copy to license@alaska.gov to maintain good standing status.

Stacey Wood, Ph.D.
Department of Psychology
1030 Columbia Ave.
Claremont, CA 91711

Attention: State of Alaska: Alaska Board of Psychology

October 30, 2018

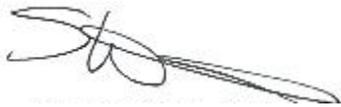
Re: Courtesy Practice Updates

Month of August 2018: No Practice

Month of September 2018: No Practice

Month of October 2018: No practice.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Stacey Wood', written over a faint horizontal line.

Stacey Wood, Ph.D.
Molly Mason Jones Professor of Psychology
Scripps College, Claremont
Clinical Neuropsychologist
PSY16805

From: Stacey Wood
To: [Teske, Rissa J \(CED\)](#)
Subject: Re: Courtesy License Reminder Letter
Date: Tuesday, October 30, 2018 3:02:12 PM
Attachments: [Alaska updates.pdf](#)

Dear Rissa:

Attached are my practice logs for August, September, and October 2018. I appreciate the reminder and have added a reminder to my calendar for next month.

Best,

Dr. Stacey Wood

Stacey Wood, PhD
Molly Mason Jones Professor of Psychology Scripps College



Department of Commerce, Community, and Economic Development
 Division of Corporations, Business and Professional Licensing
 Board of Psychologist and Psychological Associate Examiners
 P.O. Box 110806
 Juneau, AK 99811-0806
 Telephone: 907-465-2550 ♦ Fax: 907-465-2974
 E-mail: license@commerce.state.ak.us
 Web Site: www.commerce.state.ak.us

Psychology Courtesy License
Monthly Report

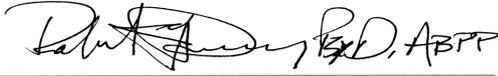
12 AAC 60.035(a) – A courtesy license authorizes the licensee to practice psychology for no more than 30 days on a 12-month period. An applicant will only be issued one courtesy license in that person’s lifetime. A courtesy licensee shall submit a report to the board each month during the period of courtesy licensure indicating the number of days practiced under the courtesy license during the month. A courtesy license does not authorize the licensee to conduct a general psychology practice or to perform services outside the scope of practice of psychology that is specified on the courtesy license.

Monthly reports due within **five business days of the next calendar month.*

Licensee Name	Robert L. Denney
Courtesy License #	137681
License Issued	09/19/2018
Scope of Practice	SCOPE OF PRACTICE FOR WHICH COURTESY LICENSE WAS ISSUED: Forensic Neuropsychological Assessment

To be completed by licensee:

Month	September	October		
Number of days practiced	1	0		



 Signature

11/01/2018

 Date

Once the report is complete, please either mail, or e-mail a copy to license@alaska.gov to maintain good standing status.

Hoskinson, Glenn A (CED)

From: Robert L. Denney, Psy.D., ABPP [REDACTED]
Sent: Thursday, November 01, 2018 10:46 AM
To: Occupational, License (CED sponsored)
Subject: Psychology Courtesy License Monthly Report
Attachments: AK Monthly Reporting Form to Email 11-01-2018.pdf

Categories: GLENN

Attached is my report form.

Thank you.

Robert L. Denney, Psy.D., ABPP

B. Schedule Upcoming Meetings & SLEE Dates

- January 31 - February 1, 2019, Juneau Meeting
- January 11, 2019, SLEE Test Date

STATE OF ALASKA 2019

State Holidays

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

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

 Holiday
 Payday



State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Revised 04/16/2018

STATE CALENDAR

JANUARY

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JULY

S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	R	F	S
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17	18	19	20	21	22	23
24	25	26	27	28		

AUGUST

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MARCH

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24	25	26	27	28	29	30
31						

SEPTEMBER

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22	23	24	25	26	27	28
29	30					

APRIL

S	M	T	W	R	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER

S	M	T	W	R	F	S
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MAY

S	M	T	W	R	F	S
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12	13	14	15	16	17	18
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26	27	28	29	30	31	

NOVEMBER

S	M	T	W	R	F	S
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17	18	19	20	21	22	23
24	25	26	27	28	29	30

JUNE

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23	24	25	26	27	28	29
30						

DECEMBER

S	M	T	W	R	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

C. Schedule Attendees for ASPPB Conferences

- April 8-14, 2019, Midyear Meeting, Santa Fe, NM (A. Levy)
- October 16-20, 2019, Annual Meeting, Minneapolis, MN

ASPPB Calendar

All Categories   Upcoming  Past  Month View

Here you can find out about upcoming events and view photo galleries of past events. Some events may allow for online registration. Click the event name to view more details.

Upcoming Events

Friday, November 2, 2018

Exam Committee - TBD

11/2/2018 » 11/4/2018

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Friday, November 9, 2018

Implementation Task Force

11/9/2018 » 11/10/2018

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Friday, December 7, 2018

Board of Directors Retreat - Peachtree City

12/7/2018 » 12/9/2018

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Monday, April 8, 2019

Midyear Meeting - Santa Fe, NM

4/8/2019 » 4/14/2019

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Wednesday, October 16, 2019

Annual Meeting - Minneapolis, MN

10/16/2019 » 10/20/2019

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Wednesday, October 14, 2020

Annual Meeting - New York, NY

10/14/2020 » 10/18/2020

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FAQs & Latest News [more](#)

10/2/2018

Passing of Randolph Reaves, JD

9/6/2018

ASPPB Supervision Guidelines out for Public Comment

8/28/2018

ASPPB Employee Spotlight

ASPPB Calendar [more](#)

11/2/2018 » 11/4/2018

Exam Committee - TBD

11/9/2018 » 11/10/2018

Implementation Task Force

12/7/2018 » 12/9/2018

Board of Directors Retreat - Peachtree City

4/8/2019 » 4/14/2019

Midyear Meeting - Santa Fe, NM

10/16/2019 » 10/20/2019

Annual Meeting - Minneapolis, MN

D. Task List

20. AKPA,
Licensure Act Meeting Follow
Up with Michael Reed

American Psychological Association

Model Act for State Licensure of Psychologists **Adopted by Council as APA Policy 2/20/2010**

As APA policy, the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology. State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure law. Inevitably each state law will reflect compromises and changes particular to that state, but the APA Model Act is meant to serve as a guide for those involved in the drafting process. State licensing boards must develop their own rules and regulations to supplement the legislation proposed here. This document also serves to educate legislatures about psychology training and practice and serves to synthesize APA policies that bear on the education, training, and practice of professional psychology.

This is the fifth set of guidelines for state legislation regulating the practice of psychology that has been developed by the American Psychological Association (APA). The first model for such regulation was developed and adopted as APA policy in 1955 (APA, 1955).

The 1955 guidelines stood for 12 years, during which the number of states enacting licensure legislation grew from 9 to 32. In 1967 the APA Committee on State Legislation (COSL) prepared the first revision of the guidelines. That revision was more comprehensive, provided more detailed guidance, and covered more issues relating to regulation of the practice of psychology, while reaffirming the basic concept found in the 1955 model (APA, 1967).

By 1977 all states and the District of Columbia had enacted licensure legislation. APA's Council of Representatives then determined that the model approved in 1967 was outdated and directed COSL to undertake a revision. However, in January 1979 the Council of Representatives failed to approve the revised model guidelines, leaving the 1967 guidelines to remain as APA policy. In 1984 the Council of Representatives directed the Board of Professional Affairs (BPA) to develop another revision of the existing 1967 model for the Council's consideration. BPA, in turn, directed its Committee on Professional Practice (COPP) to prepare it.

This document was approved by the Council of Representatives in February, 1987.

In 2006, at the recommendation of the Board of Professional Affairs and the Committee for the Advancement of Professional Practice, the APA Board of Directors and Council of Representatives funded a Task Force to undertake the revision of the 1987 model act. The existing model act did not reflect the developments in professional practice that had occurred over the preceding 20 years. Specific developments included some psychologists obtaining prescriptive authority, changes in the provision of industrial/organizational and consulting psychology that could make it desirable for those psychologists to be licensed, and changes in the recommended sequence of education and training for psychologists. The Task Force undertook this effort beginning with a comprehensive review of the 1987 document as well as relevant APA policies and other documents. Draft revisions were circulated for review and a 90-day public comment period ensued. Changes were made to the document based on commentary received. A second public comment period ensued and another review by governance groups followed by additional changes to the document occurred prior to the document being approved by Council in February 2010.

Each section of the proposed Model Act is introduced by commentary, the purpose of which is to explain the rationale for the proposed section that follows. To differentiate between the commentary and the proposed statutory language, the latter is *italicized*.

A. Declaration of Policy

This section declares that the intent of legislation for state licensure of psychologists is to ensure the practice of psychology in the public interest. The consumer should be assured that psychological services will be provided by

licensed and qualified professionals according to the provisions of this act. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.

The practice of psychology in (name of state) is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

B. Definitions

Definitions provide consistent interpretation throughout the Act without unnecessary repetition of terms. Thus “Board,” once defined in this section, can subsequently be cited with the same meaning as presented in the definition.

In defining “institution of higher education,” it is further recognized that many foreign institutions prepare psychologists for professional practice, and provision should be made to accommodate them in Board regulations.

Psychological services should be described adequately and specified in order to identify clearly the areas of psychological services, provided to individuals, groups of individuals, or organizations, that require qualified and sound professional psychology practice. There can be a legitimate use for technology-supported services, such as electronic or telephonic means. All such activities must operate according to appropriate APA Ethical guidelines and Board regulations.

1. “Board” means the (name of state) State Psychology Board.

2. “Institution of higher education” means any regionally accredited institution of higher education in the United States, including a professional school, that offers a full-time doctoral course of study in psychology that is acceptable to the Board. For Canadian universities, it means an institution of higher education that is provincially or territorially chartered.

3. “Practice of psychology” is defined as the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purposes of (a) preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior; (b) evaluating, assessing, and/or facilitating the enhancement of individual, group, and/or organizational effectiveness – including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health, and individual, group, and/or organizational performance, or (c) assisting in legal decision-making.

The practice of psychology includes, but is not limited to, (a) psychological testing and the evaluation or assessment of personal characteristics, such as intelligence; personality; cognitive, physical, and/or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning; (b) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; (c) diagnosis, treatment, and management of mental and emotional disorder or disability, substance use disorders, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; (d) psychoeducational evaluation, therapy, and remediation; (e) consultation with physicians, other health care professionals, and patients regarding all available treatment options, including medication, with respect to provision of care for a specific patient or client; (f) provision of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods, and/or procedures to assess and evaluate individuals on personal characteristics for individual development and/or behavior change or for making decisions about the individual, such as selection; and (g) the supervision of any of the above. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered. (See Section G for Limitation of Practice and Maintaining and Expanding Competence and Section J for Exemptions.)

4. “Psychologist” means (a) any person licensed as a psychologist under this Act and (b) any general applied psychologist (see 5b below) whose practice areas are specifically exempted under this act, and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating the words psychology, psychological, or psychologist, or if he or she uses any term that implies that

he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or groups of individuals services defined as the practice of psychology in this Act. The title "psychologist" is also used by psychologists who are exempt from licensure as specified in Section J of this Act in their roles as teachers, researchers and/or general applied psychologists acting outside the licensed scope of practice.

5. "Applied psychologist" is one who provides services to individuals, groups, and/or organizations. Within this broad category there are two major groupings – those who provide health-related services to individuals and those who provide other services to individuals and/or services to organizations. Although licensure is generic, some of the Board's Rules and Regulations need to account for variations in relevant training, supervision, and practice.

a. "Health service provider" (HSP)

Psychologists are certified as health service providers if they are duly trained and experienced in the delivery of preventive, assessment, diagnostic, therapeutic intervention and management services relative to the psychological and physical health of consumers based on: 1) having completed scientific and professional training resulting in a doctoral degree in psychology; 2) having completed an internship and supervised experience in health care settings; and 3) having been licensed as psychologists at the independent practice level.

b. "General applied psychologist"

General applied psychologists provide psychological services outside of the health and mental health field and shall include: 1) the provision of direct services to individuals and groups, using psychological principles, methods, and/or procedures to assess and evaluate individuals on personal abilities and characteristics for individual development, behavior change, and/or for making decisions (e.g., selection, individual development, promotion, reassignment) about the individual, all for the purpose of enhancing individual and/or organizational effectiveness; and 2) the provision of services to organizations that are provided for the benefit of the organization and do not involve direct services to individuals, such as job analysis, attitude/opinion surveys, selection testing (group administration of standardized tests in which responses are mechanically scored and interpreted), selection validation studies, designing performance appraisal systems, training, organization design, advising management on human behavior in organizations, organizational assessment, diagnosis and intervention of organizational problems, and related services.

6. "Specialty" is a defined area of psychological practice which requires advanced knowledge and skills acquired through an organized sequence of education and training. The advanced knowledge and skills specific to a specialty are obtained subsequent to the acquisition of core scientific and professional foundations in psychology.

7. "Developed areas of practice" have all of the following characteristics:

- National recognition of the practice area by a national organization(s) whose purpose includes recognizing or representing and developing the practice area, by relevant divisions of the APA, or by involvement in similar umbrella organizations;
- An accumulated body of knowledge in the professional literature that provides a scientific basis for the practice area including empirical support for the effectiveness of the services provided;
- Representation by or in a national training council that is recognized, functional, and broadly accepted;
- Development and wide dissemination by the training council of doctoral educational and training guidelines consistent with the Accreditation Guidelines & Principles;
- Existence of the practice area in current education and training programs;
- Geographically dispersed psychology practitioners who identify with the practice area and provide such services.

8. "Emerging area of practice" is one that meets some but not all of the six requirements for a developed area of practice, or does not meet some of the requirements completely (e.g., there is some professional literature providing a scientific basis, but not an "accumulated body of knowledge" in that literature).

9. "Client" or "patient" is used to refer to the direct recipients of psychological services, which may include child, adolescent, adult, older adult, couple, family, group, organization, community, or any other individual. In many situations there are important and valid reasons for using such terms as consumer or person in place of client or

patient to describe the recipients of services. In some circumstances (e.g., an evaluation that is court-ordered, requested by an attorney, an agency, or other administrative body), the client may be the retaining party and not the examinee.

C. State Psychology Board

Legislation concerning the membership of the State Psychology Board should designate a sufficient number of members to accomplish the work of the Board, as well as make provisions for the appointment of public members. The appointing authority shall ensure that specialties in psychology are represented, as well as trainers and practitioners, both in health care and general applied psychology. A minimum of six psychologists plus one public member is recommended.

Public (consumer) members on boards is a recognition of the impact of consumerism on the current functioning of boards. A public member is recommended in order to ensure the representation of the public; that is, the recipient of psychological services. Members should be appointed at staggered times so that the entire group of members is not replaced at any one time.

There is hereby created the (name of state) State Psychology Board. The Board shall consist of minimally six licensed psychologists and one public member. Members should be representative of teaching, training, and the professional practice of psychology. Psychologist Board members shall be licensed to practice in this state. Each psychologist serving on the Board shall have a minimum of five years of post-licensure experience. Board members shall reflect a diversity of practice specialties, both in health care and other applications.

Board members shall be appointed who are free from conflicts of interest in performing the duties of the Board. A public member shall not be a psychologist, an applicant or former applicant for licensure as a psychologist, a member of another health profession, or a member of a household that includes a psychologist, or otherwise have conflicts of interest or the appearance of such conflicts with duties as Board members. Appointments to the Board shall be made by the duly constituted appointing authority in this state. The appointing authority in this state shall solicit nominations from psychological organizations and licensed psychologists in this state. The term of office shall be five years, with provision for reappointment for one additional term. Lengths of terms of Board members shall be staggered.

It is clear that the Board will need, from time to time, to adopt or delete rules and regulations to carry out the provisions of the Act that establish and enable the Board to operate. It is wise to have this authority clearly established within the Act.

In addition to the powers set forth elsewhere in this Act, the Board may adopt rules and regulations to carry out the provisions of this Act.

In general it is desirable for the Board to be self-supporting. Self-generated fees should be sufficient to cover all costs. This avoids the necessity of the Board's returning to the budgetary authority for approval each time fees must be increased in order for the Board to remain self-supporting. Boards should consider carefully the various elements of expense in establishing fees. Items such as overhead, examination costs, travel and per diem, disciplinary proceedings, and other expenses should be considered.

The Board shall, from time to time, establish reasonable fees for the issuance and renewal of licenses and its other services. Fees shall be set so as to defray the cost of administering the provisions of this Act, including applications, examinations, enforcement, and the cost of maintaining the Board.

It is important to have within the Act a statement that a member of the Board shall not be civilly liable for any act performed in good faith and within the scope of duties of the Board. It should be noted that such a statement does not pertain to any criminal charges brought against a member of the Board. Though individual members of the Board will not be held civilly liable, individuals may pursue legal action against the Board under any applicable state laws, such as, for example, under any administrative procedure act.

A member of the Board or any employee or agent of the Board shall not be held civilly liable for any act performed in good faith and within the scope of the duties of the Board.

D. Requirements for Licensure

There is a core of basic theory, principles, and accumulated knowledge that all professional psychologists should possess. Each practitioner must also master the specific skills and knowledge appropriate for the competent performance of psychological practice. The language of the model requires the Board to specify its criteria for acceptable professional education in psychology. In this regard, the Board will be guided by national standards.

All applicants for licensure must minimally be graduates of a regionally accredited institution of higher education, or a Canadian university that is provincially or territorially chartered, and must have completed a planned program of study which reflects an integration of the science and practice of psychology. A formal training program accredited by the American Psychological Association or Canadian Psychological Association is required. For areas of psychology where APA or CPA program accreditation does not exist, psychology programs must meet all the requirements listed below (D1).

The law recognizes that new doctoral programs may be developed in newly or already recognized specialties of professional psychology. In such instances, the law affords those programs an eight-year period in which to achieve accreditation or to meet the standards described in D1, during which the graduates of those programs may sit for licensure.

1. Educational requirements

The Act recognizes the doctorate as the minimum educational requirement for entry into professional practice as a psychologist.

Applicants for licensure shall possess a doctoral degree in psychology from a regionally accredited institution of higher education or from a Canadian university that is provincially or territorially chartered. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board.

Applicants for licensure shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA) or where APA or CPA program accreditation does not exist for that area of professional psychology, then the applicant must show that his or her doctoral program in psychology meets all of the following requirements:

- 1. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education. A regionally accredited institution is an institution with regional accreditation in the United States or an university that is provincially or territorially chartered in Canada.*
- 2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.*
- 3. The psychology program must stand as a recognizable, coherent organizational entity within the institution.*
- 4. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.*
- 5. The program must be an integrated, organized sequence of study.*
- 6. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities and a psychologist responsible for the program.*

7. *The program must have an identifiable body of students who are matriculated in that program for a degree.*

8. *The program must include supervised practicum, internship, field or laboratory training appropriate to the individual's chosen area of practice of psychology.*

9. *The curriculum shall encompass a minimum of three academic years of full time graduate study and a minimum of one year's residency or the equivalent thereof at the educational institution granting the doctoral degree. The core program shall require every student to demonstrate competence in each of the following substantive areas. Some content areas may appropriately be taught by integrating content across the curriculum, or this requirement may be met through substantial instruction in each of these foundational areas, as demonstrated by evidence of an integrated curriculum or a minimum of three graduate semester hours, 4.5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of fifteen hours of classroom instruction per semester hour), or the equivalent:*

a. scientific and professional ethics and standards;

b. research design and methodology;

c. statistics;

d. psychometric theory;

e. biological bases of behavior: such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, physical ergonomics, or psychopharmacology;

f. cognitive-affective bases of behavior: such as learning, thinking, motivation, emotion, memory, cognitive information processing, or social cognition;

g. social bases of behavior: such as social psychology, group processes, organizational and systems theory; and

h. individual differences: such as personality theory, human development, personnel psychology, or abnormal psychology.

10. *All professional education programs in psychology shall include course requirements in developed practice areas/specialties.*

11. *The program must demonstrate that it provides training relevant to the development of competence to practice in a diverse and multicultural society.*

When a new area of professional psychology is recognized as being a developed practice area and within the accreditation scope of the APA, doctoral programs within that area will be afforded a transition period of eight years from their first class of students to the time of their accreditation. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. The same principle applies as well to new doctoral programs in traditional practice areas previously recognized within the scope of APA accreditation.

Applicants trained in institutions outside the United States shall meet requirements established by the Board.

Psychologists trained in an area that falls outside the scope of APA accreditation (e.g., experimental, developmental, social) and who intend to practice in a traditional or developed practice area must complete a retraining program and/or appropriate supervised experience (e.g., internship in the developed practice area). Similarly, psychologists trained in HSP programs who intend to practice in general applied psychology non-exempt areas and psychologists trained in general applied psychology areas who intend to provide health services must first acquire the appropriate training and supervision.

2. Experience requirements

APA recommends that legislation requires the equivalent of two full-time years of sequential, organized, supervised, professional experience prior to obtaining the license. This training may be completed prior or subsequent to the granting of the doctoral degree. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be a predoctoral internship which may be completed as a part-time intern over a two-year period provided that the total experience is the equivalent of one year of full-time experience. By seven years post adoption of these regulations, all licensure applicants prepared for

practice in the health services domain must minimally have completed an APA or CPA accredited (or equivalent) predoctoral internship. For applicants prepared for practice in the general applied (non-HSP) domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. In rules and regulations, the Board must define acceptable supervised experience at the predoctoral and postdoctoral levels as well as mechanisms for evaluation of this experience. Boards are encouraged to create definitions that are flexible and capture the variety of training and supervisory models that are appropriate for both HSP and GAP practice. Psychologists are required to limit their practice to their demonstrated areas of professional competence. Experience should be compatible with training.

To obtain licensure, applicants shall demonstrate that they have completed the equivalent of two full-time years of sequential, organized, supervised professional experience. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be an APA or CPA accredited (or equivalent) predoctoral internship. For applicants prepared for practice in the general applied domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. The criteria for appropriate supervision shall be in accordance with regulations to be promulgated by the Board. Experience shall be compatible with the knowledge and skills acquired during formal doctoral and/or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice. General Applied (non-HSP) Psychologist trainees may be supervised by an appropriate licensed psychologist outside the supervisee's place of employment so long as (a) the supervisee's employer engages the licensed supervisor to provide the required supervision; and (b) the supervisor assumes responsibility for the training of the supervisee. Applicants shall be required to show evidence of good character, e.g., that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed.

3. Examinations

APA recommends that the Act specify the requirements for examination and the conditions under which the Board is authorized to waive examination. All examinations serve the purpose of verifying that a candidate for licensure has acquired a basic core of knowledge in the discipline of psychology and can apply that knowledge to the problems confronted in the practice of psychology within the applicant's area of practice as a health service provider or general applied psychologist. While written examinations typically evaluate the applicant's basic core of knowledge, any additional examinations such as oral examinations or work samples shall be representative of the applicant's area of practice. Boards should clearly specify the conditions under which the endorsement of another license will be granted.

The Board shall administer examinations to qualified applicants on at least an annual basis. The Board shall determine the subject matter and scope of the examination and shall require a written, and may require an oral, examination of each candidate for licensure. The written examination shall evaluate the basic core of knowledge in the discipline of psychology necessary to practice while any oral exams or work samples shall be representative of the applicant's area of practice as either a health service provider or general applied psychologist. The Board at its discretion, according to rules and regulations promulgated by the Board, may waive said examination of candidates for licensure. It is recommended that individuals applying for licensure be eligible to sit for the examination upon completion of all the requirements of the doctoral degree.

4. Prior credentials

APA recommends that the Act provide for continued licensure of persons already licensed as a psychologist at the time of enactment of a new law.

A person who is licensed as a psychologist under the provisions of (cite relevant section(s) of previous licensing law) as of the effective date of this Act shall be deemed to have met all requirements for licensure under this Act and shall be eligible for renewal of licensure in accordance with the provisions of this Act.

5. Applications from individuals licensed in other jurisdictions

Jurisdictions are strongly encouraged to adopt regulations to facilitate the mobility and portability of licensure. Jurisdictions may set criteria to determine conditions under which verification of education, experience, and examination requirements will be waived. These criteria may include holding a credential that verifies education and experiences of individuals (e.g. American Board of Professional Psychology (ABPP), National Register of

Health Service Providers in Psychology, Association of State and Provincial Psychology Boards' Certificate of Professional Qualification in Psychology (ASPPB's CPQ)), or Board determination that the criteria of the other jurisdiction are comparable to the Board's criteria, or other specified mechanism.

An individual applying for licensure with the Board who holds an active psychology license in another jurisdiction and shows evidence of good character is considered an eligible candidate for licensure in the jurisdiction. The Board may waive verifying the education, experience, and examination requirements for individuals who meet these criteria and for whom the Board's mechanism for verifying comparability of education, experience, and examination requirements is met. The Board retains the right to administer any required jurisdiction-specific examinations (written, oral, jurisprudence) prior to awarding the license.

E. Interstate Practice of Psychology

Psychologists may have legitimate interests in practicing in another jurisdiction for a limited amount of time. This section provides for limited practice in a jurisdiction other than the state in which the psychologist is licensed. This is not intended to eliminate the necessity for licensure for those who are setting up a regular professional practice in that jurisdiction. The psychologist must have an earned doctoral degree and be licensed in another jurisdiction.

Interjurisdictional practice is particularly critical for the practice of general applied psychology as frequently this involves activities crossing jurisdictional lines, such as engaging with employees of organizations operating in several jurisdictions. For those activities that fall under the licensed scope of practice of psychology, the provider of general applied psychological services should indeed be licensed. However, since increasingly, the provision of such services frequently does not involve face-to-face meetings but rather, these services are being provided telephonically and electronically across state lines, this section recognizes this practice and permits the provision of general applied psychological services in this manner provided that the provider of the services is licensed in at least one jurisdiction and is not using this section to avoid the requirement of licensure entirely.

Mechanisms may be developed to alleviate some of these difficulties and provide for easy interstate recognition of licensure. Jurisdictions are encouraged to adopt and implement such mechanisms as appropriate.

Nothing in this Act shall be construed to prohibit the practice of psychology in this state by a person holding an earned doctoral degree in psychology from an institution of higher education who is licensed or certified as a psychologist under the laws of another jurisdiction, provided that the aggregate of sixty (60) days per year of professional services as a psychologist under the provision of this subsection is not exceeded. Prior to providing services in this state, a doctoral level licensed psychologist from another jurisdiction should provide written notice to the Board of the type of services to be provided, approximate duration of such services along with documentation of licensure and consent to operating under the jurisdiction, law, and regulations of this state. Notice does not require approval of the Board prior to delivery of service if the aggregate of 60 days of services is maintained and the individual does not establish an ongoing, regular, professional practice in the jurisdiction.

Nothing in this Act shall be construed to prohibit an individual not domiciled in the state who does not practice psychology in an office or other place of business in the state from providing general applied psychological services telephonically and electronically if the individual holds an earned doctoral degree in psychology from an institution of higher education and is licensed or certified as a psychologist under the laws of another jurisdiction. Written notice is not required for the interjurisdictional provision of general applied psychological services that are delivered solely by telephonic or electronic means.

In disaster situations the time frame and conditions under which psychologists will provide disaster services in the jurisdiction will be defined by the Board.

To the extent that the jurisdiction has adopted the Uniform Emergency Volunteer Health Practitioners Act, it will apply in times of disaster.

F. Temporary Authorization to Practice

This portion of the Act provides for the conditions under which a licensed psychologist may practice until obtaining licensure in another jurisdiction. Jurisdictions are encouraged to adopt regulations to facilitate the mobility and portability of licensure. Provision is also made for the Board to waive examination if the requirements met by the psychologist in the original jurisdiction are judged to be equivalent to those in this state.

A psychologist holding a current, active license or certification under the laws of another jurisdiction may be authorized by the Board to practice psychology as defined in this Act for a maximum of one year, provided that the psychologist has made application to the Board for licensure and has met the educational and experience requirements for licensure in this state. Denial of licensure terminates this authorization. The Board may choose to waive examination if a psychologist is licensed in another jurisdiction on the basis of qualifications that are not less than those required for licensure in this state.

G. Limitation of Practice; Maintaining and Expanding Competence

This provision of the Act is intended to ensure licensed psychologists who provide services will not practice outside the limits of their competence. The burden of proof is on the applicant to provide evidence, acceptable to the Board, that the applicant has obtained the training necessary to engage in the practice of psychology in the specified area of competence. The Board may wish to develop forms that provide for the specification of the intended area of practice and the evidence necessary to document competence. The Board should recognize that training in psychology includes broad and general training in scientific psychology and in the foundations of practice. Practice areas include: clinical psychology, counseling psychology, school psychology, industrial-organizational psychology, and other developed practice areas.

Psychologists provide services to populations and in areas within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience and do not practice beyond their areas of competence. The Board develops requirements or structures (e.g., continuing education in general areas of practice as well as in specific areas such as ethics, domestic violence, and multicultural competence; declaration and documentation of competence) to ensure that psychologists undertake ongoing efforts to identify, develop, and maintain competence and ethical practice. Boards may choose to require applicants for licensure and renewal of licensure to self-declare their areas of practice competence. Should a psychologist's area of practice change, then the psychologist shall be required to provide documentation of the training, supervision, and/or mentoring undertaken to achieve competence in the new area at the time of license renewal. Psychologists practicing in emerging areas take reasonable steps to ensure the competence of their work by using relevant research, training, consultation, or study.

The Board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. The Board shall develop structures to ensure that psychologists undertake ongoing efforts to maintain competence and ethical practice. The Board adopts as its standard of conduct the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association.

H. Inactive Status

A psychologist who is on military assignment outside the state, suffering from health problems, on sabbatical, retired, or who moves to another state may wish to be on inactive status. Relieving the psychologist from paying the fee will make it possible for that person to remain in good standing without being an active practitioner.

A psychologist in good standing who will not be practicing in the state for at least one year may petition the Board to have his or her license placed on inactive status without penalty. When such psychologist wishes to return to practice, an application shall be made to the Board, which shall reinstate him or her upon payment of the registration fee for the current year.

I. Practice Without a License

The Act must clearly specify what constitutes a violation of law and what penalties may be imposed for practice without a license or for misrepresentation of oneself as a psychologist. State legislatures have the latitude to determine penalties for such illegal activities. Boards are provided with the authority to suspend or revoke licenses and to prescribe conditions for reinstatement.

It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to represent himself or herself as a psychologist. It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to engage in the practice of psychology as defined in this Act, whether practicing as an individual, firm, partnership, corporation, agency, or other entity.

Any person who shall represent himself or herself as a psychologist in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and shall be fined not less than _____dollars and not more than _____dollars and, in addition thereto, may be imprisoned for not more than _____months. Each day such person shall practice psychology without meeting all the requirements of all laws now in force and of this Act shall constitute a separate offense. Any person filing or attempting to file, as his or her own, a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree.

Whenever a license to practice as a psychologist in the state has been suspended or revoked, it shall be unlawful for the person whose license has been so suspended or revoked to practice psychology in this state. The Board may issue, with or without reexamination, a new license whenever it deems such course safe and just.

The Board on its own motion may investigate any evidence or allegation that appears to show that any person is or may be in violation of any provision of this Act.

J. Exemptions

1. There should be an exemption from licensure for persons engaged solely in teaching in academic institutions, or research in academic and/or research institutions. In addition, those general applied (non-HSP) psychologists who provide services for the benefit of the organization as described in B.5.b.2 but not as described in B.5.b.1 and not involving direct services to individuals should be exempt from licensure and be allowed to refer to themselves as psychologists. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of psychology). The exemption should not be allowed if the individual engages in the direct delivery or supervision of psychological services to individuals or groups of individuals in any setting. Persons engaged in teaching or research should not be excluded from licensure if they meet the statutory requirements for licensure.

Nothing in this Act shall be construed to prevent the teaching of psychology or the conduct of psychological research, provided that such teaching or research does not involve the delivery or supervision of direct psychological services. Nothing in this Act shall prevent the provision of general applied psychological services to organizations so long as those services are for the benefit of the organization, and does not involve direct service to individuals. Nothing in this Act shall prevent the provision of expert testimony by psychologists who are otherwise exempted by this Act. Persons holding a doctoral degree in psychology from an institution of higher education may use the title "psychologist" in conjunction with the activities permitted by this subsection.

2. Members of other established professions, such as physicians, attorneys, and clergy, may provide services that are similar or related to the scope of practice of psychology. They should be exempted from licensure on the condition that they not represent themselves to be psychologists.

Nothing in this Act shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics, provided that they do not represent themselves to be psychologists. Duly recognized members of the clergy shall not be restricted from functioning in their ministerial capacity, provided that they do not represent themselves to be psychologists.

3. The prior version of this Model Act included an exemption for the use of the terms school psychologist or certified school psychologist for all individuals credentialed by the state agency regulating practice in public schools. This version acknowledges the authority of the relevant state education agency to credential individuals to provide school psychological services in settings under their purview and continues to restrict those individuals to practice within those settings. Additionally, the title so conferred, which must include the word “school”, is to be used solely while engaged in employment within those settings.

Nothing in this Act shall be construed to prevent (cite relevant state education authority or statutory provisions) from credentialing individuals to provide school psychological services in those settings that are under the purview of the state education agency. Such individuals shall be restricted in their practice and the use of the title so conferred, which must include the word "school", to employment within those settings.

This provision is not intended to restrict the activities of licensed psychologists.

4. Graduate students, interns, unlicensed postdoctoral trainees, and applicants for licensure are permitted to function under the supervision of a licensed psychologist, as are assistants not eligible for licensure in some states. None may use the title psychologist, but titles such as psychological trainee, psychological intern, psychological resident, or psychological assistant would be permissible under this exemption. The supervising psychologist is responsible for the professional actions of the student, trainee, or assistant. The Board is required to adopt regulations defining the nature and extent of training for qualified assistants and supervision for each category.

Nothing in this Act shall be construed to prevent persons under the supervision of a licensed psychologist from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist," in accordance with regulations promulgated by the Board. Such persons who are preparing for the profession of psychology may use terms such as "psychological trainee," "psychological intern," "psychological resident." Other persons may use terms such as "psychological assistant," "psychological technician," "psychological associate." All such persons must perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the Board.

Nothing in this section shall be construed to apply to any person other than:

(a) a matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;
(b) an unlicensed individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act; or
(c) a qualified assistant, technician, or associate employed by, or otherwise directly accountable to, a licensed psychologist. Such individuals may, among other things, administer and score neuropsychological tests at the request of the supervising psychologist, but may not interpret such tests. The Board in regulations shall determine the number of assistants, technicians and associates that a psychologist may employ and the conditions under which they will be supervised.

5. This provision clarifies that the focus of licensure is the individual providing the services. Where the individual providing the services is duly licensed and qualified to provide the services, the goal of assuring the public that the services will be provided by licensed and qualified professionals is served.

Nothing in this Act shall be construed to require a license under this Act in order for a firm, partnership, corporation, limited liability company or other entity to provide general applied psychological services where such services are performed by an individual: (a) duly licensed in this state or otherwise authorized to provide general applied psychological services under this Act; or (b) supervised by a licensed psychologist in this state and permitted to provide general applied psychological services with such supervision under this Act.

6. Individuals who were previously unable to obtain licensure because of exemptions or exclusions in the previous version of this Act or where fulfilling requirements for licensure has been prohibitive (in some instances this has included I-O, human factors, and consulting psychologists), but are now expected to become licensed under the new regulations, a provision for extending licensure to those psychologists should be enacted.

All who have been practicing for 5 years or more exclusively outside of the health care psychology area and who were previously unable to obtain licensure because of exemptions or exclusions in the previous version of this Act or where fulfilling requirements has been prohibitive shall be grandparented, with the following requirements:

- a. Candidates should have graduated from a regionally accredited institution with a doctoral degree in I-O, consulting, or other recognized program in general applied psychology.*
- b. Attestation from the candidate that documents at least 5 years of relevant work history in I-O, consulting, or other general applied psychology practice. This should include written support from at least two licensed psychologists in good standing within that jurisdiction or APA Fellows in the same or similar area of practice that attests to the candidate's work history, quality of work, ethical practice and lack of any disciplinary action.*
- c. Completion of the jurisprudence examination of that jurisdiction with a passing grade.*

Individuals must have applied for this grandparenting option within two years from the enactment of this Act. After that date, the individual must comply with the regular licensing laws.

K. Grounds for Suspension or Revocation of Licenses

In order to have an effective law, the Board must have the power to suspend and revoke a license. Actions that are a violation of the enforceable standards of the APA Ethical Principles of Psychologists and Code of Conduct in effect at the time of the activities and other standards subscribed to by the Board should be clearly stated in the licensing law. Two considerations are specified below that refer to specific points in the text that follows:

Concerning Numbers 6 and 7

The Board shall specify, in rules and regulations, criteria for determining how long or under what conditions an individual or group of individuals remains a patient or a client.

Concerning Number 17

In this section, physical condition shall be differentiated from physical disability. There is no intent to obstruct physically disabled candidates' entry into the profession of psychology nor from practicing their profession after licensure as long as they practice with reasonable skill and safety to patients or clients.

A psychologist and anyone under his or her supervision shall conduct his or her professional activities in conformity with the ethical and professional standards of the APA Ethical Principles of Psychologists and Code of Conduct and those standards promulgated by the Board under its rules and regulations.

The Board shall have the power and duty to suspend, place on probation, or require remediation for any psychologist for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology or to take any other action specified in the rules and regulations whenever the Board shall find by a preponderance of the evidence that the psychologist has engaged in any of the following acts or offenses:

- 1. fraud in applying for or procuring a license to practice psychology;*
- 2. immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board;*
- 3. practicing psychology in such a manner as to endanger the welfare of clients or patients;*
- 4. conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);*
- 5. conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;*
- 6. harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;*
- 7. engaging in sexual intercourse or other sexual contact with a client, patient or the individual who is the direct recipient of psychological services (where services are provided to an organization, client refers only to the individuals who are direct recipients of psychological services);*
- 8. use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience;*
- 9. gross malpractice or repeated malpractice or gross negligence in the practice of psychology;*
- 10. aiding or abetting the practice of psychology by any person not licensed by the Board;*

11. conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);
12. exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
13. the suspension or revocation by another state of a license to practice psychology (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof);
14. refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;
15. making any fraudulent or untrue statement to the Board;
16. violation of the APA Ethical Principles of Psychologists and Code of Conduct and other standards adopted in the rules and regulations of the Board; and
17. inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

When the issue is whether or not a psychologist is physically or mentally capable of practicing psychology with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the Board that the psychologist is not capable of practicing psychology with reasonable skill and safety to patients or clients, the Board may petition a court of competent jurisdiction to order the psychologist in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. Such psychologist and/or physician is to be designated by the Board. The expense of such examination shall be borne by the Board. Where the psychologist raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist shall be permitted to obtain his or her own evaluation at the psychologist's expense. If the objectivity or adequacy of the examination is suspect, the Board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist licensed to practice psychology in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

L. Board Hearings and Investigations

In the interest of protecting the public, the Board must have authority to regulate the practice of psychology. This section specifies the powers and duties of the Board to conduct investigations, hold hearings, consider evidence or allegations brought against a psychologist, and to discipline a licensee for violation of law or regulation. Both the Board and licensee are required to follow due process standards in any disciplinary proceeding.

The Board on its own motion may investigate or cause to be investigated any allegation or evidence that appears to show that a psychologist licensed to practice in this state is, or may be, in violation of this Act or of any of the acts, offenses, or conditions set forth by the Board in rules and regulations. Investigations will be limited to the allegation or evidence upon which they were initially based, except in situations when the investigation uncovers evidence of serious misconduct on the part of the psychologist that is unrelated to the initial allegation or evidence.

1) Any accusation filed against a psychologist licensed to practice in this state shall be filed within three years from the date the Board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or omission involves a minor, the seven-year limitations period provided for shall be tolled until the minor reaches the age of majority.

2) The following are exceptions to the limitations period in paragraph (1):

- a. acts or offenses involving a violation of Sections K(1), K(13), or K(15) ;
- b. acts or offenses involving a violation of Sections K4, where there is an element of dishonesty or fraud, and Section K5;

- c. acts or offenses involving fraudulent, deceptive or dishonest conduct that adversely affects the persons' ability or fitness to practice psychology;
- d. acts or offenses involving allegations of sexual misconduct with a psychotherapy client, or with a former psychotherapy client for a period of two years following the date of the last professional contact with the former client.

The Board shall have the power and duty to suspend, place on probation, or require remediation for a licensee for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology, whenever the licensee shall be found by the Board, by a preponderance of the evidence, to have engaged in conduct prohibited by this Act or rules and regulations duly promulgated pursuant thereto.

Any psychologist holding a license to practice in this state is required to report to the Board any information such psychologist in good faith may have that appears to show that any psychologist holding a license to practice in this state may be in violation of this Act or guilty of any of the acts, offenses, or conditions set forth by the Board and such violation has substantially harmed or is likely to substantially harm a person or organization, unless such intervention would violate confidentiality rights under this statute or when the knowledge comes from a peer review process qualifying under the state peer review statute or when the psychologist has been retained to review the work of that psychologist whose professional conduct is in question. Any psychologist who in good faith makes such a report to the Board shall be absolutely immune from civil liability to any person and/or entity for any statement or opinion made in such report.

If, in the opinion of the majority of the Board, there is probable cause that the information provided to it under the provisions of this section may be valid, the Board shall request by registered mail a formal interview with the psychologist. If the psychologist who is ordered to a formal interview before the Board refuses to appear for such interview, such refusal shall be considered grounds for the Board, at its discretion, to suspend or revoke the license of such psychologist. Any proceeding for suspension or revocation of a license to practice as a psychologist in this state shall be conducted in accordance with procedures established by the Board. In the event that these provisions conflict with the state's general administrative procedures, these specific provisions will take precedence. The psychologist shall be informed of his or her rights concerning Board hearings and investigations:

1. the right to a hearing within a reasonable period of time after the Board receives the allegation or evidence that serves as the basis for an investigation by the Board and 30-days notice of the hearing;
2. the right to notice that a complaint has been filed and a copy of the complaint within 120 days of receipt of the complaint and the licensed psychologist and the complainant is provided notification, at least every three months as to the status of any outstanding complaint unless the Board makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee of the determination or disposes of the complaint within 120 days of the date of receipt of the complaint;
3. the right to see a signed (electronically or otherwise) complaint (non anonymous);
4. the right to have access to the Board's rules and procedures;
5. the right to self-representation or representation by counsel;
6. the right to discovery: each side can request from the other side relevant documents, a list of witnesses, and for any expert witnesses, the name, C.V. and a detailed report of the expert's expected testimony;
7. the right to compel the attendance of, and produce, witnesses and to confront and cross examine opposing witnesses, and to have witnesses testify under oath;
8. the right to a written decision setting forth the violation, findings of fact, sanctions, and reasons for the sanctions, within a reasonable period following the hearing;
9. a determination of the size of the vote necessary to find a violation;
10. a determination whether the hearing will be closed or open to the public;
11. the right not to have Board members who were on the investigative committee also appear on the formal hearing panel.
12. the right to an appeal to an administrative board of review and/or to a court of competent jurisdiction.

The licensee may knowingly and voluntarily waive in writing his or her right to the formal adversary proceeding described in this section.

The Board shall have the right to conduct an ex parte hearing if, after due notice, the individual fails or refuses to appear. The Board shall have the right to issue subpoenas for production of documents and witnesses and to administer oaths. The Board shall have the right to apply to a court of competent jurisdiction to take appropriate action should a subpoena not be obeyed.

The Board shall temporarily suspend the license of a psychologist without a hearing simultaneously with the institution of proceedings for a hearing provided under this section if the Board finds that evidence in its possession indicates that the psychologist's continuation in practice may constitute an immediate danger to the public. Appropriate officials may petition the court for an injunction barring further practice unless or until the person is properly licensed. The injunction may be issued in addition to, or in lieu of, the criminal sanctions provided for in this section.

A psychologist may surrender his or her license when such person is charged with unethical conduct and upon receipt of that charge, that person decides to surrender the license, such surrender and acceptance by the Board shall constitute acknowledgment by the psychologist of guilt as charged.

A psychologist may request in writing to the Board that a restriction be placed upon his or her license to practice as a psychologist. The Board, in its discretion, may accept a surrender or grant such a request for restriction and shall have the authority to attach such restrictions to the license of the psychologist to practice psychology within this state or otherwise to discipline the licensee.

Subsequent to the holding of a hearing and the taking of evidence by the Board as provided for in this section, if a majority of the Board finds that a psychologist is in violation of this Act or guilty of any of the acts, offenses, or conditions as enumerated by the Board, the following actions may be taken:

- 1. The Board may revoke or suspend the license and impose a monetary penalty.*
- 2. The Board may suspend imposition of a revocation or suspension of a license and/or a monetary penalty.*
- 3. The Board may impose revocation or suspension of a license and/or a monetary penalty, but suspend enforcement thereof by placing the psychologist on probation, which probation shall be revocable if the Board finds the conditions of the probation order are not being followed by the psychologist.*
- 4. The Board may require the psychologist to submit to care, counseling, or treatment by a professional designated by the Board. Such action may, but is not required to, be a condition of probation. The expense of such action shall be borne by the psychologist.*
- 5. The Board may, at any time, modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both.*
- 6. The Board shall have the power to require restitution when necessary,*
- 7. The Board shall have the power to assess the costs of the disciplinary proceeding.*

M. Privileged Communication

This section regulates and limits the powers of the judicial system. The courts or other administrative agencies with subpoena power have the right to make use of all relevant information in the judicial fact-finding process unless this right of access to information is specifically limited. Historically, courts and legislatures have been charged with fact-finding in order to seek truth and administer justice. At the same time they have attempted to maintain the integrity of the confidential and private relationship between psychologist and patient or client. However, some societal issues have emerged, such as child abuse and sexual abuse, that have changed the absolute nature of privileged communication. Though the privilege is not absolute, it is designed to be sufficiently broad to cover all situations except those specifically enumerated. It is a privilege "owned" by the patient or client, who may assert it or waive it, although the psychologist may assert it for a patient or client who wishes to maintain such privilege of communication. It is understood that the privilege encompasses only communications between the patient or client and the psychologist in a professional relationship. The provisions herein relate only to the disclosure of confidential communications in judicial, legislative, and administrative proceedings. They do not speak to the disclosure of confidential communications in other context, such as, for example, disclosures required or permitted by law or disclosures relating to consultations. Disclosure of confidential communications outside of judicial proceedings are governed by the relevant sections of the APA Ethics Code.

In judicial proceedings, whether civil, criminal, or juvenile; in legislative and administrative proceedings; and in proceedings preliminary and ancillary thereto, a patient or client, or his or her guardian or personal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist licensed or otherwise authorized to practice psychology under the laws of this jurisdiction, or to persons reasonably believed by the patient or client to be so licensed, or to students, interns, and trainees under the supervision of a licensed psychologist, and their agents, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder. In the absence of evidence to the contrary, the psychologist is presumed authorized to claim the privilege on the patient's or client's behalf.

This privilege may not be claimed by the patient or client, or on his or her behalf by authorized persons, in the following circumstances:

- 1. where abuse or harmful neglect of children, older adults, or disabled or incompetent individuals is known or reasonably suspected;*
- 2. where the validity of a will of a former patient or client is contested;*
- 3. where such information is necessary for the psychologist to defend against a malpractice action brought by the patient or client;*
- 4. where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;*
- 5. in the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist;*
- 6. in any proceeding in which the party relies upon his or her mental or emotional condition as an element of the party's claim or defense;*
- 7. where the patient or client is examined pursuant to court order; or*
- 8. in the context of investigations and hearings brought by the patient or client and conducted by the Board, where violations of this Act are at issue.*

N. Severability

As with any law, one provision may be subject to court challenge and ruled invalid or unconstitutional. For example, it is not legally clear whether state licensing boards can regulate persons working for federal agencies. Thus, if any provision is ruled invalid or unconstitutional, it is important that the entire Act not be affected. This can only be achieved by inserting a clause at the end of the Act stating that each provision of the Act is severable from all other provisions and that the declaration that one section is invalid or unconstitutional will not affect the constitutionality or enforceability of any other section.

If any section in this Act or any part of any section thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

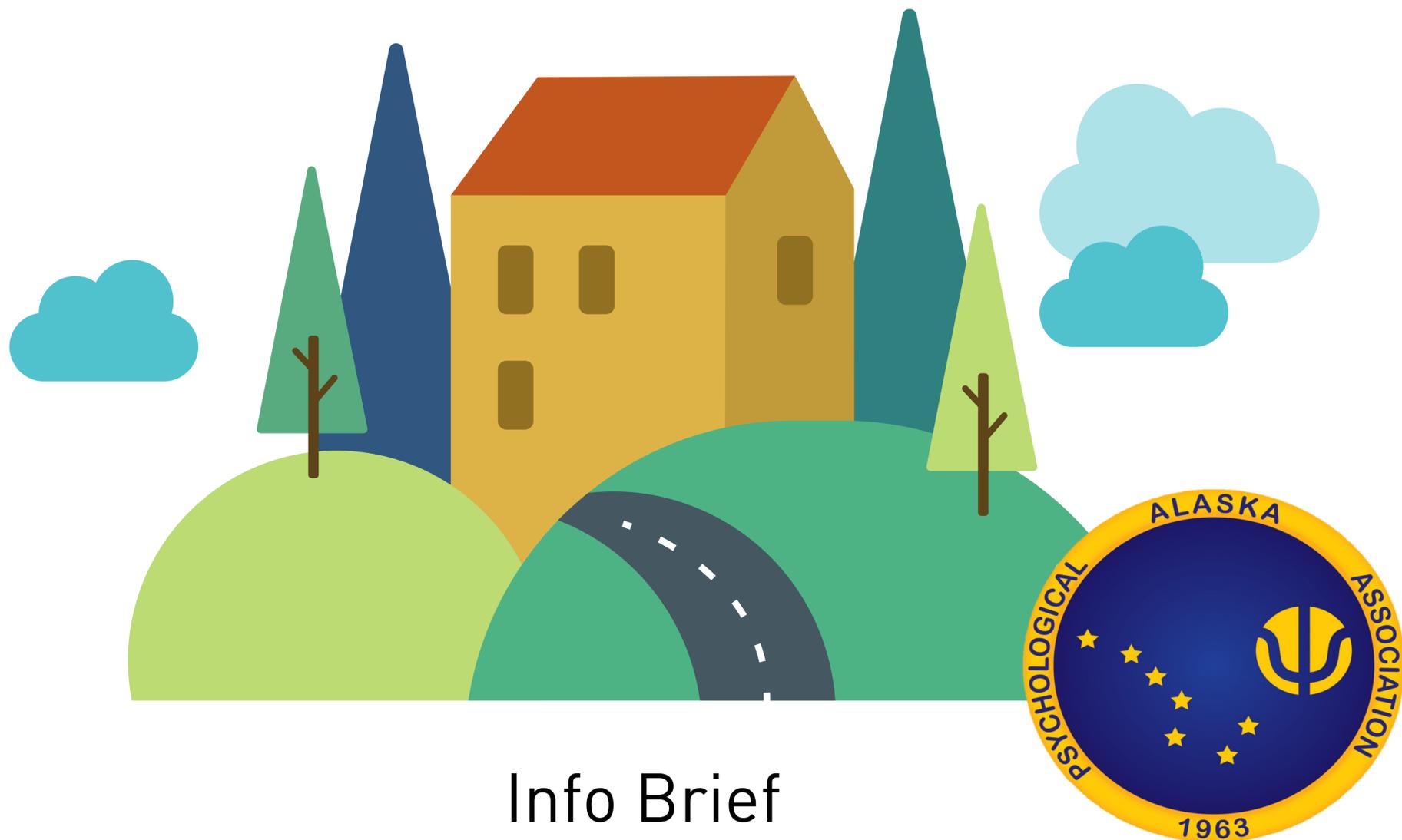
O. Effective Date

In any law regulating a profession there needs to be a specific date establishing when the law shall become effective. Thus, the final paragraph states:

This Act shall become effective upon the date it is signed by the Governor or on the date it otherwise becomes effective by operation of law.

REFERENCES

- American Psychological Association. (2002). Ethical principles of psychologists and code of conduct. *American Psychologist*, 57, 1060-1073.
- American Psychological Association. (1987). Model act for state licensure of psychologists. *American Psychologist*, 42, 696-703.
- APA Committee on Legislation. (1955). Joint report of the APA and CSPA (Conference of State Psychological Associations). *American Psychologist*, 10, 727-756.
- APA Committee on Legislation. (1967). A model for state legislation affecting the practice of psychology 1967: Report of the APA Committee on Legislation. *American Psychologist*, 22, 1095-1103.



Info Brief

APA's Model Licensure Act



17 states have already adopted the Model Licensure Act (MLA)

The American Psychological Association (APA) and The Association of State and Provincial Psychology Boards (ASPPB) have developed codes of ethical behavior and model licensure acts.

This is the 5th iteration of the Model Act - which is a prototype for creating state legislation that regulates the practice of psychology. The current MLA was approved by the APA Council in 2010.

The MLA documents provides a roadmap, including policies, to inform state licensure law. The MLA is a guide to support state licensing boards in drafting their own rules and regulations.

Continue reading...

To view the APA Model Act for State Licensure of Psychologists please visit:
www.apa.org/about/policy/model-act-2010.pdf

Get bachelors degree

Graduate school & Internship

Get doctorate

Post Doc? Supervised Practice

Get Licensed





Why adopt the MLA?

The MLA can be adopted in part or in full. It is meant to act as a guide and support. At least 17 states (i.e., Connecticut, Washington, Ohio, Pennsylvania, Wyoming) have already adopted these licensure requirements.

Why be in favor this change?

- It reflects the increasing number of **supervised hours for students** in doctoral programs; schools better preparing students
- Hours required for licensure are not decreasing, instead there is **flexibility** in when these hours can be accumulated and accounted for
- The experience students gain during predoctoral training is not necessarily more valuable than postdoctoral hours
- Allows **students to be licensed earlier**

- The **quality** of licensees and prospective licensee remains the same
- Early career psychologists (ECPs) can begin **billing and earning income sooner**
- **Institutions benefit** because ECPs can bill insurance for services
- **Greater mobility** for psychologists in other states
- Help fill the **demand** for psychologists in rural areas

APA - www.apa.org/careers/early-career/licensure/guidance.aspx



Provides much needed **financial relief** to ECPs who graduate with debt, median debt for PhD graduates (75k) and PsyD graduates (200k)

How do I learn more?

The Alaska Psychological Association (AK-PA), your state psychological association, has started a committee to inform psychologists and members across the state about the MLA .

We have also begun critical advocacy work and are communicating with our state psychology board. In those states who have already initiated the MLA, the proposed changes in licensure were not significantly opposed. However, the process required collaboration with stakeholders, review of regulations, and developing a strategic plan.

You can read more about the process and experiences of other states that have recently updated their licensure requirements at: www.apa.org/careers/early-career/licensure/case-studies.aspx

Stages of the Process

APA has provided a guidance document that outlines the key stages of the process, informed by the case studies and experiences of other states. On average, it took 1.5 years for states to go through these stages if they chose to adopt all or parts of the MLA.

We have summarized the APA's guidance document here, but to read the document in its entirety please visit: www.apa.org/careers/early-career/licensure/guidance.aspx

1: Contemplation

Research MLA. Beginning discussions about changing licensure requirements in collaboration with stakeholders. Form a committee/task force.

2: Preparation

Prepare data and evidence to support decision for changing. Identify suggested regulatory changes. Obtain testimonials (e.g., graduate students, ECPs). Stakeholders agree with strategic plan. Connect with legislators.

3: Action

Articulate strong argument. Engage legislators and lobbyists to push for adoption of change and get amendment/bill adopted. Timelines are critical.

4: Implementation/ Maintenance

Once passed, regulations can be updated. Communicate with regulators on the process and set milestones within a timeline.

The easiest way to get involved with any of the work being done by AK-PA's committees is to send us an email letting us know you're interested!

www.ak-pa.org/about/get-involved/



Contact Us!
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Anchorage, Alaska 99524-1292
www.ak-pa.org/

From: Michael Reed, MS
To: [Teske, Rissa J \(CED\)](#)
Cc: [Jana Zeedyk](#)
Subject: Re: PSY Board November meeting/Follow up on AKPA meeting
Date: Wednesday, October 31, 2018 5:47:00 PM
Attachments: [model-act-2010.pdf](#)
[akpa_mla.pdf](#)

Good afternoon,

Attached is a short handout we made for members regarding the Model Licensure Act (MLA) and the American Psychological Association's 2010 MLA document, which will be the basis of our proposed bill. We may have additional documents to provide the Board after 11/15/18 when the AK-PA MLA committee meets again.

Best regards,

Mike

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From: "Teske, Rissa J (CED)" <rissa.teske@alaska.gov>
To: "Michael Reed, MS" <michael.reedms@yahoo.com>
Cc: Jana Zeedyk <jhzeedykphd@gmail.com>
Sent: Wednesday, October 31, 2018 9:26 AM
Subject: RE: PSY Board November meeting/Follow up on AKPA meeting

Hi Michael,

I forgot to ask if you had any materials or information to provide to the board before the meeting, it's helpful to have the info beforehand so the board members can be prepared. Feel free to email me the info and I can upload it to the agenda, the sooner I can get the info the better so I can finish the board book. Thank you!

Sincerely,

Rissa Teske
Licensing Examiner
Board of Professional Counselors

21. Exam Question Drafting (Executive Session)

22. Adjourn