

Alaska Board of Chiropractic Examiners

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*Future meetings set for: October 30, 2021 9:00 a.m. zoom
February 11, 2022 9:00 a.m.*

Set 3Q 2022 - April 2022 date?

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i. October FCLB District meeting attendees - travel

Board voted at April meeting to send two members and 1 staff to meeting October 7-10 at Whitefish, MT. All four board members expressed a degree of interest in attending. Who shall staff apply for funding and arrange travel for?

B. Task List

Clarify tasks assigned and follow up time frame.

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15. Adjourn

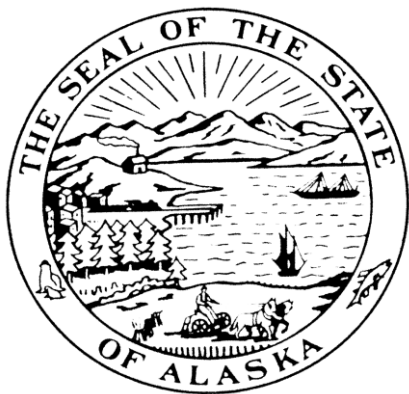
State of Alaska 2021 HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01/2021	New Year's Day
01/18/2021	MLK Jr.'s Birthday
02/15/2021	Presidents' Day
03/29/2021	Seward's Day
05/31/2021	Memorial Day
07/04/2021	Independence Day (observed 07/05/2021)
09/06/2021	Labor Day
10/18/2021	Alaska Day
11/11/2021	Veterans' Day
11/25/2021	Thanksgiving Day
12/25/2021	Christmas Day (observed 12/24/2021)
01/01/2022	New Year's Day (observed 12/31/2021)

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



JANUARY

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DECEMBER

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Roster

Board of Chiropractic Examiners

NAME	APPOINTED	REAPPOINTED	EXPIRES
Kanady, Timothy (Anchorage) Chiropractor	03/01/2021		03/01/2025
King, Gabriel (North Pole) Public	11/05/2020		03/01/2024
Larson, Brian (Soldotna) Chiropractor	03/01/2017	03/01/2021	03/01/2025
Lloyd, John (Anchorage) Chiropractor	03/01/2020		03/01/2024
Morris, James (Dutch Harbor) Chiropractor	03/01/2018		03/01/2022

Board Fact Sheet



Alaska Board of Chiropractic Examiners

Alaska Division of Corporations, Business and Professional Licensing
Jul 30, 2021 at 9:00 AM AKDT to Jul 30, 2021 at 4:30 PM AKDT
Videoconference

Agenda

- 1. Call to Order/Roll Call** **9:00 AM**
- 2. Review/Approve Agenda** **9:05 AM**
- 3. Ethics Reporting** **9:10 AM**
- 4. Review/Approve Meeting Minutes** **9:20 AM**
 - A. April 29, 2021**
 - B. May 25, 2021**
- 5. Board Business**
 - A. Review Goals/Objectives** **9:35 AM**
 - B. Annual Report Discussion** **9:40 AM**

Discussion about concerns with the FY 21 Annual Report
 - C. Utilization Review Committee Appointments** **9:55 AM**
 - D. CE and Covid Considerations?** **10:25 AM**

At the April 29, 2021 meeting the board decided due to the fluid covid situation to re-address this topic, namely whether it should be pursued to reduce the in-person CE requirements. Renewals do not take place for current licensees until 12/31/2022; but this has effected the ability of out of state Chiropractic Physicians to obtain Alaska licensure, due to a lack of in-person CE opportunities.
 - E. COVID Guidelines updates needed?** **10:35 AM**

Numerous calls and emails have been received by the Board asking for updated information regarding COVID-19 mandates and practices. Does the board feel any update to published guidelines is necessary?
- 6. Correspondence** **10:55 AM**
- 7. ACS Update** **11:05 AM**
- 8. Public Comment** **11:35 AM**
- 9. Lunch** **12:00 PM**
- 10. Investigative Report** **1:00 PM**

Investigator Bautista will present.
- 11. Discipline Matrix** **1:15 PM**

This section will need to be staffed with investigations due to their participation in customizing these matrices for CHI board use. Investigator Bautista will staff.

12. Budget Report/Division Updates **1:45 PM**

13. Regulation Projects

There are no current regulation projects ongoing. The board has considered projects related to emergency courtesy licenses for disasters and expedited licenses for military spouses (Item 5. E)

A. Military Spouse Courtesy Licensing **2:35 PM**

Consideration of how SB12 fits with current regulation on Courtesy Licensing for spouses of military transfers to Alaska.

B. Emergency Courtesy License Regulations **2:55 PM**

Presenter: Jun Maiquis

Department of Law and Regulation Specialist Jun Maiquis have consulted that the beginning of a project in this area would be to 1. Define what would constitute an emergency and 2. Why is it necessary? Some other profession's regulations are attached.

14. Administrative Business

A. Set Next Meeting Dates/ Board Travel **3:25 PM**

*Future meetings set for: October 30, 2021 9:00 a.m. zoom
February 11, 2022 9:00 a.m.*

Set 3Q 2022 - April 2022 date?

i. October FCLB District meeting attendees - travel **3:30 PM**

*Board voted at April meeting to send two members and 1 staff to meeting October 7-10 at Whitefish, MT.
All four board members expressed a degree of interest in attending. Who shall staff apply for funding and arrange travel for?*

B. Task List **3:40 PM**

Clarify tasks assigned and follow up time frame.

C. Board Training Online Resources and Discussion **3:50 PM**

15. Adjourn

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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Anchorage, AK 99501

attorney.general@alaska.gov

Phone: (907) 269-5100 | Fax: (907) 276-3697

TTY: 907-258-9161

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Ethics Disclosure Form

CONFIDENTIAL
REQUEST FOR ETHICS DETERMINATION

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

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

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

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

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

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

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

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

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

Ethics Disclosure Form

Receipt of Gift

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

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

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

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

The gift is _____

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

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

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

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

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

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

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

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

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF CHIROPRACTIC EXAMINERS
5

6 MINUTES OF THE MEETING
7 APRIL 12TH, 2021

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

10
11 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled
12 meeting of the Board of Chiropractic Examiners was held via Videoconference on April 29th, 2021.
13

14 **Item 1 Call to Order/Roll**

15
16 The meeting was called to order by Board Chairman Dr. Brian Larson, at 10:10 a.m. Members present
17 were:
18

19 **Roll Call**

20
21 **Board Members present, constituting a quorum:**

22
23 Brian Larson, Doctor of Chiropractic
24 Tim Kanady, Doctor of Chiropractic
25 James Morris, Doctor of Chiropractic
26 John Lloyd, Doctor of Chiropractic
27 Public Member, Vacant
28

29 **Division Staff present were:**

30
31 Reid Bowman, Occupational Licensing Examiner
32 Cynthia Spencer, Licensing Supervisor
33 Sara Chambers, Division Director (*via videoconference at 10:18 a.m.*)
34

35 **Present from the Public:**

36
37 Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
38

39 **Item 2 Review/Approve Agenda**

40
41 Dr. Larson directed the board to review the agenda and make any additions, revisions and suggestions.
42 Licensing Supervisor Spencer suggested the addition of section C in Agenda Item 13- Administrative
43 Business for discussion online jurisprudence examinations.
44

45 **On a motion duly made by Tim Kanady, seconded by James Morris, and approved**
46 **unanimously by a roll call, it was RESOLVED To ADD item C. to item 13 for discussion of**
47 **the jurisprudence exam.**
48

49 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved**
50 **unanimously by a roll call, it was RESOLVED To APPROVE the agenda as written.**

51 **Item 3 Ethics Report**

52
53 Dr. Larson stated he is the Designated Ethics Supervisor (DES) for the board and reviewed the
54 circumstances when a report is required to be submitted. Dr. Larson inquired about the value of gifts that
55 required a report.

56
57 Director Chambers stated \$150.00 was the gift reporting limit.

58
59 Dr. Larson conducted a roll call of board members asking for anything to report. There were no violations
60 or potential violations to report.

61
62 **Item 4 Review/Approve Meeting Minutes**

63
64 The board reviewed the meeting minutes from the February 12, 2021 board meeting. There were no
65 objections or additions.

66
67 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved by**
68 **majority through roll call, it was RESOLVED to APPROVE the February 12th, 2021 meeting**
69 **minutes as written.**

70
71 **Item 5 Board Business**

72
73 A. Review Goals and Objectives:

74
75 Ms. Spencer asked if the Board would like this to be an ongoing agenda item. The board briefly discussed
76 the question and determined it was valuable to have this as an ongoing agenda item.

77
78 This topic will also be discussed during the annual report-agenda item.

79
80 B. Chiropractic Response to Telemedicine:

81
82 The board discussed the ability of Chiropractors to participate in telemedicine services.

83
84 Mr. Bowman stated there were no barriers to such practice and outlined the registration process.

85
86 Dr. Larson asked about:

- 87
- 88 • The scope of practice allowed?
 - 89 • Do the patients need to have access to the service provider?
 - 90 • Does there need to be a network of providers available if contact is needed?
 - 91 • Does the patient need to be in the state or can they be anywhere, and
 - 92 • Does the provider need to be a chiropractic physician if they are coming from elsewhere?

93 Director Chambers stated anyone providing chiropractic services within the state of Alaska are required to
94 be appropriately licensed and the physical location of the patient determines the jurisdiction for licensure.
95 Director Chambers also stated the business would need to be on the telemedicine registry; the individual
96 physician does not need to be on the registry.

97
98 Dr. Larson asked if House Bill (HB) 76 had any bearing on the discussion; Director Chambers stated the
99 version which passed the Senate applied to Medical and Nursing boards but not to chiropractic practice.

100
101 Dr. Larson inquired about mechanisms to ensure outside telemedicine providers were licensed in Alaska.
102 Director Chambers stated proper licensing was encouraged for providers by the inability to receive
103 payment from insurers without documentation of licensure, and the complaint process would be

104 secondary verification. Director Chambers informed the board they have the ability amend regulations to
105 set guidelines for telemedicine if needed. Director Chambers cautioned any guidelines would need to be
106 careful not to unduly restrict the practice of someone who is licensed.

107
108 Dr. Larson asked Sheri Ryan, Alaska Chiropractic Society if they had received complaints or questions about
109 telemedicine. Ms. Ryan stated there had been questions about telemedicine but no complaints
110 concerning outside chiropractors. Ms. Ryan went on to state, the main inquiries had been about whether
111 Alaska licensed chiropractors could see patients outside the state. The board discussed situations in which
112 an Alaska based patient out of state could be seen by an Alaskan practitioner. Director Chambers stated
113 the standard remained that a practitioner should be licensed in the jurisdiction where the patient is
114 currently physically located.

115
116 C. Leading Legislative Bill Support:

117
118 This item was delayed in favor of discussing section D.

119
120 D. Temporary Permits for Out of State Chiropractors to assist in Crises/Natural Disasters:

121
122 The board discussed previous regulatory efforts to allow out of state chiropractors to practice in Alaska
123 during declared municipal, borough or state emergencies without the 45-day process currently in place for
124 licensure.

125
126 Director Chambers stated several other boards had adopted emergency courtesy licenses last fall; she
127 stated a template was available that had been approved by the Department of Law that provided flexibility
128 to the profession and the board to issues limited scope licenses and offered to provide that to the board.

129
130 The board discussed past courtesy license applications and reasons behind their denials, including having
131 adequate existing chiropractic coverage. Director Chambers stated those applications clearly did not meet
132 the standards described in 12 AAC 16.205 however; Director Chambers cautioned the board that while
133 crafting new regulations to consider if someone is qualified to hold a license, the board could not restrict
134 their practice based upon other available providers. Director Chambers stated precedent in federal court
135 decisions reflected this. The board chose to table the discussion until the next meeting and requested to
136 include language similar to other state boards emergency regulations and request the attendance of a
137 regulation specialist.

138
139 Dr. Kanady stated he would follow up with Mr. Bowman to prepare this task for the next meeting.

140
141 E. Review of Statutory Recognition of Chiropractic Physicians as Physicians by Other Professions in
142 Alaska:

143
144 Dr. Larson informed the board the Nursing Board currently recognizes Chiropractic Physicians as Physicians
145 in their regulations, however the Medical Board does not. Dr. Larson asked the board if they would
146 consider drafting legislation to affect the Medical Board to recognize chiropractors as physicians.

147
148 Director Chambers stated current statutes define Chiropractic Physicians in AS 08.20 and Medical
149 Physicians under AS 08.64. Director Chambers stated if the board would like to be considered Physicians
150 under AS 08.64 then chiropractors would be subject to following the regulations and scope of practice
151 required under that statute and would probably be absorbed into the Medical board.

152 Dr. Larson asked the board if they felt it was necessary to pursue this topic further. Director Chambers
153 stated the direction being pursued to expand statutes regarding scope of practice is the correct one to
154 achieve the Board's goals, and the alternative would be to disband the Board and fall under the purview of
155 the Medical Board. The board discussed and agreed it was preferable to be regulated under their own
156 statutes.

157 Dr. Larson suggested a preferable option would be to attempt to clean up Chiropractic statutes and
158 regulations to reflect the nomenclature Chiropractic Physician instead of Chiropractor.

159
160 Discussion was tabled on this topic to advance the agenda to accept public comments as publicly
161 scheduled.

162 **Item 8 Public Comment**

163
164
165 No members of the public were in attendance.

166 **Item 6 Investigative Report**

167
168
169 Investigator Jasmin Bautista presented the investigative report for the period of January 29, 2021 to April
170 21, 2021. Investigator Bautista reported six open cases and none closed over that period; Investigator
171 Bautista stated she would be presenting cases.

172
173 **On a motion duly made by Tim Kanady, seconded by John Lloyd, and approved by**
174 **majority through roll call, it was RESOLVED to ENTER Executive Session under the**
175 **authority of AS 44.62.310(C) for the purpose of discussing (2) subjects that tend to**
176 **prejudice the reputation and character of any person, provided the person may request**
177 **a public discussion. Staff to remain in session.**

178
179 The Board entered executive session at 11:33 a.m. and returned from executive session at 11:57 a.m. Ms.
180 Spencer conducted a roll call vote; all board members present.

181
182 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved**
183 **unanimously by a roll call, it was RESOLVED to ACCEPT the civil fine for case number**
184 **2021-000025.**

185
186 **On a motion duly made by James Morris, seconded by John Lloyd, and approved by a**
187 **majority through roll call, it was RESOLVED to ACCEPT the summary suspension as**
188 **written for case number 2020-000499. Dr. Larson recused himself from this vote.**

189
190 *Recess The board recessed for lunch at 12:03 p.m.; and reconvened at 12:59 p.m. Dr. Larson conducted a*
191 *roll call vote; all board members present.*

192 **Item 9 Alaska Chiropractic Society (ACS) Report**

193
194
195 Ms. Ryan reported she had emailed the ACS report to Mr. Bowman. Mr. Bowman stated he would forward
196 the report to the board. Ms. Ryan gave an update upon The Future of Chiropractic Care Strategic Plan
197 stating phase two has concluded, phase one's report had been issued and is linked in the ACS report. Ms.
198 Ryan informed the board that workgroups had been assembled nationwide to complete the strategic plan;
199 phase three will be starting soon and there will be opportunities for any chiropractor throughout the
200 nation to provide input.

201
202 Ms. Ryan also reported the Federation of Chiropractic Licensing Boards (FCLB) is having their annual
203 meeting on Saturday, May 1st; a candidate for the presidency asked for the Alaska representative to call
204 her. Dr. Larson stated he would call her, and contact information would be forwarded by Mr. Bowman.

205
206 Ms. Ryan reported that Community Care Network rollout had been delayed until July 1st to give providers a
207 chance to complete the credentialing process; details are available on the ACS website. Ms. Ryan
208 informed the board that the Cures Act is a hot topic which relates to patient record sharing, similar in
209 some ways to HIPAA. Ms. Ryan stated all practitioners should review the ACS website for more
210 information

211 Ms. Ryan informed the board that H.R. 2654, the Medicare Inclusion Bill had been reintroduced in the US
212 House of Representatives; ACS met with Representative Don Young, April 5th, 2021 in preparation. Ms.
213 Ryan stated Representative Young is in full support of co-sponsorship of the bill.
214

215 Ms. Ryan stated ACS advocated to have chiropractic physicians included in the language of Senate Bill 65;
216 “Chiropractor” was added in the Senate bill. Ms. Ryan informed the board ACS is currently working with
217 Senator Kiehl to change the terminology from “chiropractor” to “chiropractic physician”.
218

219 Dr. Larson stated there was no need for ACS assistance to the board. Sheri Ryan stated ACS has one seat
220 open on the medical services review committee, and a possible opening on the workers compensation
221 board.
222

223 **Item 11 Budget Report/Division Updates**

224 A. FY21 3rd Quarter Fiscal Review:

225 Director Sara Chambers delivered the third quarter fiscal update reflecting an overall ending surplus of
226 \$48,093.
227

228 The board noted licensing fee revenues appeared to be slightly lower than in the previous two cycles. The
229 board discussed reviewing renewal numbers to determine if a significant portion of licensees opted not to
230 continue Alaska licensure. Ms. Ryan with ACS stated association membership was holding steady;
231 however, she had noticed many chiropractors retiring.
232
233

234 **Item 5 Board Business**

235 C. Leading Legislative Bill Support:

236 Director Chambers reviewed the division’s annual Board Member Legislative Guidance, including
237 strategies for the board to register support, opposition, or comment on legislation. Director Chambers
238 reiterated that boards must vote on positions and board members should take care to clarify that they do
239 not speak for the board when testifying as individuals. Dr Larson provided an update on the status of the
240 board’s legislative priorities. Dr. Larson reported he had met with several legislators to garner support and
241 was awaiting confirmation of a sponsor. Director Chambers suggested board members forward the
242 document they had previously adopted to their own senators and representatives; Director Chambes also
243 suggested that ACS finalize their position to lend support, if they are so inclined. Director Chambers stated
244 securing a sponsor now will provide ample time for amendments and edits during the interim.
245
246
247
248

249 *Recess The board recessed at 2:18 p.m. and reconvened at 2:30 p.m. Dr. Larson conducted a roll call vote;*
250 *all board members present.*
251

252 **Item 12 Regulation Projects**

253 A. Regulation of Chiropractic Assistants:

254 Dr. Larson reported the legislative auditor raised a question about the board’s lack of licensure or
255 registration for chiropractic assistants, interns, and preceptors. Dr. Larson stated the auditor’s assumption
256 was that that board should be doing more to ensure qualifications were being met. Director Chambers
257 reviewed the history of the legislation from 2016 authorizing the use of these personnel. Director
258 Chambers stated the Alaska State Legislature specifically and intentionally did not give the board power to
259 license these areas as the sponsor did not want to incur the fiscal note or added bureaucracy.
260
261
262

263 Dr. Larson asked the board if they would like to seek expansion to regulate assistants, interns and
264 preceptors so they could enhance their regulation of these practices.
265

265 The board discussed and generally agreed that the system was working as intended and no changes were
266 needed. The board agreed that professionals were successful in ensuring their assistive personnel met
267 certification requirements, and the division has not been receiving complaints. Director Chambers
268 suggested the system was similar to licensee delegation to medical assistants or dental assistants. Dr.
269 Lloyd added that licensees incurred the burden of discipline if something went awry, and licensees are
270 keen to avoid such infractions.

271
272 B. Application Deadlines for Incoming Chiropractors:

273
274 The board discussed briefly and agreed there was no need to change the current application deadline of
275 45 days.

276
277 C. In-person CE Requirement for Both Incoming Initial Applications and Renewals:

278
279 At this time due to convergence between correspondence items and this agenda item, both were
280 discussed simultaneously. Several pieces of board correspondence requested updates on COVID-19
281 practice expectations. The board clarified that their current guidance, posted on the division's COVID-19
282 web page, pointed to CDC and state guidelines and did not specify any additional requirements.

283
284 Director Chambers confirmed that HB 76, had been transmitted to the governor for signature today,
285 included immunity for businesses and licensees who are in substantial compliance with federal, state, and
286 municipal guidelines. Director Chambers also stated that the bill did not include any additional restrictions
287 that would affect licensees or chiropractic practice.

288
289 The board confirmed that they were content with their current published guidance going forward.

290
291 The board also received requests to renew their COVID-era flexibility on continuing education (CE)
292 requirements of 12 AAC 16.030 (initial applications by examination) and 12 AAC 16.033 (applications for
293 renewal). The board discussed the logistical challenges to in-person coursework and the merits of virtual
294 training; since COVID-19 positive cases were declining and vaccinations were increasing, the board
295 anticipated more in-person offerings would be available.

296
297 Ms. Ryan stated that ACS hoped to hold an in-person meeting this fall, which would include CE offerings.

298
299 After discussion, Dr. Larson took a straw poll of the board, which was unanimous in determining that
300 certain types of chiropractic CE were far more valuable and educational when done in an in person setting;
301 therefore, the board opted to continue requiring no more than 16 hours of education be completed
302 remotely. The board stated the planned to discuss this issue at a future meeting to ensure they were
303 maintaining awareness of recent developments.

304
305 Director Chambers offered to inform the board within a week of any options available through HB 76 and
306 pursuant disaster or emergency declarations. Dr. Larson directed staff to communicate with persons
307 concerned about this requirement to let them know the topic would be reconsidered at their next
308 meeting.

309
310 **Item 5 Board Business**

311
312 F. Elections:

313
314 The board discussed the need to elect officers for Vice Chair and Secretary of the board. Dr. Larson asked
315 for nominations.

316 i. Vice Chair

317

318 Dr. Larson nominated Dr. Kanady for Vice Chair.

319

320 **On a motion duly made by Tim Kanady, seconded by James Morris, and approved by a**
321 **majority through roll call, it was RESOLVED to APPOINT Dr. John Lloyd as board vice**
322 **chair.**

323

324 ii. Secretary

325

326 Dr. Lloyd nominated Dr. Morris for secretary.

327

328 **On a motion duly made by John Lloyd, seconded by Tim Kanady, and approved by a**
329 **majority through roll call, it was RESOLVED to APPOINT Dr. James Morris as board**
330 **secretary for two years.**

331

332 G. Utilization Review Committee (URC) Appointments:

333

334 Dr. Larson requested suggestions on a process to fill the recently defunct four-person utilization review
335 committee. Licensing Examiner Reid Bowman reviewed the regulatory requirements of committee
336 members. Director Chambers suggested that board members seek nominees who would be willing and
337 then vote on a slate of candidates at their next meeting. Dr. Larson asked Mr. Bowman to email licensees
338 about the opportunity and he suggested that interested persons should send a letter of interest with their
339 qualifications to the office within ten days of receipt of the email.

340

341 H. Annual Report:

342

343 Dr. Larson reviewed the annual report process and thanked Dr. Morris for drafting the 2020 version. Dr.
344 Morris offered to draft the 2021 report, Dr. Kanady offered to collaborate. Dr. Morris and Dr. Kanady
345 agreed to submit a draft to the board via staff by May 20 for consideration at a special one-hour
346 teleconference.

347

348 **Item 13 Administrative Business**

349

350 A. Set Next Meeting Date/Board Travel:

351

352 • Tuesday, May 25 at 9:00 a.m.: One-hour teleconference to review and adopt the annual
353 report

354

355 • Friday, July 30 at 9:00 a.m.: Regular teleconference

356

357 • Friday, October 29 at 9:00 a.m.: Regular teleconference

358

359 B. Task List:

360

361 This item was not addressed

362

363 C. NBCE Exam Online:

364

365 Ms. Spencer stated the online exam was ready to go, and more information could be forthcoming next
366 week.

367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383

Item 14 Adjourn

The meeting was adjourned at 4:35 p.m.

Respectfully submitted:

Reid Bowman, Licensing Examiner

Approved:

Dr. Brian Larson, Chairperson
Board of Chiropractic Examiners

Date: _____

DRAFT

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF CHIROPRACTIC EXAMINERS

5
6 MINUTES OF THE MEETING
7 May 25th, 2021

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

10
11 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled
12 meeting of the Board of Chiropractic Examiners was held via Videoconference on May 25th, 2021.

13
14 **Item 1 Call to Order/Roll**

15
16 The meeting was called to order by Board Chairman Dr. Brian Larson, at 09:20 a.m. Members present
17 were:

18
19 **Roll Call**

20
21 **Board Members present, constituting a quorum:**

22
23 Brian Larson, Doctor of Chiropractic
24 Tim Kanady, Doctor of Chiropractic
25 James Morris, Doctor of Chiropractic
26 John Lloyd, Doctor of Chiropractic
27 Public Member, Vacant

28
29 **Division Staff present were:**

30
31 Reid Bowman, Occupational Licensing Examiner
32 Cynthia Spencer, Licensing Supervisor
33 Jasmin Bautista, Investigator

34
35 **Present from the Public:**

36
37 No members of the public were present.

38
39 **Item 2 Review/Approve Agenda**

40
41 Dr. Larson directed the board to review the agenda for any additions, revisions or suggestions.

42
43 **On a motion duly made by John Lloyd, seconded by Tim Kanady, and approved**
44 **unanimously by a roll call, it was RESOLVED to APPROVE the agenda as written.**

45 **Item 3 Ethics Report**

46
47 Dr. Larson conducted a roll call of board members asking for anything to report. There were no violations
48 to report.

49
50 **Item 4 Investigative Report**

51
52 **On a motion duly made by John Lloyd, seconded by Tim Kanady, and approved by**
53 **majority through roll call, it was RESOLVED to ENTER Executive Session under the**
54 **authority of AS 44.62.310(C) for the purpose of discussing (2) subjects that tend to**
55 **prejudice the reputation and character or any person, provided the person may request**
56 **a public discussion. Staff to remain in session.**

57
58 The Board entered executive session at 9:26 a.m. and returned from executive session at 9:35 a.m.

59
60 **On a motion duly made by James Morris, seconded by Tim Kanady, and approved by a**
61 **majority through roll call, it was RESOLVED to ACCEPT the voluntary surrender for case**
62 **number 2020-000499, license number CHIC597.**

63
64 **Item 5 Annual Report**

65
66 A. Narrative Statement:

67
68 Mr. Bowman briefed the board on the annual report narrative submission by Dr. Morris and requested
69 discussion focus on budget recommendations for travel for the upcoming fiscal year.

70
71 B. Proposed Regulations/Regulatory Statement:

72
73 Discussion of this topic and topic C. were combined, with Ms. Spencer offering to provide the board with
74 verbiage other boards use in their annual reports, to reflect changing regulatory needs or legislative
75 concerns.

76
77 C. Proposed Legislative Recommendations:

78
79 See Section B.

80
81 D. Goals and Objectives:

82
83 Ms. Spencer described the need for the report to reflect the goals and objectives for the prior period and
84 how they were met. Ms. Spencer described the content needed for the goals and objectives for the
85 coming year and the ability for staff to aid if needed.

86
87 E. Budget Recommendations

88
89 The board discussed the value of meeting in person over the coming year. The board decided to
90 recommend meeting in-person for the July 31, 2021 meeting in Anchorage. They proposed meeting via
91 videoconference for the October 30 meeting; and convening in-person in Juneau on February 11th, 2022.

92
93 The board also recommended 2 members and one staff attend the federation of Chiropractic Licensing
94 Boards district meeting in October 2021. Dr. Larson stated he and Dr. Kanady would work on getting the
95 remainder of the report sections completed and sent to Mr. Bowman by the end of the week.

96
97 **Item 6 Adjourn**

99 The meeting was adjourned at 10:00 a.m.

100

101

102

Respectfully submitted:

103

104

105

Reid Bowman, Licensing Examiner

106

107

Approved:

108

109

110

Dr. Brian Larson, Chairperson
Board of Chiropractic Examiners

111

112

113

Date: _____

114

DRAFT

BOARD OF CHIROPRACTIC EXAMINERS

Fiscal Year 2021 Annual Report

Goals and Objectives

Part II

FY 2022's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

Goal 1: Carry out assigned duties of the board:

- **Objective 1: Conduct a minimum of three board meetings this year with different regional locations in the state to allow for public attendance and meeting transparency.** Currently the board has four regular board meetings scheduled, of which we are requesting funding to attend two in-person meetings to be held early this next fiscal year and one scheduled for the second week of February 2022 to be available in person to the Alaska Legislature. The other regular meetings will be via Zoom. There will be a need for meetings held in response to disciplinary matters or other investigative/administrative needs. These will be held via Zoom, telephonically or in urgent matters, via email, as needed.
- **Objective 2: Continue timely processing of applications and licensing of chiropractic physicians.** With the imminent onset of jurisprudence and SPECT testing online, much of the application process will come on a first-come basis and will be processed as application is made. This represents a significant savings in time and resources.
- **Objective 3: Continue to monitor investigative reports, monitor disciplinary actions, and provide professional direction to division investigative staff regarding disciplinary actions, probation matters, criminal history record information, and chiropractic practice;** Given the significant increase last year in both the number and severity of disciplinary matters in the state, this will be a significant activity of the board. To this point, the board has never revoked a license. This may well play a part in the increase of number and severity. The purpose of sentencing for criminal offenses is to first, stop the crime being committed; secondly, to assist in rehabilitating the offender, and; third, to prevent others from committing the same offense. The laxity in board sentences may well play into current increases. Therefore, the board will focus efforts on developing and instituting a matrix of disciplinary measures patterned after the Boards of Medicine and Nursing, and as currently being prepared by the Board of Dentistry. This will standardize disciplinary action of the board and bring consistency among the professions of the state. The current "norms" sit significantly below those established guidelines.
- **Objective 4: Utilize the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC) and Ethics & Boundaries examination (E&B) in memorandum of agreements.** This is in the final steps of completion to be a live service available nationally. This can be a very valuable tool in assessing preparation to return to professional service as a part of rehabilitation of offenses.
- **Objective 5: Continue to review and process continuing education credit approval in a timely manner.** With COVID-19 restrictions and mandates being lifted, likely we will return to 32-hours of regular in-person and online continuing education. Careful consideration will be given to the current appropriateness of Ethics & Boundaries training.
- **Objective 6: Continue to administer the jurisprudence examination as part of licensure.** Jurisprudence examination is still an integral part of licensing but appears to be one of the most violated areas of chiropractic practice. Utilizing the NBCE to make that available four times per year across the nation at appropriate testing centers will be a valuable asset to new applicants. Careful consideration of Boundaries & Ethics will be reviewed by the board for relicensing.

Goal 2: Provide information regarding board activities to the profession and the public:

- **Objective 1: Inform licensees of any pending regulation changes in the customary manner.** All communication with licensees is made through the board website, and in cases that will alter standing laws and practices, each will be notified through direct email or mail. This will continue.
- **Objective 2: Provide a public comment period during each meeting. This is scheduled per public meeting law for each board meeting.** Care will be given to make sure public comment period is scheduled on each meeting agenda. All additional meetings will be properly public noticed.
- **Objective 3: Address concerns presented by licensees and the public at each meeting.** See above. Additionally, any correspondence received by licensees or public members will be immediately addressed by the board or designee, and outcomes returned to those individuals.

Part II (continued)

FY 2022's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

- **Objective 4: Provide copies of agendas and/or minutes of the meetings to all who request them.** Such was accomplished by the licensing examiner and was posted in advance on the board website. This practice will continue.
- **Objective 5: Continue to work with other licensing boards, at both the district and national level.** Specific request has been made to meet with District FCLB/NBCE in October 2021 in Whitefish, Montana and with the National Boards in the Spring of 2022. In addition to such boards, the Chairs of all professional boards under the State of Alaska, Department of Commerce have met weekly through 2020 and biweekly through 2021 to date since the onset of COVID-19 in the spring of 2020. This has been to develop contingency plans for worst case scenarios, review and implement emergency regulations, and coordinate efforts among boards to be united in effort. In addition, all board members were invited to participate in an Interdisciplinary Physical Medicine compact to develop specific instructions and recommendations to the chiropractic practitioner community in coordination with massage therapy, physical therapy and other related disciplines for compliance with Emergency Regulations from the Governor and Legislature. This was successfully completed; Chiropractic was the first submitting profession.
- **Objective 6: Continue to address the reporting requirements for domestic violence and sexual assault;** Board members will continue to be educated on the requirements of Alaska law considering this requirement. Bringing the information to the forefront of attention of practitioners is a priority.
- **Objective 7: Seek and support efforts to educate the governor, state legislators, and the public regarding the benefit of chiropractic care as a health care option, and the particular opportunities to efficiently recover from work injuries (Workers Comp), and deal with pain without opiate prescriptions;** A large part of this is forwarded in the Legislative Proposal from this last year and carried forward for sponsorship for this coming 33rd Legislature. This will also remain a priority for the ACS.
- **Objective 8: Raise awareness regarding public health, emergency training, hazardous material, and OSHA requirements;**
- **Objective 9: Ensure current information is available on the board website through regular updates by staff and regular monitoring by board members.**

Goal 3: Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the public and the profession:

- **Objective 1: Encourage regular Alaska Chiropractic Society (ACS) participation at board meetings.** The board will continue to appraise ACS of the scheduling of board meetings and movements of the board. Time will continue to be budgeted into meeting agendas for updates on ACS activities and needs, and we will continue to receive calls as necessary for clarifications. This is a very strong and positive relationship that should be cultured to continue and strengthen.
- **Objective 2: Support the Alaska Chiropractic Society in its efforts to provide information to the profession and the public.** The board has been quick to respond with interpretation of laws and regulations and to give whatever support is possible to the ACS. This will continue.
- **Objective 3: Support the Alaska Chiropractic Society in pursuit of statutory changes or additions that expand the scope of chiropractic practice to provide better portal-of-entry service for the public and for those who wish to utilize their chiropractic physician efficiently as their primary care physician.** The prepared Legislative Proposal will continue to be worked on and sponsorship sought for the 33rd Legislative session. Much of the previously stated goal lies herein, specifically to resolve the conflict of interests between needs of patients and desires of licensees, and to be able to provide update regulation to accomplish this while resolving the conflict with outdated statute.

Goal 4: Assess and evaluate regulations:

- **Objective 1: Continue to assess and evaluate continuing education requirements for quality, relevance, and application of scientific chiropractic research and practice.** Thanks to Dr. Risch, a former board member, who religiously reviews every application for credits for continuing education and gives his input to the board for guidance. We will evaluate the use of such assignments and either continue or terminate such as recommended by the Department. of Law.
- **Objective 2: Continue to assess and evaluate radiological safety, professional ethics and boundaries, public health, and emergency training.** Radiology, advanced imaging, and radiologic safety continue to be a priority of continuing education. A full 25% of continuing education is focused on these topics. In addition, we have a very active Office of Radiologic Safety operating as a regulator for the State of Alaska, assuring radiation units comply with current rules and practice, which has been missing for some time. Kudos to them!
- **Objective 3: Proactively make recommendations through regulation and recommend changes to statute to anticipate changes in the health industry.** This board is very active in this aspect as is demonstrated by the current Legislative Proposal seeking support for the 33rd Alaska Legislature.

Goal 5: Assess and evaluate the review process available through the Utilization Review Committee (URC):

- **Objective 1: Direct appropriate inquiries to the committee for review and recommendations.** At the forefront of board efforts is the refilling of this committee. All members timed out this last year. While a call has been put out for new members, it must be followed through and completed, as this is a great burden the committee can lift from board responsibility.
- **Objective 2: Keep the committee roster fully staffed with three chiropractic physicians and one public member at all times.** Currently that committee has timed out during this last year and is in need of replacing all members. This is a priority of the board to remedy.
- **Objective 3: Maintain a list of alternate committee members to fill vacancies or recusals as needed.** Given COVID-19 and whatever other reasons, this list is also vacant. This is a priority of the board to remedy for the coming year.

**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Goals and Objectives (continued)

Part II (continued)

FY 2022's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

Goal 6: Continue affiliation and improve interaction with the Federation of Chiropractic Licensing board (FCLB), The National Board of Chiropractic Examiners (NBCE), the Association of Chiropractic Board Administrators (ACBA), and the Council on Chiropractic Education (CCE) as well as the Council on Licensure, Enforcement, and Regulation (CLEAR) and the Federation of Association of Regulatory Boards (FARB):

- **Objective 1: Provide attendance of one to two board members and the examiner to the district and annual meetings of the FCLB and NBCE, to provide input and obtain information at both national and state levels regarding the practice of chiropractic in Alaska.** With easing of COVID restrictions, if funding is approved by the State, attendance at the District FCLB meeting in Whitefish, Montana, becomes a distinct possibility. This meeting is of the greatest benefit to board and state personnel.
- **Objective 2: Continue working with the FCLB on maintaining a listing of Alaskan chiropractic physicians on the National Database (CIN-BAD).** This continues as outlined.
- **Objective 3: Promote attendance of board members, past and present, to the semi-annual NBCE Part IV Examinations and Part IV Examination Review Committee meetings of the NBCE to provide input and obtain information on the Exams required for chiropractic licensure in Alaska and other states.** While it was generally accepted "fact" that prior governors had banned the receipt of the professional honorarium offered by the NBCE as well as covering the personal travel and time these doctors invest without compensation from the State or NBCE to participate in this NBCE Part 4 testing process, a memorandum forwarded to the chair of this board by Director Sara Chambers late in Spring 2021 appears to demonstrate exactly the opposite. The opinion dated April 19, 2012, indicates that such is an appropriate action of board members, that the honorarium rendered does not exceed the maximum amount allowed as gifts under ethics law, and is a cost born by the NBCE, not the State of Alaska, therefore is not forbidden under ethical behavior laws or other considerations from the State. This will be reviewed, and the details implemented by the board this coming year for those wishing/willing to attend.

Goal 7: The board will endeavor, through the legislative process, to add the Board of Chiropractic Examiners to relevant centralized and non-centralized statutes that enhance the profession and its administrative efficiency:

- **Objective 1: The board will pursue inclusion in AS 08.01.050(d) for the purpose of providing licensed chiropractic physicians the resources needed to address abuse of alcohol, drugs or other substances that are granted to all other professional boards.** This element is foremost on the Legislative Proposal authored by Drs. Larson and Morris, board members working as a subcommittee appointed by the board. Efforts of board members and ACS will work diligently to find a sponsor and co-sponsors for this action in the 33rd Alaska Legislature.
- **Objective 2: The board will pursue authority under AS 08.20 to create an additional scope of practice status for chiropractic physicians who pursue additional training and certifications to utilize non-narcotic drugs, ancillary therapies and procedures beyond chiropractic core methodology (and labeled by statute as Ancillary Methodology) and commonly used by other Alaskan health care professionals and specialists.** This also is a portion of the legislative proposal set forth by the board. The board with assistance of the ACS will continue to seek sponsorship and pre-filing with the 33rd Alaska Legislature in FY 21-22.

Annual Report

Fiscal Year 2021

BOARD OF CHIROPRACTIC EXAMINERS



**Department of Commerce, Community
and Economic Development**

**Division of Corporations, Business
and Professional Licensing**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the
past and present needs of the licensing program.

**BOARD OF CHIROPRACTIC EXAMINERS
FY 2021 Annual Report**

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**BOARD OF CHIROPRACTIC EXAMINERS
FY 2021 Annual Report**

Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Brian Larson, DC, DACBSP Board President	Soldotna, AK	Mar 01, 2017	Mar 01, 2025
John Lloyd, DC Board Vice-President	Anchorage, AK	Mar 01, 2020	Mar 01, 2024
James Morris, DC Board Secretary	Dutch Harbor, AK	Mar 01, 2018	Mar 01, 2022
Tim Kanady Chiropractor	Anchorage, AK	Mar 01, 2021	Mar 01, 2025
Vacant Public member	N/A	Mar 01, 2020	Mar 01, 2024
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020

**BOARD OF CHIROPRACTIC EXAMINERS
FY 2021 Annual Report**

Identification of the Board (continued)

Board Member	Duty Station	Date Appointed	Term Expires
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020
Insert Name Here Board Seat Title	City Location	Mar 01, 2018	Mar 01, 2020

**BOARD OF CHIROPRACTIC EXAMINERS
FY 2021 Annual Report**

Identification of Staff

Reid Bowman – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2551

Cynthia Spencer – Records & Licensing Supervisor

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-6246

Jasmin Bautista – Investigator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 269-8026

Jun Maiquis – Regulations Specialist

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2537

Insert Name Here – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

**BOARD OF CHIROPRACTIC EXAMINERS
FY 2021 Annual Report**

Narrative Statement

The Board of Chiropractic Examiners consists of five members appointed by the governor of Alaska. We presently have four licensed chiropractors and one seat for a public member which is currently vacant. We have recently undergone some changes regarding membership; Dr. Tim Kanady now occupies the seat formerly held by Dr. Jonathan Vito, Dr. John Lloyd is now our Vice Chair, and Dr. James Morris remains the board secretary. Dr. Brian E. Larson continues as the Chair of the board. Our regulatory board acts as a governmental body under the authority of Alaska statutes. Its purpose serves a dual role in protecting the public and promoting ethical and responsible practice. Our mission is to protect and foster higher professional standards relative to the chiropractic profession in Alaska, consistent with the best interest of the health, welfare and safety of the Public. We strive to protect the public without creating unnecessary barriers to qualified practitioners.

The board is responsible for establishing minimum educational and competency standards, as well as regulating chiropractic practice within the state. The board continues to propose changes to update regulations as needed. We, as a board, are committed to providing efficient and effective regulatory oversight, guiding our profession into the future. This board has a utilization review committee to review and determine sensibility or appropriateness of care provided and fees charged for services rendered by licensees to patients. While this committee is currently empty, it normally consists of three licensed chiropractors and one public member. We are actively seeking to restore membership to this committee. We encourage members of the public to come forward with complaints about the value of services, without a criminal component, to request a utilization review.

Senate Bill 69, setting forth statutory recognition of Certified Chiropractic Assistants, Interns, and Preceptors was signed into law on May 17th, 2016 and after an extension granted due the COVID pandemic, has been officially adopted for compliance on 2/23/2021.

This board met six times telephonically or via Zoom in 2020 for the purpose of discussing regular board business and to address the concerns surrounding the public health crisis associated with COVID-19. The chair of the board participated weekly with the chairs of other boards regulated under the Division of Commerce to evaluate the status of the COVID-19 pandemic, establish contingency plans, review State response to the needs of Alaska's citizens, and develop ongoing response by each respective board to the orders of the Governor and Legislature. This board also participated in a statewide complementary medicine work group to address concerns related to state mandates surrounding the pandemic. Through these efforts, statutes and regulations coupled with Emergency orders were set forth to the profession, coupled with best-practice guidelines to protect the People of Alaska and maintain ongoing practice of the profession of chiropractic throughout the State while complying with Emergency Orders. For new practitioners to the state, the offsite administration of the State Chiropractic Examination has proven to be beneficial for our new licensees, especially during the pandemic.

Our licensing examiner, Thomas Bay, turned over the reins to our newly hired examiner, Reid Bowman this year. Reid has stepped in with great enthusiasm, assisted by Mr. Bay and Records and Licensing Supervisor Cynthia Spencer, to offset the learning curve, providing outstanding organization and representation to the board and profession. We will continue to manage the operations of the board and look forward to a more open and prosperous 2022.

FY 2021 Narrative Statement (continued)

The on-going state travel ban continued to negatively impact the ability of this board to participate with the Federation of Chiropractic Licensing Boards (FCLB), the Association of Chiropractic Board Administrators (ABCA) and the National Board of Chiropractic Examiners (NBCE). Attendance at these national meetings allows the board and staff to be aware of issues concerning the practice of Chiropractic nationally, internationally, and to participate in programs involving licensing requirements, professional standards, public protection, regulation, and discipline. The income provided by this board to the State likely continues to be sufficient to fund attendance at these meetings and the out-of-state travel expense required for participation from our licensing fees. This cannot be understated--the effectiveness of this board is directly tied to its ability to act, meet, and communicate with national colleagues, to the modest extent allowed in the past.

In 2021, the needs of Alaskans are significantly different regarding their health than 30 years ago when chiropractic statute was last addressed. Dramatically increased health care costs, huge increases in health insurance, most of which continually limit and downgrade available coverages, the ever- exploding opioid epidemic and the onset of the COVID-19 pandemic in March 2020 through current have ravaged the resources of individuals, families, organizations and state government. Chiropractic offers a unique, cost-competitive and effective tool in addressing many of these challenges.

A vast and continual source of substance addiction for Alaskans is dealing with pain from injury, illness and lifestyle. Estimates of as high as 70% of new addicts come from prescription narcotic treatment from primary health care providers. Research clearly demonstrates that chiropractic treatment is at least as effective for short- and long-term care of low back pain and accomplishes that without the use of opioid medication. Headache treatment fills a large part of the remaining recruits into addiction, and again, chiropractic represents a better-than-par opioid free option to help stem the ever-growing inflow. Isolation, the loss of employment, and social isolation imposed in the attempt to control the spread of COVID-19 add huge emotional and psychological burdens, making physical pain and discomfort less tolerable. Chiropractic physicians are able to relieve many physical burdens, freeing other healthcare practitioners to address the psychological needs and improve the individual's ability to cope. The recruitment into addiction has to be quelled before the tide can be turned. Chiropractic physicians need to be placed on research panels, boards and commissions focusing on opioid addiction. Additionally, with the ever-increasing demand for professional health care, chiropractic physicians are uniquely qualified to meet that demand. Only chiropractic physicians can compare (and very well at that) to medical physicians and osteopaths in the depth and extent of training in clinical diagnosis, imaging, neurology, anatomy, physiology and training as primary care physicians. Chiropractic training has expanded specialty training into nearly all areas of health care and needs to be recognized for the truly outstanding care available to the public.

There is a great need to upgrade statutes and regulations to recognize the training, the developments and accomplishments of the chiropractic profession to better meet the needs of Alaskans as a whole, and a general desire by chiropractic physicians to step up to those roles. The need of the people of Alaska for increased access to testing and immunization for COVID-19 and other oncoming infections is real, and can be met through changing statute and regulation of chiropractic practice, adding chiropractic physicians to the front line of medical providers prepared to meet this onslaught. Efficiency in the statutory and regulatory process will be needed. Involvement with national organizations such as the NBCE and FCLB will be needed. Chiropractic physicians having a place on councils, boards and commissions for opioid addiction will be needed. This board will continue to strive to protect and benefit the public while remaining vigilant of new trends in chiropractic practice and be proactive in need for regulation while staying current with technology, trends and issues as they develop.

Respectfully Submitted,
Alaska Board of Chiropractic Examiners

FY 2021 Narrative Statement (continued)

FY 2021 Narrative Statement (continued)

**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Budget Recommendations for FY 2022

The Budget Recommendations section anticipates the board’s fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as “other” so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
7/30/2021	Anchorage	5(1 vacant)	2
<input checked="" type="checkbox"/> Airfare:			\$400.00
<input checked="" type="checkbox"/> Hotel:			\$360.00
<input checked="" type="checkbox"/> Ground:			\$40.00
<input checked="" type="checkbox"/> Other: Per Diem			\$160.00
Total Estimated Cost:			\$960.00

Board Meeting Date	Location	# Board	# Staff
10/29/2021	Originating from Juneau - Videoconference	5(1 Vacant)	2
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Other:			\$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
2/11/2022	Juneau	5(1 Vacant)	2
<input checked="" type="checkbox"/> Airfare:			\$3,200.00
<input checked="" type="checkbox"/> Hotel:			\$2,420.00
<input checked="" type="checkbox"/> Ground:			\$200.00
<input checked="" type="checkbox"/> Other: Per Diem			\$900.00
Total Estimated Cost:			\$6,720.00

**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Budget Recommendations for FY 2022

The Budget Recommendations section anticipates the board’s fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as “other” so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
TBD	Originatin from Juneau - Videoconference	5(1 Vacant)	2
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Other:			\$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Other:			\$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Other:			\$0.00
Total Estimated Cost:			\$0.00

BOARD OF CHIROPRACTIC EXAMINERS

Fiscal Year 2021 Annual Report

Budget Recommendations for FY 2022 (continued)

Travel Required to Perform Examinations

Not applicable

Date	Location	# Board	# Staff
November 2021	TBD – Based off last location (LA, CA)	2	0

Description of meeting and its role in supporting the mission of the Board:

Board members are asked to participate in the National Board of Chiropractic Examiners Part IV Examination as proctors, and also as part of the testing steering committee. The NBCE **will reimburse** for lowest round-trip airfare, hotel, and reasonable ground transportation expenses. Costs are before reimbursement. This will only be an option if board members are allowed to receive the honorarium.

<input checked="" type="checkbox"/> Airfare:	\$950.00
<input checked="" type="checkbox"/> Hotel:	\$1,600.00
<input checked="" type="checkbox"/> Ground:	\$250.00
<input type="checkbox"/> Conference:	\$0.00
<input checked="" type="checkbox"/> Other:	\$594.00

Describe "Other" (break out all sections):

Total Estimated Cost: **\$3,394.00**

Out-of-State Meetings and Additional In-State Travel (Rank in order of importance)

#1 Rank in Importance or Not Applicable

Date	Location	# Board	# Staff
October 7-10	Whitefish, MT	2	1

Description of meeting and its role in supporting the mission of the Board: NBCE and FCLB District Meeting: A meeting with other state boards and regulators from the western United States. This is the sole work based meeting for these organizations and is invaluable for the board to network and gain education about present and future concerns and direction for the profession.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$3,220.00	\$0.00	\$0.00	\$3,220.00
<input checked="" type="checkbox"/> Hotel:	\$1,521.00	\$0.00	\$0.00	\$1,521.00
<input checked="" type="checkbox"/> Ground:	\$60.00	\$0.00	\$0.00	\$60.00
<input checked="" type="checkbox"/> Conference:	\$885.00	\$0.00	\$0.00	\$885.00
<input checked="" type="checkbox"/> Other	\$720.00	\$0.00	\$0.00	\$720.00
Describe "Other" (break out all sections):	Meals and per diem			

Net Total:	\$6,406.00	\$0.00	\$0.00	\$6,406.00
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Out-of-State Meetings and Additional In-State Travel					
#2 Rank in Importance					
Date	Location	# Board	# Staff		
Description of meeting and its role in supporting the mission of the Board:					
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total	
<input type="checkbox"/> Airfare:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Hotel:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00	
Describe "Other" (break out all sections):					
Net Total:	\$0.00	\$0.00	\$0.00	\$0.00	

Out-of-State Meetings and Additional In-State Travel					
#3 Rank in Importance					
Date	Location	# Board	# Staff		
Description of meeting and its role in supporting the mission of the Board:					
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total	
<input type="checkbox"/> Airfare:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Hotel:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00	
Describe "Other" (break out all sections):					

Net Total:	\$0.00	\$0.00	\$0.00	\$0.00
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Out-of-State Meetings and Additional In-State Travel					
#4 Rank in Importance					
Date	Location	# Board	# Staff		
Description of meeting and its role in supporting the mission of the Board:					
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total	
<input type="checkbox"/> Airfare:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Hotel:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00	
Describe "Other" (break out all sections):					
Net Total:	\$0.00	\$0.00	\$0.00	\$0.00	

Out-of-State Meetings and Additional In-State Travel					
#5 Rank in Importance					
Date	Location	# Board	# Staff		
Description of meeting and its role in supporting the mission of the Board:					
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total	
<input type="checkbox"/> Airfare:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Hotel:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00	
Describe "Other" (break out all sections):					

Net Total:	\$0.00	\$0.00	\$0.00	\$0.00
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Out-of-State Meetings and Additional In-State Travel					
#6 Rank in Importance					
Date	Location	# Board	# Staff		
Description of meeting and its role in supporting the mission of the Board:					
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total	
<input type="checkbox"/> Airfare:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Hotel:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00	
Describe "Other" (break out all sections):					
Net Total:	\$0.00	\$0.00	\$0.00	\$0.00	

Out-of-State Meetings and Additional In-State Travel					
#7 Rank in Importance					
Date	Location	# Board	# Staff		
Description of meeting and its role in supporting the mission of the Board:					
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total	
<input type="checkbox"/> Airfare:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Hotel:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00	
Describe "Other" (break out all sections):					

Net Total:	\$0.00	\$0.00	\$0.00	\$0.00
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BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Budget Recommendations for FY 2022 (continued)

Non-Travel Budget Requests

Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event
Membership Dues	FCLB	\$1,292.00

Description of item and its role in supporting the mission of the Board: This item is the required membership fee for The Federation of Chiropractic Licensing Boards (FCLB). Membership gains the board access to a variety of services and benefits. Chief among these are access to meetings and forums aimed at protecting examining regulatory standards and public protection. Membership also allows access to the Chiropractic Information Network-Board Action Databank (CIN-BAD) system. Access to CIN-BAD allows the board to have access to interjurisdictional license action reports and is essential to performing proper due diligence prior to issuing licenses.

Non-Travel Budget Requests

Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event
		\$0.00

Description of item and its role in supporting the mission of the Board:

Non-Travel Budget Requests

Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event
		\$0.00
Description of item and its role in supporting the mission of the Board:		

BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Budget Recommendations for FY 2022 (continued)

Other Items with a Fiscal Impact	Cost Per Event:	\$0.00
<input checked="" type="checkbox"/> Not Applicable	Number of Events:	0
Product or Service	Provider	Total Cost
		\$0.00
Description of item and its role in supporting the mission of the Board:		

Other Items with a Fiscal Impact	Cost Per Event:	\$0.00
<input checked="" type="checkbox"/> Not Applicable	Number of Events:	0
Product or Service	Provider	Total Cost
		\$0.00
Description of item and its role in supporting the mission of the Board:		

Other Items with a Fiscal Impact	Cost Per Event:	\$0.00
<input checked="" type="checkbox"/> Not Applicable	Number of Events:	0
Product or Service	Provider	Total Cost

\$0.00

Description of item and its role in supporting the mission of the Board:

BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Budget Recommendations for FY 2022 (continued)

Other Items with a Fiscal Impact

Cost Per Event: \$0.00

Not Applicable

Number of Events: 0

Product or Service

Provider

Total Cost

\$0.00

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

Cost Per Event: \$0.00

Not Applicable

Number of Events: 0

Product or Service

Provider

Total Cost

\$0.00

Description of item and its role in supporting the mission of the Board:

Summary of FY 2022 Fiscal Requests

Board Meetings and Teleconferences: \$7,680.00

Travel for Exams: \$3,394.00

Out-of-State and Additional In-State Travel:	\$6,406.00
Dues, Memberships, Resources, Training:	\$1,292.00
Total Potential Third-Party Offsets:	-\$0.00
Other:	\$0.00
Total Requested:	\$18,772.00

BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Legislation Recommendations Proposed Legislation for FY 2022

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

The following statutory changes are proposed by the Alaska Board of Chiropractic Examiners:

Substance Abuse Assistance to Professionals

AS 08.01.050(d) currently reads:

d) At the request of one of the following boards, the department may contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances:

- (1) Board of Social Work Examiners;
- (2) Board of Dental Examiners;
- (3) Board of Dispensing Opticians;
- (4) State Medical Board;
- (5) Board of Nursing;
- (6) Board of Examiners in Optometry;
- (7) Board of Pharmacy;
- (8) State Physical Therapy and Occupational Therapy Board;
- (9) Board of Professional Counselors;
- (10) Board of Psychologist and Psychological Associate Examiners;
- (11) Board of Veterinary Examiners; and
- (12) Board of Marital and Family Therapy.

We respectfully request to Add (13) Board of Chiropractic Examiners;

AS 08.20.230. Practice of chiropractic. The practice of chiropractic

- (1) Addresses ramification of health and disease **[add] of the “whole” person**, with a special emphasis of biomechanical analysis, interpretation and treatment of the structural and functional integrity of skeletal joint structures, and the physiological efficiency of the nervous system as these matters relate to **[delete] subluxation complex [add](joint dysfunction);** and
- (2) Involves the diagnosis, analysis, or formulation of a chiropractic diagnostic impression regarding the chiropractic conditions of the patient to determine the appropriate method of chiropractic treatment **[add] or referral.**

Rewrite to:

AS 08.20.900(3) Definition of “Chiropractic” to be amended to read:

(3) “Chiropractic is the primary-care clinical science of human health and disease that treats the “whole person”; chiropractic focuses on detection, correction and prevention of joint dysfunction and all biomechanical conditions, **without invasive surgery or opioid or narcotic drugs**, employing physiological therapeutics (physiotherapies) and ancillary methodology to enhance the body’s recuperative power. The primary vehicle of chiropractic core methodology is the chiropractic adjustment; however, chiropractic practice also includes the diagnosis, treatment or referral of all conditions and diseases of the “whole person”, and with proper education and training, the use of ancillary methodology.

BOARD OF CHIROPRACTIC EXAMINERS
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Legislation Recommendations Proposed Legislation for FY 2022 (*Continued*)

Clarify/modify “Ancillary Methodology” (AS 08.20.900(1) to read:

“Ancillary methodology” means employing within the scope of chiropractic practice, with appropriate training and education, those methods, procedures, modalities, devices, and measures commonly used by trained and licensed health care providers, and includes **[add] but is not limited to:**

(A) Physiologic therapeutics and physiotherapies;

(B) Counselling on dietary regimen, sanitary procedures,

(C) Use and interpretation of all diagnostic imaging;

(D) Use and interpretation of all clinical labs;

(E) Use of hypodermic and solid needles for drawing labs, administering prescription medications and nutritional substances or contrast agents, dry needling, acupuncture, electromyography, and similar techniques and procedures;

(F) All diagnostic and therapeutic techniques and procedures (excepting those prohibited under AS 08.20.100(c) as directly referring to AS 14.30.125, treating the “whole” patient.

Further define “Chiropractic Examination” (AS 08.20.900(8) to read:

“Chiropractic Examination” means an examination of a patient conducted by a person licensed under this chapter, or by a chiropractic clinical assistant or chiropractic intern under the supervision of a person licensed under this chapter, for the **[delete]** (express) purpose of ascertaining whether symptoms of **[delete]**(subluxation complex) **[add] (joint dysfunction)** exist and consisting of an analysis of the patient’s health history, current health status, results of diagnostic procedures, including x-ray and other diagnostic imaging devices, and postural, thermal, physical, neuro-physical, and spinal examinations that focuses on the discovery of (A) The existence and etiology of relationships of skeletal joint structures; and (B) Interference with normal nerve transmission and expression;

(C)[add] “Chiropractic Examination” diagnoses conditions and diseases of the “whole” person, and guides treatment or referral.

Professional Designation AS 08.20.155 Add (b) . “A person obtaining a chiropractic specialty designation, in addition to chiropractic core methodologies, may practice all ancillary methodologies except invasive surgery, or procedures deeper than superficial tissues or requiring general regional anesthesia. This privilege includes, with appropriate training and education, administration and prescription of non-opioid legend drugs specified in AS 08.20.155(b) for treatment of conditions related to the practitioner's specialty. Prescription drugs shall be limited to non-narcotic analgesics, antibiotics, antifungals, antivirals, antihistamines, anti-inflammatories, hormones/bioidentical hormones, amide anesthetics, epinephrine, and substances defined as nutrition in regulation.”

**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Legislation Recommendations Proposed Legislation for FY 2022 *(Continued)*

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**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Legislation Recommendations Proposed Legislation for FY 2022 *(Continued)*

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**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Legislation Recommendations Proposed Legislation for FY 2022 *(Continued)*

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**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Legislation Recommendations Proposed Legislation for FY 2022 *(Continued)*

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BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Regulation Recommendations Proposed Legislation for FY 2022

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

Proposed follow-up Regulation Chapter 12 Alaska Administrative Code

Add New Sections to 12 AAC 16:

A chiropractic specialist practicing ancillary therapies directly related to their specialty must demonstrate the following;

- (A) At least 5 years continuous practice in Alaska as a chiropractic physician;
- (B) Must have completed one or more of the recognized Diplomate programs (or equivalent training, ie. Master's Degree) and be recognized by the certifying agency as a member in good standing;
- (C) Must have completed a minimum of ninety clinical and didactic contact course hours in pharmacology, pharmacognosy, medication administration and toxicology certified by an examination from an institution of higher education approved by the board;
- (D) Must complete continuing education on a biennial basis related to the areas of specialty-related Ancillary Methodology, as well as obtain continuing education required to maintain their Diplomate status with their certifying agency;

A chiropractic physician administering nutritional substances via injection must have completed:

- (A) A minimum of two (2) years practice in Alaska as a chiropractic physician;
- (B) A minimum of ninety clinical and didactic contact course hours in pharmacology, pharmacognosy, medication administration and toxicology certified by an examination from an institution of higher education approved by the board;
- (C) And must complete continuing education on a biennial basis related to the administration of nutritional substances as approved by the board.

12 AAC 16.910 is Amended to read:

12 AAC 16.910. Administering nutritional substances. (a) A chiropractic physician may administer a nutritional substance intended for oral, topical, or transdermal use. (b) A chiropractic physician who has completed board approved post-graduate training in nutrition may administer a nutritional substance by oral, topical, transdermal, injection, or intravenous drip. A chiropractic specialist may administer all non-opioid pharmaceutical drugs and nutrition in direct relationship to their specific specialty.

Authority: AS 08.20.100 AS 08.20.900.

Chiropractic practice from the beginning has held the use of vitamins, minerals, herbs, homeopathics and generally held "nutrition" (AS08.20.900(12)(B) as an essential therapy supplementing chiropractic core methodology and foundational philosophy of healing without the use of prescription drugs. This is consistent to this day and is a primary component that differentiates chiropractic practice from conventional health care. However, with advancements in research, particularly research in the efficacy of these "nutritional" substances confusion arises, especially in communicating about what is nutrition and what is a prescription drug.

BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Regulation Recommendations Proposed Legislation for FY 2022 (Continued)

12 AAC 16.990(a) is Amended by adding a new section:

(9) "nutrition or nutritional substance" means a vitamin, mineral, plant or extract, herb or extract, homeopathic, glandular or whole tissue or extract, sugar, amino acid product, enzyme, or saline, intended for use in the diagnosis, treatment, or prevention of disease in humans; nutritional substances include food grade and pharmaceutical grade substances that can be purchased by professionals without a federal Drug Enforcement Administration registration.

Authority: AS 08.20.100 AS 08.20.900.

12 AAC 16.990(b)(1) is Amended by adding a new section:

(C) a "prescription drug" does not include a nutritional substance as defined in (9) of this section;

12 AAC 16.990(b)(2) Repeal and Replace (2)(A) and (B):

(A) "**surgery**" means the permanent structural alteration of the human body by alteration of living tissues for the purpose of diagnostic, therapeutic or aesthetic treatment of the human condition;

(B) Surgery does not include removing superficial foreign bodies from the human body, venipuncture, suturing, injections, dry needling or removal of dead tissue.

Authority: AS 08.20.055 AS 08.20.900

Regulation for Modifying Current Definition of Surgery;

12 AAC 16.990 Definitions (b) (2) "Surgery."

(A) means the use of a scalpel, sharp cutting instrument, laser, electrical current, or other device to incise or remove living tissue;

(B) does not include venipuncture or the removal of foreign objects from external tissue. (Current language.)

The American College of Surgeons definition:

Surgery is performed for the purpose of structurally altering the human body by incision or destruction of tissues and is part of the practice of medicine. Surgery also is the diagnostic or therapeutic treatment of conditions or disease processes by any instruments causing localized alteration or transportation of live human tissue, which include lasers, ultrasound, ionizing radiation, scalpels, probes, and needles. The tissue can be cut, burned, vaporized, frozen, sutured, probed, or manipulated by closed reduction for major dislocations and fractures, or otherwise altered by any mechanical, thermal, light-based, electromagnetic, or chemical means. Injection of diagnostic or therapeutic substances into body cavities, internal organs, joints, sensory organs, and the central nervous system is also considered to be surgery. (this does not include administration by nursing personnel of some injections, such as subcutaneous, intramuscular, and intravenous when ordered by a physician). All these surgical procedures are invasive, including those that are performed with lasers, and the risks of any surgical intervention are not eliminated by using a light knife or laser in place of a metal knife or scalpel. Patient safety and quality of care are paramount, and the College therefore believes that patients should be assured that individuals who perform these types of surgery are licensed physicians (defined as Doctor of Medicine or osteopathy) who meet appropriate professional standards. Adopted by American Medical Association House of Delegates, 2007.

Consistent within states that have adopted a definition of surgery are definitions that stipulate that surgery "irreversibly transforms human tissue", is a procedure performed for the purpose of intentionally structurally altering the human body.

"Surgery" means the structural alteration of the human body by the incision of or cutting into the tissue for the purpose of diagnostic or therapeutic treatment....**but does not include:** procedures for the removal of superficial foreign bodies from the human body, punctures, injections, dry needling, acupuncture, or removal of dead tissue.

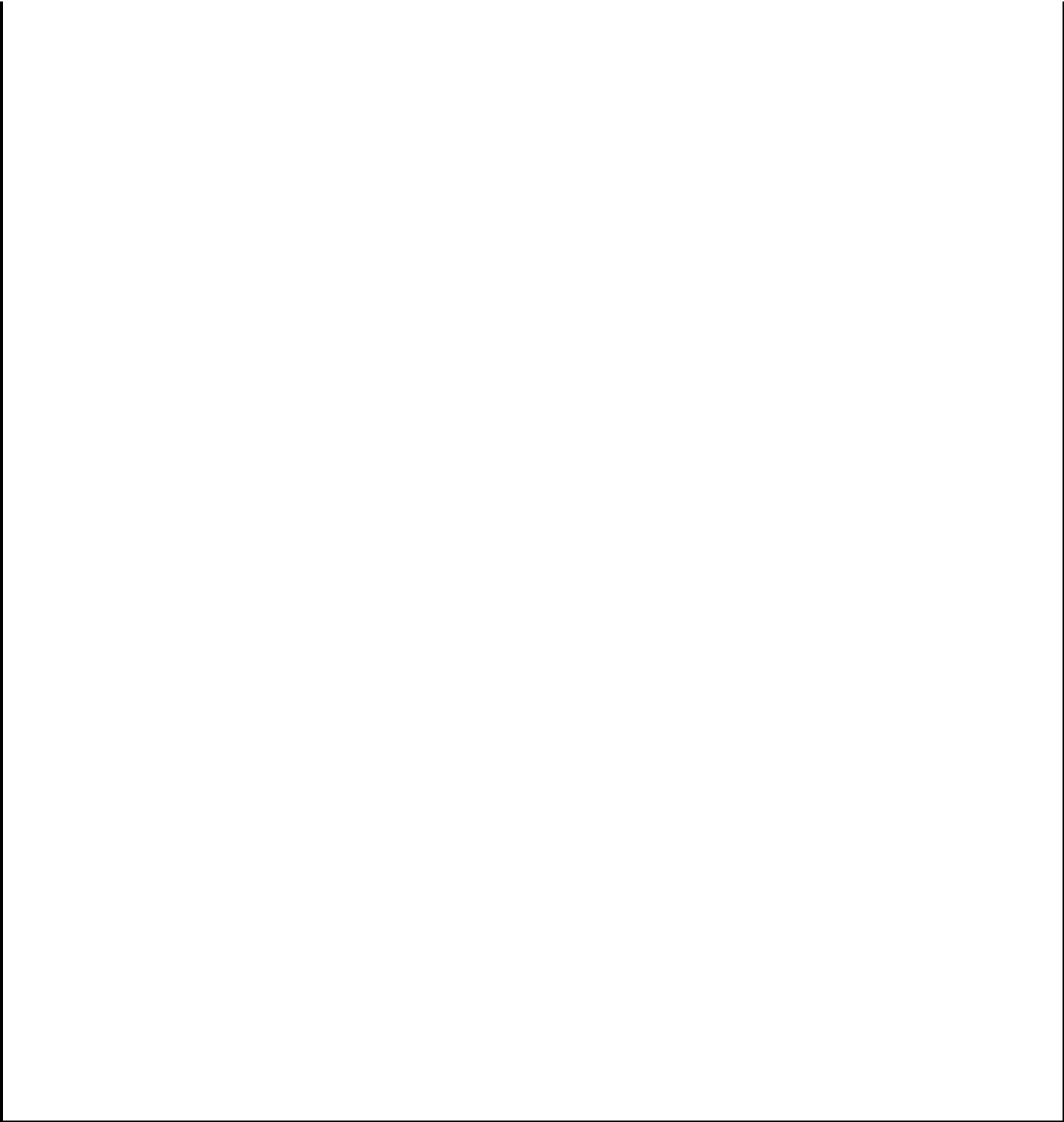
(Virginia, 2012, Title 54.1-2400.01.1).

In Alaska, the only professional boards to have a standing definition of surgery in codified regulation is Chiropractic and Naturopathy. The current definition of "2) "surgery" (A) means the use of a scalpel, sharp cutting instrument, laser, electrical current, or other device to incise or remove living tissue;".

BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Regulation Recommendations Proposed Legislation for FY 2022 *(Continued)*

When this constitutes the total verbiage of the definition, literal interpretation overrides any intent. Confusion arises with the following line “(B) does not include venipuncture or removal of foreign objects from external tissue.” Interpretation from the Alaska Department of Law (Minutes, February 1, 2019 meeting of the Alaska Board of Chiropractic Examiners) states that a hypodermic needle “incises” tissue to perform its various tasks, and therefore injection, drawing blood, or piercing the body with a needle (i.e. suture or dry needling) is surgery. This is used as justification to not allow injection of nutrients within the scope of chiropractic practice, as well as precludes closure of superficial laceration with suture if appropriately trained. All definitions of surgery given by the American College of Surgeons or other states adopting definitions include the deliberate intent to alter, change or destroy living tissue through surgical procedures. Injecting a medication into subcutaneous, IM, IV or intraarticular cannot be construed to deliberately alter the penetrated tissue. In fact, by using a very sharp cutting needle, tissue integrity is best maintained. Intent is the functional determinant here. The definition adopted by Virginia is an accurate and fair definition.



BOARD OF CHIROPRACTIC EXAMINERS

Fiscal Year 2021 Annual Report

Goals and Objectives

Part I

FY 2021's goals and objectives, and how they were met:

Goal 1: Carry out assigned duties of the board:

- **Objective 1: Conduct a minimum of three board meetings this year with different regional locations in the state to allow for public attendance and meeting transparency.** The board met 6 times in FY 2021 all by teleconference: 4 times for regularly scheduled board meetings, and twice for special reasons. The board administered jurisprudence exams remotely and were able to review and approve applications in a generally timely manner. The board reviewed all investigative memorandums.
- **Objective 2: Continue timely processing of applications and licensing of chiropractic physicians.** With the complications of budget restrictions further impaired by COVID-19, the staff did an amazing job keeping current and abreast of needs related to licensing. Systematic review of relicense individuals, and on occasion, with board approval, making special arrangements due to loss of forms for new licensees to complete the process in a timely manner.
- **Objective 3: Continue to monitor investigative reports, monitor disciplinary actions, and provide professional direction to division investigative staff regarding disciplinary actions, probation matters, criminal history record information, and chiropractic practice;** This last year has seen a significant upturn in both the number and severity of disciplinary matters in the state. Significant time has been required of board members to address questions from city and state investigators, relay information to Division investigators to act as Primary liaisons with these parties and testify in Grand Juries as to the particulars of State Chiropractic law and regulation, particularly ethics and boundaries.
- **Objective 4: Utilize the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC) and Ethics & Boundaries examination (E&B) in memorandum of agreements;** This is in the final steps of completion to be a live service available nationally.
- **Objective 5: Continue to review and process continuing education credit approval in a timely manner.** With the advent of COVID-19, all live continuing education nationwide was cancelled, and it became necessary for the board to reduce the total combined education for the year to one-half of the total, all available online.
- **Objective 6: Continue to administer the jurisprudence examination as part of licensure. Consider utilizing NBCE services to administer the jurisprudence examination at certified testing centers in Alaska and nationwide, saving time and expense for applicants, and relieving the Department of Commerce of the responsibility of hosting those tests at a state office four times a year.** Jurisprudence examination is still an integral part of licensing. The process of utilizing the NBCE to make that available four times per year across the nation at appropriate testing centers is in its final stages.

Goal 2: Provide information regarding board activities to the profession and the public:

- **Objective 1: Inform licensees of any pending regulation changes in the customary manner.** All communication with licensees is made through the board website, and in cases that will alter standing laws and practices, each will be notified through direct email or mail.
- **Objective 2: Provide a public comment period during each meeting. This is scheduled per public meeting law for each board meeting.** Each meeting conducted through this last year began with a roll call specifically requesting the presence of any public member besides the invited board members and state personnel, and time was specifically scheduled in each agenda, and again a call issued, for public members. Several members of the public took advantage of this opportunity.

BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Goals and Objectives (continued)

Part I (continued)

FY 2021's goals and objectives, and how they were met:

- **Objective 3: Address concerns presented by licensees and the public at each meeting.** See above. Additionally, any correspondence received by licensees or public members was reviewed by this board and appropriately acted upon and notice of all outcomes returned to those individuals.
- **Objective 4: Provide copies of agendas and/or minutes of the meetings to all who request them.** Such was accomplished by the licensing examiner and was posted in advance on the board website.
- **Objective 5: Continue to work with other licensing boards, at both the district and national level.** Due to continuing budget restrictions with the COVID-19 pandemic restrictions added, all travel and in-person interaction with this board was terminated. Without the ability to travel for national and district meetings, this becomes very difficult. The Fall '20 District FCLB/NCBE meeting was cancelled, and the Spring '21 national meeting was restricted to online attendance. Given the national meeting (by agenda) was strictly political office changes, no members of this board attended though the opportunity existed for online participation.

This board, which operates well within its budget must have the opportunity for the volunteers who serve on the board and state personnel to interact with district and national level boards and personnel, to best serve the needs of the board in keeping current, obtaining training, and being alert and attentive to the commission to protect the public;

- **Objective 6: Continue to address the reporting requirements for domestic violence and sexual assault;** Board members will continue to be educated on the requirements of Alaska law considering this requirement. Several cases regarding such activity by practitioners have been addressed by this board, and action taken by the state.
- **Objective 7: Seek and support efforts to educate the governor, state legislators, and the public regarding the benefit of chiropractic care as a health care option, and the particular opportunities to efficiently recover from work injuries (Workers Comp), and deal with pain without opiate prescriptions;** This is the responsibility of members of the board, the ACS, and individual practitioners to discuss with lawmakers, staff, patients and the public at every opportunity the safety, efficacy, and particularly the success of chiropractic in maintaining and restoring health and function, especially without the use of opiates. This is an ongoing obligation of all practitioners of this profession.
- **Objective 8: Raise awareness regarding public health, emergency training, hazardous material, and OSHA requirements;** See description 7 above.
- **Objective 9: Ensure current information is available on the board website through regular updates by staff and regular monitoring by board members.** All bulletins, regulation updates, practice guidelines and public notices are posted to the web site by the licensing examiner and other Department. of Commerce personnel and reviewed regularly by board members for accuracy and completeness. Reid Bowman, current licensing examiner and previous examiner Thomas Bay have done a marvelous job of staying current with this information.

Goal 3: Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the public and the profession:

Part I (continued)

FY 2021's goals and objectives, and how they were met:

- **Objective 1: Encourage regular Alaska Chiropractic Society (ACS) participation at board meetings.** The Executive Director of the ACS, Sheri Ryan, was present online at all meetings of the board through this last year. On a frequent basis, Ms. Ryan was in touch with the chair of the board or the licensing examiner for interpretation of laws and statutes, or to report information regarding performances of practitioners. This is a very strong and positive relationship that should be cultured to continue and strengthen.
- **Objective 2: Support the Alaska Chiropractic Society in its efforts to provide information to the profession and the public.** The board has been quick to respond with interpretation of laws and regulations and to give whatever support is possible to the ACS.
- **Objective 3: Support the Alaska Chiropractic Society in pursuit of statutory changes or additions that expand the scope of chiropractic practice to provide better portal-of-entry service for the public and for those who wish to utilize their chiropractic physician efficiently as their primary care physician.** The board responds appropriately as it can. A request was made this last year for support from the ACS Legislative Committee for a legislative proposal to revise and modernize state chiropractic statute to enable the board as advised by the Department of Law to be able to modify or create new regulation related to chiropractic scope of practice. The ACS Legislative Committee is working to unify the general membership and bring their influence to bear on such an effort. This will be an ongoing endeavor given the current structure and agenda of the Alaska Legislature.

Goal 4: Assess and evaluate regulations:

- **Objective 1: Continue to assess and evaluate continuing education requirements for quality, relevance, and application of scientific chiropractic research and practice.** This is an ongoing function of the board.
- **Objective 2: Continue to assess and evaluate radiological safety, professional ethics and boundaries, public health, and emergency training.** This is an ongoing function of the board and will focus on developing a matrix of disciplinary measures consistent with those put forward by other boards, i.e. medical, nursing and dentistry. Consistency among response among all professionals is critically important
- **Objective 3: Proactively make recommendations through regulation and recommend changes to statute to anticipate changes in the health industry.** Refer to statutory and regulatory legislative proposal.

Goal 5: Assess and evaluate the review process available through the Utilization Review Committee (URC):

- **Objective 1: Direct appropriate inquiries to the committee for review and recommendations.** The URC is a committee composed of four members, three chiropractic physicians and one public member. The review and make recommendations in complaints dealing with appropriateness/frequency of treatment and cost of care. Use of the URC is occasional, but invaluable when needed.
- **Objective 2: Keep the committee roster fully staffed with three chiropractic physicians and one public member at all times.** Currently that committee has timed out during this last year and is in need of replacing all members. This is a priority of the board to remedy.
- **Objective 3: Maintain a list of alternate committee members to fill vacancies or recusals as needed.** Given COVID-19 and whatever other reasons, this list is also vacant. This is a priority of the board to remedy for the coming year.

Goal 6: Continue affiliation and improve interaction with the Federation of Chiropractic Licensing Boards (FCLB), The National Board of Chiropractic Examiners (NBCE), the Association of Chiropractic Board Administrators (ACBA), and the Council on Chiropractic Education (CCE) as well as the Council on Licensure, Enforcement, and Regulation (CLEAR) and the Federation of Association of Regulatory Boards (FARB):

- **Objective 1: Provide attendance of a board member and the examiner to the district and annual meetings of the FCLB and NBCE, to provide input and obtain information at both national and state levels regarding the practice of chiropractic in Alaska.** This was not accomplished due to COVID-19 this year.
- **Objective 2: Continue working with the FCLB on maintaining a listing of Alaskan chiropractic physicians on the National Database (CIN-BAD).** This continues as outlined.

BOARD OF CHIROPRACTIC EXAMINERS
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Goals and Objectives (continued)

Part I (continued)

- **Objective 3: Promote attendance of board members, past and present, to the semi-annual NBCE Part IV Examinations and Part IV Examination Review Committee meetings of the NBCE to provide input and obtain information on the Exams required for chiropractic licensure in Alaska and other states.** While it was generally accepted “fact” that prior governors had banned the receipt of the professional honorarium offered by the NBCE as well as covering the personal travel and time these doctors invest without compensation from the State or NBCE to participate in this NBCE Part 4 testing process, a memorandum forwarded to the chair of this board by Director Sara Chambers late in Spring 2021 appears to demonstrate exactly the opposite. The Opinion dated April 19, 2012, indicates that such is an appropriate action of board members, that the honorarium rendered does not exceed the maximum amount allowed as gifts under ethics law, and is a cost born by the NBCE, not the State of Alaska,
- **Objective 4: Promote the attendance of board members and the licensing examiner at the annual meetings of the ACBA and the FCLB to provide input and obtain information at both national and state levels, regarding matters impacting regulation and licensure of Alaskan chiropractic physicians.** Again, due to COVID-19, such attendance was not allowed during FY2020.

Goal 7: The board will endeavor, through the legislative process, to add the Board of Chiropractic Examiners to relevant centralized and non-centralized statutes that enhance the profession and its administrative efficiency:

- **Objective 1: The board will pursue inclusion in AS 08.01.050(d) for the purpose of providing licensed chiropractic physicians the resources needed to address abuse of alcohol, drugs or other substances that are granted to all other professional boards.** This element was foremost on the Legislative Proposal that was sent to several leaders of the Alaska Senate and House that was authored by Drs. Larson and Morris, board members working as a subcommittee appointed by the board. Unfortunately, the proposal was dropped by the original recipient due to sickness and staffing shortage secondarily to COVID-19, and other legislators did not have time to prepare and introduce it this session as the session was in progress and not sufficient time for passing through the process.
- **Objective 2: The board will pursue authority under AS 08.20 to create an additional scope of practice status for chiropractic physicians who pursue additional training and certifications to utilize non-narcotic drugs, ancillary therapies and procedures beyond chiropractic core methodology and commonly used by other Alaskan health care professionals and specialists.** This also was a portion of the legislative proposal set forth by the board. The board with assistance of the ACS will continue to seek sponsorship and pre-filing with the 33rd Alaska Legislature in FY 21-22.

**BOARD OF CHIROPRACTIC EXAMINERS
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Goals and Objectives (continued)

Part I (continued)

FY 2021's goals and objectives, and how they were met:

**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Goals and Objectives (continued)

Part I (continued)

FY 2021's goals and objectives, and how they were met:

**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Goals and Objectives (continued)

Part I (continued)

FY 2021's goals and objectives, and how they were met:

BOARD OF CHIROPRACTIC EXAMINERS

Fiscal Year 2021 Annual Report

Goals and Objectives

Part II

FY 2022's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

Goal 1: Carry out assigned duties of the board:

- **Objective 1: Conduct a minimum of three board meetings this year with different regional locations in the state to allow for public attendance and meeting transparency.** Currently the board has four regular board meetings scheduled, of which we are requesting funding to attend two in-person meetings to be held early this next fiscal year and one scheduled for the second week of February 2022 to be available in person to the Alaska Legislature. The other regular meetings will be via Zoom. There will be a need for meetings held in response to disciplinary matters or other investigative/administrative needs. These will be held via Zoom, telephonically or in urgent matters, via email, as needed.
- **Objective 2: Continue timely processing of applications and licensing of chiropractic physicians.** With the imminent onset of jurisprudence and SPECT testing online, much of the application process will come on a first-come basis and will be processed as application is made. This represents a significant savings in time and resources.
- **Objective 3: Continue to monitor investigative reports, monitor disciplinary actions, and provide professional direction to division investigative staff regarding disciplinary actions, probation matters, criminal history record information, and chiropractic practice;** Given the significant increase last year in both the number and severity of disciplinary matters in the state, this will be a significant activity of the board. To this point, the board has never revoked a license. This may well play a part in the increase of number and severity. The purpose of sentencing for criminal offenses is to first, stop the crime being committed; secondly, to assist in rehabilitating the offender, and; third, to prevent others from committing the same offense. The laxity in board sentences may well play into current increases. Therefore, the board will focus efforts on developing and instituting a matrix of disciplinary measures patterned after the Boards of Medicine and Nursing, and as currently being prepared by the Board of Dentistry. This will standardize disciplinary action of the board and bring consistency among the professions of the state. The current "norms" sit significantly below those established guidelines.
- **Objective 4: Utilize the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC) and Ethics & Boundaries examination (E&B) in memorandum of agreements.** This is in the final steps of completion to be a live service available nationally. This can be a very valuable tool in assessing preparation to return to professional service as a part of rehabilitation of offenses.
- **Objective 5: Continue to review and process continuing education credit approval in a timely manner.** With COVID-19 restrictions and mandates being lifted, likely we will return to 32-hours of regular in-person and online continuing education. Careful consideration will be given to the current appropriateness of Ethics & Boundaries training.
- **Objective 6: Continue to administer the jurisprudence examination as part of licensure.** Jurisprudence examination is still an integral part of licensing but appears to be one of the most violated areas of chiropractic practice. Utilizing the NBCE to make that available four times per year across the nation at appropriate testing centers will be a valuable asset to new applicants. Careful consideration of Boundaries & Ethics will be reviewed by the board for relicensing.

Goal 2: Provide information regarding board activities to the profession and the public:

- **Objective 1: Inform licensees of any pending regulation changes in the customary manner.** All communication with licensees is made through the board website, and in cases that will alter standing laws and practices, each will be notified through direct email or mail. This will continue.
- **Objective 2: Provide a public comment period during each meeting. This is scheduled per public meeting law for each board meeting.** Care will be given to make sure public comment period is scheduled on each meeting agenda. All additional meetings will be properly public noticed.
- **Objective 3: Address concerns presented by licensees and the public at each meeting.** See above. Additionally, any correspondence received by licensees or public members will be immediately addressed by the board or designee, and outcomes returned to those individuals.

Part II (continued)

FY 2022's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

- **Objective 4: Provide copies of agendas and/or minutes of the meetings to all who request them.** Such was accomplished by the licensing examiner and was posted in advance on the board website. This practice will continue.
- **Objective 5: Continue to work with other licensing boards, at both the district and national level.** Specific request has been made to meet with District FCLB/NBCE in October 2021 in Whitefish, Montana and with the National Boards in the Spring of 2022. In addition to such boards, the Chairs of all professional boards under the State of Alaska, Department of Commerce have met weekly through 2020 and biweekly through 2021 to date since the onset of COVID-19 in the spring of 2020. This has been to develop contingency plans for worst case scenarios, review and implement emergency regulations, and coordinate efforts among boards to be united in effort. In addition, all board members were invited to participate in an Interdisciplinary Physical Medicine compact to develop specific instructions and recommendations to the chiropractic practitioner community in coordination with massage therapy, physical therapy and other related disciplines for compliance with Emergency Regulations from the Governor and Legislature. This was successfully completed; Chiropractic was the first submitting profession.
- **Objective 6: Continue to address the reporting requirements for domestic violence and sexual assault;** Board members will continue to be educated on the requirements of Alaska law considering this requirement. Bringing the information to the forefront of attention of practitioners is a priority.
- **Objective 7: Seek and support efforts to educate the governor, state legislators, and the public regarding the benefit of chiropractic care as a health care option, and the particular opportunities to efficiently recover from work injuries (Workers Comp), and deal with pain without opiate prescriptions;** A large part of this is forwarded in the Legislative Proposal from this last year and carried forward for sponsorship for this coming 33rd Legislature. This will also remain a priority for the ACS.
- **Objective 8: Raise awareness regarding public health, emergency training, hazardous material, and OSHA requirements;**
- **Objective 9: Ensure current information is available on the board website through regular updates by staff and regular monitoring by board members.**

Goal 3: Continue affiliation with the Alaska Chiropractic Society (ACS) to work cooperatively in the best interest of the public and the profession:

- **Objective 1: Encourage regular Alaska Chiropractic Society (ACS) participation at board meetings.** The board will continue to appraise ACS of the scheduling of board meetings and movements of the board. Time will continue to be budgeted into meeting agendas for updates on ACS activities and needs, and we will continue to receive calls as necessary for clarifications. This is a very strong and positive relationship that should be cultured to continue and strengthen.
- **Objective 2: Support the Alaska Chiropractic Society in its efforts to provide information to the profession and the public.** The board has been quick to respond with interpretation of laws and regulations and to give whatever support is possible to the ACS. This will continue.
- **Objective 3: Support the Alaska Chiropractic Society in pursuit of statutory changes or additions that expand the scope of chiropractic practice to provide better portal-of-entry service for the public and for those who wish to utilize their chiropractic physician efficiently as their primary care physician.** The prepared Legislative Proposal will continue to be worked on and sponsorship sought for the 33rd Legislative session. Much of the previously stated goal lies herein, specifically to resolve the conflict of interests between needs of patients and desires of licensees, and to be able to provide update regulation to accomplish this while resolving the conflict with outdated statute.

Goal 4: Assess and evaluate regulations:

- **Objective 1: Continue to assess and evaluate continuing education requirements for quality, relevance, and application of scientific chiropractic research and practice.** Thanks to Dr. Risch, a former board member, who religiously reviews every application for credits for continuing education and gives his input to the board for guidance. We will evaluate the use of such assignments and either continue or terminate such as recommended by the Department. of Law.
- **Objective 2: Continue to assess and evaluate radiological safety, professional ethics and boundaries, public health, and emergency training.** Radiology, advanced imaging, and radiologic safety continue to be a priority of continuing education. A full 25% of continuing education is focused on these topics. In addition, we have a very active Office of Radiologic Safety operating as a regulator for the State of Alaska, assuring radiation units comply with current rules and practice, which has been missing for some time. Kudos to them!
- **Objective 3: Proactively make recommendations through regulation and recommend changes to statute to anticipate changes in the health industry.** This board is very active in this aspect as is demonstrated by the current Legislative Proposal seeking support for the 33rd Alaska Legislature.

Goal 5: Assess and evaluate the review process available through the Utilization Review Committee (URC):

- **Objective 1: Direct appropriate inquiries to the committee for review and recommendations.** At the forefront of board efforts is the refilling of this committee. All members timed out this last year. While a call has been put out for new members, it must be followed through and completed, as this is a great burden the committee can lift from board responsibility.
- **Objective 2: Keep the committee roster fully staffed with three chiropractic physicians and one public member at all times.** Currently that committee has timed out during this last year and is in need of replacing all members. This is a priority of the board to remedy.
- **Objective 3: Maintain a list of alternate committee members to fill vacancies or recusals as needed.** Given COVID-19 and whatever other reasons, this list is also vacant. This is a priority of the board to remedy for the coming year.

**BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report**

Goals and Objectives (continued)

Part II (continued)

FY 2022's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

Goal 6: Continue affiliation and improve interaction with the Federation of Chiropractic Licensing board (FCLB), The National Board of Chiropractic Examiners (NBCE), the Association of Chiropractic Board Administrators (ACBA), and the Council on Chiropractic Education (CCE) as well as the Council on Licensure, Enforcement, and Regulation (CLEAR) and the Federation of Association of Regulatory Boards (FARB):

- **Objective 1: Provide attendance of one to two board members and the examiner to the district and annual meetings of the FCLB and NBCE, to provide input and obtain information at both national and state levels regarding the practice of chiropractic in Alaska.** With easing of COVID restrictions, if funding is approved by the State, attendance at the District FCLB meeting in Whitefish, Montana, becomes a distinct possibility. This meeting is of the greatest benefit to board and state personnel.
- **Objective 2: Continue working with the FCLB on maintaining a listing of Alaskan chiropractic physicians on the National Database (CIN-BAD).** This continues as outlined.
- **Objective 3: Promote attendance of board members, past and present, to the semi-annual NBCE Part IV Examinations and Part IV Examination Review Committee meetings of the NBCE to provide input and obtain information on the Exams required for chiropractic licensure in Alaska and other states.** While it was generally accepted "fact" that prior governors had banned the receipt of the professional honorarium offered by the NBCE as well as covering the personal travel and time these doctors invest without compensation from the State or NBCE to participate in this NBCE Part 4 testing process, a memorandum forwarded to the chair of this board by Director Sara Chambers late in Spring 2021 appears to demonstrate exactly the opposite. The opinion dated April 19, 2012, indicates that such is an appropriate action of board members, that the honorarium rendered does not exceed the maximum amount allowed as gifts under ethics law, and is a cost born by the NBCE, not the State of Alaska, therefore is not forbidden under ethical behavior laws or other considerations from the State. This will be reviewed, and the details implemented by the board this coming year for those wishing/willing to attend.

Goal 7: The board will endeavor, through the legislative process, to add the Board of Chiropractic Examiners to relevant centralized and non-centralized statutes that enhance the profession and its administrative efficiency:

- **Objective 1: The board will pursue inclusion in AS 08.01.050(d) for the purpose of providing licensed chiropractic physicians the resources needed to address abuse of alcohol, drugs or other substances that are granted to all other professional boards.** This element is foremost on the Legislative Proposal authored by Drs. Larson and Morris, board members working as a subcommittee appointed by the board. Efforts of board members and ACS will work diligently to find a sponsor and co-sponsors for this action in the 33rd Alaska Legislature.
- **Objective 2: The board will pursue authority under AS 08.20 to create an additional scope of practice status for chiropractic physicians who pursue additional training and certifications to utilize non-narcotic drugs, ancillary therapies and procedures beyond chiropractic core methodology (and labeled by statute as Ancillary Methodology) and commonly used by other Alaskan health care professionals and specialists.** This also is a portion of the legislative proposal set forth by the board. The board with assistance of the ACS will continue to seek sponsorship and pre-filing with the 33rd Alaska Legislature in FY 21-22.

BOARD OF CHIROPRACTIC EXAMINERS
Fiscal Year 2021 Annual Report

Sunset Audit Recommendations

Date of Last Legislative Audit: July 24, 2013
Board Sunset Date: June 30, 2022

Audit Recommendation: The Office of the Governor should make Board appointments in compliance with statutory requirements.

Action Taken: As this recommendation was for the Office of the Governor, neither the Board nor Division have the authority to take any action. There is currently one board seat open, which was recently vacated due to a conflict of interest by the public member

Next Steps: Await Gubernatorial appointment of a new public member.

Date Completed: March 1, 2016

Audit Recommendation: The Division of Corporations, Business and Professional Licensing's Director should continue efforts to improve the investigative case management system's integrity and confidentiality.

Action Taken: Negotiated the GLS contract in 2016 and will continue to use the system through 2020, under the current contract, with process improvements. The Division supervisors, staff and the investigations unit participate in annual training. Additionally, the Director updated the policy and procedures for handling affirmative responses to professional fitness questions in 2011, and with the assistance of the Chief Investigator, further clarified the business process in 2016.

Next Steps: We are working with GLS to refine data fields to more accurately capture the information required.

Date Completed: 2016

Sunset Audit Recommendations (continued)

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:

Date Completed:

Sunset Audit Recommendations (continued)

Audit Recommendation:

Action Taken:

Next Steps:

Date Completed:

Audit Recommendation:

Action Taken:

Next Steps:

Date Completed:

Audit Recommendation:

Action Taken:

Next Steps:

Date Completed:



May 17, 2021

Alaska Board of Chiropractic Examiners
PO Box 110806
Juneau, AK 99811-0806

Board of Chiropractic Examiners,

It is with great pleasure that I submit my name for a position on the Utilization Review Committee (URC). I have served the Anchorage community for over 17 years and have been interested in an opportunity to get more involved with our board and serve in some capacity for several years. I am happy to provide whatever documents are necessary to be considered for this position.

Thank you in advance for your consideration.

Michael Hanifen, B.S., D.C.
Owner/President
North Star Chiropractic
Wellness Center, LLC
1120 Huffman Rd., Suite 23
Anchorage, AK 99515
Phone: [REDACTED]

1120 Huffman Rd., Suite 23 Anchorage, AK 99515 Phone: [REDACTED]

From: [REDACTED]
To: [Board of Chiropractic Examiners \(CED sponsored\)](#)
Subject: Utilization Review Committee
Date: Tuesday, June 8, 2021 2:46:04 PM

Dear members of the Alaska Board of Chiropractic Examiners:

I am writing to express my sincere interest in serving on the Utilization Review Committee.

My motivation for doing so is simple: I would like to be a part of the effort to hold our profession to the highest standards. I take great pride in my work as a Doctor of Chiropractic and I believe that the steps we take to ensure that Alaska practitioners continue to fulfill the ideals set forth by the board of Chiropractic Examiners. By seeing to it that these principles—whether ethical, clinical, or financial—are upheld, I feel that I can make a positive difference for those seeking chiropractic care in our state.

My goal will be to carefully review evidence/documentation in each case and, in collaboration with other Committee members, arrive at a fair determination of what is reasonable and appropriate. My assessment of each complaint will be as objective as possible, with regard to the interests of both the chiropractic physician and his or her patient.

By taking this responsibility seriously, I hope to be able to contribute to the overall excellence of chiropractic care in Alaska. Individuals seeking the services we provide need to be able to count on the fact that they will be working with principled practitioners that are dedicated to their health and well-being; nothing less than the reputation of our profession is at stake! If my involvement in the work of the Committee can advance this worthwhile cause even marginally, then my investment of time and energy will have been well worth it.

Thank you for considering my application, and please don't hesitate to contact me on my cell phone at [REDACTED] if I can provide any additional information.

Sincerely,

Michaela Krohn DC

Woodland Wellness Center

Fairbanks AK

COVID-19 Practice Guidance for Licensees and Facilities

The Alaska State Board of Chiropractic Examiners, 11/12/20

The governor and Alaska health care authorities have lifted Health Mandate 15, so the board is reaching out to provide guidance for licensees.

The Alaska State Board of Chiropractic Examiners recognizes our licensed professionals and your staff members have faced many challenges during the COVID-19 pandemic. Overwhelmingly, Alaskan chiropractic physicians and their teams have a sterling record of safe and efficient practice in a challenging environment. As we have learned, COVID information changes rapidly and it is still the responsibility of every licensed professional to stay informed and practice safely.

The board recommends all licensees consider following the guidance. By continuing with meticulous active care, you may reduce your legal risk. All chiropractic physicians licensed under AS 08.20 are obligated to practice within the codified statutes and regulations of the State of Alaska. Rescinding of Mandate 15 only relieves practitioners of the additional rules imposed during the emergency declaration.

Recommendations for mitigating COVID-19 exposure risk include, but are not limited to:

1. Screen and Triage Every Individual Scheduling and Entering a Healthcare Facility for Signs and Symptoms of COVID-19

Although screening for symptoms will not identify asymptomatic or pre-symptomatic individuals with SARS-CoV-2 infection, symptom screening remains an important strategy to identify those who could have COVID-19 so appropriate precautions can be implemented. The board recommends:

- Following State of Alaska COVID-19 testing guidance when applicable: <http://www.dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/testing.aspx>
- Delaying care or utilizing telehealth options if an infected individual is identified.
- Following all additional CDC state and federal guidance relating to screening for COVID-19 in symptomatic and asymptomatic patients: <https://www.cdc.gov/>

2. Educate and Direct and Maintain Social Distancing

Take steps to ensure that everyone adheres to source control measures and hand hygiene practices while in a healthcare facility

- Post visual alerts at the entrance and in strategic places (e.g., waiting areas, restrooms, etc.) providing instructions about wearing a cloth face covering for source control and how and when to perform hand hygiene.
- Provide supplies for respiratory hygiene and cough etiquette, including alcohol-based hand sanitizer (ABHS) with 60-95% alcohol, tissues, and no-touch receptacles for disposal, at facility entrances, waiting rooms, and patient check-ins.
- Limit and monitor points of entry to the facility
- Screen everyone (patients, HCP, visitors) entering the healthcare facility for [symptoms](#) consistent with COVID-19 or exposure to others with SARS-CoV-2 infection and ensure they are practicing source control.
- Set up waiting rooms to allow patients/clients to be at least 6 feet apart. Use partitions or signs to create designated areas or waiting lines.
- Patients may wait outside in their vehicles until called into the facility for their appointment
- Actively take their temperature and document absence of symptoms consistent with COVID-19. Fever is either measured temperature $\geq 100.0^{\circ}\text{F}$ or subjective fever.

- Ask them if they have been advised to self-quarantine because of exposure to someone with SARS-CoV-2 infection.

3. **Complete thorough cleaning and disinfection of hands, all surfaces, equipment and tools with patient/provider contact.**

Any provider-patient contact requires immediate sanitization and handwashing before and after contact. The board recommends following CDC guidelines regarding cleaning and disinfecting.

Proper Handwashing technique:

- **Wet** your hands with clean, running water (warm or cold), turn off the tap, and apply soap.
- **Lather** your hands by rubbing them together with the soap. Lather the back of your hands, between your fingers, and under your nails.
- **Scrub** your hands for at least 20seconds. Need a timer? Hum the “Happy Birthday” song from beginning to end twice.
- **Rinse** your hands well under clean, running water.
- **Dry** your hands using a clean towel or air dry them.

Use Hand Sanitizer When You Can’t Use Soap and Water

If soap and water are not readily available, you can use an alcohol-based hand sanitizer that contains at least 60% alcohol. You can tell if the sanitizer contains at least 60% alcohol by looking at the product label.

Surface Cleaning Policy:

DEVELOP YOUR PLAN

- **DETERMINE WHAT NEEDS TO BE CLEANED.**
Areas unoccupied for 7 or more days need only routine cleaning.
- **DETERMINE HOW AREAS WILL BE DISINFECTED.**
Consider the type of surface and how often the surface is touched.
Prioritize disinfecting frequently touched surfaces.
- **CONSIDER THE RESOURCES AND EQUIPMENT NEEDED.**
Keep in mind the availability of cleaning products and personal protective equipment (PPE) appropriate for cleaners and disinfectants.

IMPLEMENT YOUR PLAN

- **CLEAN VISIBLY DIRTY SURFACES WITH SOAP AND WATER** prior to disinfection.
- **USE THE APPROPRIATE CLEANING OR DISINFECTANT PRODUCT.** Use an EPA-approved disinfectant against COVID-19, and read the label to make sure it meets your needs. Recommended EPA Disinfectants can be found at: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>

ALWAYS FOLLOW THE DIRECTIONS ON THE LABEL.

The board recommends you read all labels/instructions as some disinfectants require longer kill times. The label will include safety information and application instructions. Keep disinfectants out of the reach of children.

MAINTAIN AND REVISE YOUR PLAN AS NEEDED

**For more information on handwashing, visit CDC’s [Handwashing website](#) or call 1-800-CDC-INFO.

4. **Use of PPEs (masks and gloves):**

- Health Care Providers should wear a surgical-grade mask. Follow current CDC Guidelines to provide safe patient care intervention.
 - Cloth face coverings are not considered personal protective equipment (PPE); they are source control. Health Care Providers should wear [appropriate PPE](#). Cloth face coverings may be used by non-treating staff and patients.
 - The owner or employer of health care providers and staff is responsible for providing appropriate PPE for all workers in the facility.
 - For visitors and patients, a cloth face covering may be appropriate. If a visitor or patient arrives to the healthcare facility without a cloth face covering, a facemask may be used for source control if supplies are available.
 - Cloth face coverings should not be placed on children under age 2 or anyone who has trouble breathing or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
5. **The board recommends telehealth services** if treatment cannot be safely provided through direct contact or the client has co-morbidities with increased risk should they contract COVID-19.

Chiropractic Physicians providing service to Alaska residents currently in Alaska must be licensed in Alaska. Alaskan physicians must be licensed in another state to treat or consult with a patient in that other state.

Providers must complete an application with the Telemedicine Business Registry prior to provision of such care.

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

6. Employing Massage Therapists (LMTs), Physical Therapists (PT, LPT) or other Licensed Professionals

Be aware that other licensed professionals may have regulatory obligations to follow directives of national organizations or federal codified regulation. As employers, chiropractors have the obligation to be familiar with and supportive of those professionals. Be a good team member.

The Board reminds licensees that the conditions under which they provide care should be provided in accordance and compliance with CDC as well as OSHA Guidelines. Should a provider be unable or unwilling to comply with the conditions of the CDC/OSHA guidelines, the board recommends they postpone such care until such time that they are able and willing to comply or until the CDC/OSHA guidelines are amended or rescinded.

Make certain to follow guidance from state and local authorities as well as your facility guidelines

Navigating CDC Website for reference <https://www.cdc.gov/>

You can either use the search bar to type in what you are looking for or:

- Click on Coronavirus Disease, then
- Click on Healthcare Workers and Labs, then
- Click on Guidance for US Healthcare facilities

From: [Occupational, License \(CED sponsored\)](#)
To: [Board of Chiropractic Examiners \(CED sponsored\)](#)
Subject: FW: State Scope regarding Manipulation Under Anesthesia performed by a chiropractor
Date: Wednesday, July 14, 2021 9:18:27 AM
Attachments: [image001.png](#)

O.L.E Bowman responded 7/15/21 that the board would review for the June 30 meeting and choose to answer.

From: Kaldy, Kevin L. <Kevin.Kaldy@va.gov>
Sent: Tuesday, July 13, 2021 4:45 PM
To: Kaldy, Kevin L. <Kevin.Kaldy@va.gov>
Subject: State Scope regarding Manipulation Under Anesthesia performed by a chiropractor

Good afternoon,

My name is Kevin Kaldy, I am a chiropractor with the Veterans Administration in the Palo Alto Health Care System, VISN 21 (Website: <https://www.paloalto.va.gov/locations/directions.asp>). I am looking for information to be provided strictly by the state Chiropractic Board of Examiners regarding the current state of scope for "Manipulation Under Anesthesia performed by a chiropractor". Please respond ASAP by filling out the 2 simple questions and attaching any supportive documentation from the board.

Please fill in the following:

1. State:
2. Manipulation Under Anesthesia by a chiropractor is within scope: YES/NO
3. Please attach supporting state board documentation.

Thank you for your prompt reply, assistance and time! Have a wonderful day.

Kevin L. Kaldy, D.C.

Staff Chiropractor
Integrated Primary Care



U.S. Department of Veterans Affairs
Veterans Health Administration
VA Palo Alto Health Care System



MEMORANDUM

DATE: July 20, 2021
 TO: Alaska Board of Chiropractic Examiners
 THRU: Greg Francois, Chief Investigator *GF*
 FROM: Jasmin Bautista, Investigator *JB*
 RE: Investigative Report for the July 30, 2021 Meeting

The following information was compiled as an investigative report to the Board for the period of April 22, 2021 thru July 20, 2021; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 5

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
CHIROPRACTOR			
2021-000329	Sexual misconduct	Intake	04/21/2021
2021-000443	Violation of licensing regulation	Intake	05/25/2021
2019-000742	Practice beyond scope	Monitor	
2017-001044	Sexual misconduct	Investigation	06/27/2018
2020-000442	Prohibited activities	Litigation Initiated	10/28/2020

Closed - 2

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
CHIROPRACTOR				
2020-000499	Sexual misconduct	Closed-Investigation	05/27/2021	License Action

END OF REPORT

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Chiropractic Examiners enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____
Board staff to remain during the session.

Off record: _____
On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

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

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

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Chiropractic Examiners	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21 1st - 3rd QTR
	Revenue										
Revenue from License Fees	\$ 24,503	\$ 146,375	\$ 170,878	\$ 22,505	\$ 216,640	\$ 239,145	\$ 36,390	\$ 211,760	\$ 248,150	\$ 24,395	\$ 203,680
Allowable Third Party Reimbursements	537	557	1,094	-	1,373	1,373	505	-	505	-	-
TOTAL REVENUE	\$ 25,040	\$ 146,932	\$ 171,972	\$ 22,505	\$ 218,013	\$ 240,518	\$ 36,895	\$ 211,760	\$ 248,655	\$ 24,395	\$ 203,680
Expenditures											
Non Investigation Expenditures											
1000 - Personal Services	40,701	40,079	80,780	32,959	19,500	52,459	51,958	59,328	111,286	73,885	44,993
2000 - Travel	17,350	15,990	33,340	14,510	11,005	25,515	15,220	6,618	21,838	5,152	-
3000 - Services	2,518	7,569	10,087	14,256	3,262	17,518	6,067	4,456	10,523	13,719	9,780
4000 - Commodities	325	80	405	32	81	113	123	108	231	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	60,894	63,718	124,612	61,757	33,848	95,605	73,368	70,510	143,878	92,756	54,773
Investigation Expenditures											
1000-Personal Services	9,227	14,665	23,892	28,382	14,795	43,177	7,019	6,773	13,792	5,622	23,139
2000 - Travel											
3023 - Expert Witness	2,250	1,350	3,600	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	8,631	3,768	12,399	8,008	11,243	19,251	6,780	-	6,780	7,077	8,464
3094 - Inter-Agency Hearing/Mediation	-	-	-	410	557	967	326	-	326	-	1,432
3000 - Services other								78	78	7	30
4000 - Commodities											
Total Investigation Expenditures	20,108	19,783	39,891	36,800	26,595	63,395	14,125	6,851	20,976	12,706	33,065
Total Direct Expenditures	81,002	83,501	164,503	98,557	60,443	159,000	87,493	77,361	164,854	105,462	87,838
Indirect Expenditures											
Internal Administrative Costs	9,435	10,333	19,768	11,957	10,713	22,670	15,029	16,664	31,693	15,826	11,870
Departmental Costs	8,377	13,713	22,090	10,012	9,009	19,021	12,087	14,108	26,195	10,926	8,195
Statewide Costs	5,883	7,166	13,049	3,823	2,971	6,794	6,591	6,797	13,388	10,474	7,856
Total Indirect Expenditures	23,695	31,212	54,907	25,792	22,693	48,485	33,707	37,569	71,276	37,226	27,921
TOTAL EXPENDITURES	\$ 104,697	\$ 114,713	\$ 219,410	\$ 124,349	\$ 83,136	\$ 207,485	\$ 121,200	\$ 114,930	\$ 236,130	\$ 142,688	\$ 115,759
Cumulative Surplus (Deficit)											
Beginning Cumulative Surplus (Deficit)	\$ 80,345	\$ 688		\$ 32,907	\$ (68,937)		\$ 65,940	\$ (18,365)		\$ 78,465	\$ (39,828)
Annual Increase/(Decrease)	(79,657)	32,219		(101,844)	134,877		(84,305)	96,830		(118,293)	87,921
Ending Cumulative Surplus (Deficit)	\$ 688	\$ 32,907		\$ (68,937)	\$ 65,940		\$ (18,365)	\$ 78,465		\$ (39,828)	\$ 48,093
Statistical Information											
Number of Licenses for Indirect calculation	314	336		343	379		379	361		343	
Additional information:	<ul style="list-style-type: none"> • Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * • Most recent fee change: Fee increase FY17 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. 										

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

Appropriation Name (Ex)	(All)
Sub Unit	(All)
PL Task Code	CHI1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)		
	1000 - Personal Services	3000 - Services	Grand Total
1011 - Regular Compensation	36,107.17		36,107.17
1014 - Overtime	0.63		0.63
1023 - Leave Taken	5,315.49		5,315.49
1028 - Alaska Supplemental Benefit	2,577.57		2,577.57
1029 - Public Employee's Retirement System Defined Benefits	3,249.82		3,249.82
1030 - Public Employee's Retirement System Defined Contribution	1,444.33		1,444.33
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,088.44		1,088.44
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	346.49		346.49
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	3,106.86		3,106.86
1039 - Unemployment Insurance	67.53		67.53
1040 - Group Health Insurance	12,036.26		12,036.26
1041 - Basic Life and Travel	18.83		18.83
1042 - Worker's Compensation Insurance	390.64		390.64
1047 - Leave Cash In Employer Charge	863.94		863.94
1048 - Terminal Leave Employer Charge	588.21		588.21
1053 - Medicare Tax	592.51		592.51
1069 - SU Business Leave Bank Contributions	17.01		17.01
1077 - ASEA Legal Trust	58.76		58.76
1079 - ASEA Injury Leave Usage	7.00		7.00
1080 - SU Legal Trst	9.46		9.46
1970 - Personal Services Transfer	245.11		245.11
3002 - Memberships		1,181.00	1,181.00
3044 - Courier		3.55	3.55
3045 - Postage		38.95	38.95
3046 - Advertising		129.58	129.58
3088 - Inter-Agency Legal		16,634.09	16,634.09
3094 - Inter-Agency Hearing/Mediation		1,432.20	1,432.20
3085 - Inter-Agency Mail		287.07	287.07
Grand Total	68,132.06	19,706.44	87,838.50

Occupational Licensing **Centralized Regulations**

June 2021



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

*DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING*

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

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CHAPTER 02.
GENERAL OCCUPATIONAL LICENSING FUNCTIONS.

Article

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ARTICLE 1.
COLLECTION OF FEES.

Section

10. **Licensing and renewal fees**
15. **Refund of license fees**
20. **Prorating renewal fees**
30. **Prorating initial renewal fees**

12 AAC 02.010. LICENSING AND RENEWAL FEES. (a) The department will collect fees for licensing and for license renewal for the boards and professions listed in AS 08.01.010.

(b) Except as provided in (f) of this section, the department will not issue or renew a license unless the applicable fees established in AS 08 or this chapter have been collected.

(c) Except as otherwise provided in this title, an application for initial licensure or renewal of license will be considered filed as of the filing date of the document, as determined by 12 AAC 02.920.

(d) Repealed 5/4/90.

(e) An application fee is not refundable.

(f) Except as otherwise provided in this title, and notwithstanding (b) of this section, an applicant for an initial license may enter into an agreement with the department to establish a payment plan for the total amount of the initial license fee. The department will not establish a payment plan that runs past the end of the initial biennial licensing period, and will require in the plan that the licensee pay the total amount of the initial license fee as a condition for renewal of the license. If the applicant fails to submit a payment required under the agreement,

(1) the department may issue a cease and desist order under AS 08.40.175 or 08.40.360; or

(2) that individual may be subject to disciplinary action under applicable provisions of AS 08 and this title, including suspension or revocation of the license.

(g) An applicant whose license application has been approved pending receipt of the license fee must submit the license fee to the department not later than 12 months after being notified that the license application was approved. Except as provided in (f) of this section, an applicant who does not submit the license fee to the department during the 12-month period must reapply for licensure.

Authority: AS 08.01.050 AS 08.01.065 AS 08.01.100
AS 08.01.060 AS 08.01.080

12 AAC 02.015. REFUND OF LICENSE FEES. (a) Except as provided in (b) of this section, after a license is initially issued or renewed, the department will not refund the initial license fee or the license renewal fee.

(b) On request, the department will issue a prorated refund of a license fee paid for a licensing period in which the individual licensee dies. The department will issue the refund to the estate of the licensee. The department will not issue a refund when the estate of the licensee remains a partner in a partnership that received a license under AS 08.

(c) To request a refund under this section, the estate of the licensee shall submit to the department

(1) a written request for a refund within 12 months of the licensee's death or before the end of the licensing period in which the licensee died, whichever time period is greater; and

(2) verification of the licensee's death; the department will accept a letter from a coroner or mortuary, a death certificate, or a copy of a newspaper article as verification.

(d) The department will calculate the amount of the prorated refund described in (b) of this section based on the number of complete months remaining in the licensing period on the date of the licensee's death.

Authority: AS 08.01.050 AS 08.01.065 AS 08.01.080

12 AAC 02.020. PRORATING RENEWAL FEES. The department will prorate the first license renewal fees following initial licensure, in accordance with 12 AAC 02.030. All renewal fees, including penalty and delinquent fees must be paid by the licensee applying for renewal of a license, except as provided in 12 AAC 02.030(a)(1) and (b)(1).

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.030. PRORATING INITIAL RENEWAL FEES. (a) When the department issues an initial biennial license

(1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) more than 90 days but 12 months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or

(3) more than 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.

(b) When the department issues an initial annual license

(1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) more than 90 days but six months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or

(3) more than six months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.

(c) Repealed 12/28/97.

(d) Repealed 9/29/2005.

(e) The department will not prorate fees for applications, examinations, reexaminations, credential review or investigation, temporary or emergency permits, locum tenens permits, certificates, or other such fees established in AS 08 or in this chapter.

Authority: AS 08.01.065 AS 08.01.080 AS 08.01.100

ARTICLE 2. OCCUPATIONAL LICENSING FEES.

Section

- 100. Fees established by department
- 102. Fees for a temporary license issued under AS 25.27.244; waivers; refunds
- 105. Administrative fees
- 106. Telemedicine business registry
- 107. Prescription drug monitoring program controlled substance prescription database registration
- 108. Acupuncturists
- 110. Board of Registration for Architects, Engineers, and Land Surveyors
- 130. Audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants
- 140. Board of Barbers and Hairdressers
- 145. Board of Certified Direct-Entry Midwives
- 150. Board of Chiropractic Examiners
- 155. Board of Social Work Examiners
- 160. Collection agencies
- 170. Concert promoters
- 180. Construction contractors
- 190. Board of Dental Examiners
- 195. Dietitians and nutritionists
- 200. Dispensing opticians
- 210. Electrical administrators
- 215. Euthanasia of domestic animals
- 220. Geologists

- 225. Private professional guardian license and private professional conservator license
- 230. Big Game Commercial Services Board
- 235. Home inspectors
- 240. Board of Marine Pilots
- 242. Board of Marital and Family Therapy
- 245. Mechanical administrators
- 250. State Medical Board
- 255. (Repealed)
- 260. Mortuary science
- 270. Naturopaths
- 280. Board of Nursing: fees for nurses and advanced practice registered nurses
- 282. Board of Nursing: fees for certified nurse aides
- 290. Nursing home administrators
- 300. Board of Examiners in Optometry
- 310. Board of Pharmacy
- 320. State Physical Therapy and Occupational Therapy Board
- 325. Board of Professional Counselors
- 330. Board of Psychologist and Psychological Associate Examiners
- 340. Board of Public Accountancy
- 350. Board of Veterinary Examiners
- 360. Real Estate Commission
- 370. Board of Certified Real Estate Appraisers
- 380. Pawnbrokers
- 390. Behavior analysts
- 395. Athletic trainers
- 396. Board of Massage Therapists

12 AAC 02.100. FEES ESTABLISHED BY DEPARTMENT. The fees established in this chapter have been adopted by the department after considering any recommendations of the applicable board or commission listed in AS 08.01.010.

Authority: AS 08.01.065

12 AAC 02.102. FEES FOR A TEMPORARY LICENSE ISSUED UNDER AS 25.27.244; WAIVERS; REFUNDS. (a) When the division issues a temporary license under AS 25.27.244, the division will collect the annual or biennial license fee for the trade or profession for which the temporary license is issued, subject to the refund and waiver provisions set out in this section. The temporary license fee is the amount paid to the division under this section from the annual or biennial license fee that is not refunded or waived under this section.

(b) Repealed 5/14/2021.

(c) When an individual who holds a temporary license issued under AS 25.27.244 is

(1) issued a release by the child support services agency and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under AS 08 or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

(2) not issued a notice of release by the child support services agency on or before the expiration date of the temporary license, the department will

(A) refund one-half of the annual or biennial license fee paid under (a) of this section; and

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under AS 08 or this chapter, except as required by law.

(d) In this section, "annual or biennial license fee" means the initial license fee or the license renewal fee established in

(1) this chapter for a licensing category included under the trades and professions listed in AS 08.01.010; and

(2) 18 AAC 78.495 for certification as an underground storage tank worker.

Authority: AS 08.01.050 AS 14.43.148 AS 25.27.244
AS 08.01.065

12 AAC 02.105. ADMINISTRATIVE FEES. Except as otherwise provided in this chapter for a particular board or occupation, the following fees apply to all boards and professions listed in AS 08.01.010:

(1) duplicate license fee, \$5;

(2) fee for verification or certification of an Alaska license, registration, or examination, \$20;

(3) name change, except for construction contractors, \$5;

(4) photocopy fee, \$.25 per page, which may be waived by the department if the total fee is less than \$5;

(5) facsimile fee, \$1 per page, which may be waived by the department if the total fee is less than \$5;

- (6) returned check fee, \$20;
- (7) repealed 12/28/97;
- (8) exam postponement fee, \$25;
- (9) wall certificate fee, \$20;
- (10) fee for proctoring an examination for another state's applicant, \$50;
- (11) fee for specialized report of licensing data that the department has agreed to provide, \$100 plus the cost of supplies;
- (12) express delivery handling fee, \$20;
- (13) fee for providing the most recently printed roster of all licensees in a licensing program, other than business licensing, with
 - (A) 2,000 or less licensees, \$5;
 - (B) more than 2,000 licensees, \$15;
 - (C) repealed 3/25/2004;
- (14) fee for a courtesy license issued under 12 AAC 02.955, \$100;
- (15) courtesy license application fee, \$50;
- (16) examination review fee, \$50;
- (17) temporary license application fee, \$100;
- (18) fee for a temporary license issued under AS 08.01.063 or 08.01.064, \$100.

Authority: AS 08.01.062 AS 08.01.065 AS 08.01.100

12 AAC 02.106. TELEMEDICINE BUSINESS REGISTRY. The following fees are established for registration under AS 44.33.381 (telemedicine business registry) for businesses performing telemedicine services in this state;

- (1) initial registration fee, \$50;
- (2) fee to report changes in the information on the initial registration, \$50.

Authority: AS 44.33.020 AS 44.33.381

12 AAC 02.107. PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE REGISTRATION. The following fees are established for registration as required under AS 17.30.200 with the prescription drug monitoring program (PDMP) controlled substance prescription database by a pharmacist who dispenses, or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law:

- (1) initial registration fee, \$25;
- (2) biennial registration renewal fee, \$25.

Authority: AS 08.01.065 AS 17.30.200

12 AAC 02.108. ACUPUNCTURISTS. The following fees are established for acupuncturists:

- (1) application fee for initial license, \$200;
- (2) license fee for all or part of the initial biennial license period, \$325;
- (3) biennial license renewal fee, \$325.

Authority: AS 08.01.010 AS 08.06.030 AS 08.06.100
AS 08.01.065

12 AAC 02.110. BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS. (a) The following fees are established for architects, engineers, land surveyors, and landscape architects:

- (1) application fee for initial registration and corporate, limited liability company, or limited liability partnership certification, \$200;
- (2) repealed 10/29/2017;
- (3) registration fee for all or part of the initial biennial registration period, \$100;
- (4) biennial registration renewal fee, \$100;
- (5) corporation, limited liability company, or limited liability partnership certification fee, for all or part of the biennial certification period, \$300;
- (6) biennial corporation, limited liability company, or limited liability partnership certification renewal fee, \$300;
- (7) amendment to corporate, limited liability company, or limited liability partnership certification, \$75;
- (8) repealed 11/13/2014;
- (9) repealed 10/29/2017;
- (10) retired status registration one-time fee, \$25;
- (11) late renewal penalty fee, \$50;

- (12) continuing education extension period fee, \$50.
- (b) The following examination fee is established for land surveyors:
 - (1) Alaska Land Surveying Exam (AKLS), \$100;
 - (2) repealed 11/13/2014.
- (c) Repealed 4/19/97.
- (d) The examination fees established in this section are due each time an applicant applies for an examination or examination division.
- (e) The following fee is established for opening a file for the retention of completed land surveyor work verification forms: \$50.

Authority: AS 08.01.065 AS 08.01.100 AS 08.48.265

12 AAC 02.130. AUDIOLOGIST, HEARING AID DEALERS, SPEECH-LANGUAGE PATHOLOGISTS, AND SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS. The following fees are established for audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants:

- (1) application fee for initial license or registration, \$250;
- (2) temporary license fee for audiologists or speech-language pathologists, \$225;
- (3) audiologist or speech-language pathologist license fee for all or part of the initial biennial license period, \$225;
- (4) biennial audiologist or speech-language pathologist license renewal fee, \$225;
- (5) hearing aid dealer license fee for all or part of the initial biennial license period, \$225;
- (6) hearing aid dealer biennial license renewal fee, \$225;
- (7) delinquent fee for delayed renewal, \$50;
- (8) speech-language pathologist assistant registration fee for all or part of the initial biennial registration period, \$225;
- (9) biennial speech-language pathologist assistant registration renewal fee, \$225.

Authority: AS 08.01.065 AS 08.11.025 AS 08.55.010
 AS 08.11.010 AS 08.11.030 AS 08.55.020
 AS 08.11.015 AS 08.11.043 AS 08.55.040
 AS 08.11.020 AS 08.11.050

12 AAC 02.140. BOARD OF BARBERS AND HAIRDRESSERS. (a) The following fees are established:

- (1) nonrefundable application fee for
 - (A) initial license, \$150;
 - (B) courtesy license, \$80;
- (2) temporary permit fee, \$100;
- (3) fee for student permit, student instructor permit, or apprenticeship that is valid for
 - (A) one year, \$100;
 - (B) two years, \$125;
- (4) barber, non-chemical barber, hairdresser, esthetician, advanced manicurist, or instructor written examination fee, \$60;
- (5) barber, non-chemical barber, hairdresser, esthetician, or instructor practical examination fee, \$60;
- (6) temporary license fee, \$100;
- (7) written examination fee for practitioners of body piercing, tattooing, or permanent cosmetic coloring, \$60;
- (8) temporary shop license fee, \$100;
- (9) courtesy license for practitioners of hairdressing, body piercing, tattooing, or permanent cosmetic coloring, \$80;
- (10) advanced manicurist endorsement one-time fee, \$20.
- (b) The following license fees are established for all or part of the initial biennial license period:
 - (1) barber, non-chemical barber, or hairdresser, \$180;
 - (2) esthetician, \$180;
 - (3) instructor, \$260;
 - (4) shop owner, \$260;
 - (5) school and school owner combined, \$660;
 - (6) manicurist, \$180;
 - (7) repealed 6/8/2016;
 - (8) practitioner of tattooing or permanent cosmetic coloring, \$180;
 - (9) practitioner of body piercing, \$180;
 - (10) practitioner of hair braiding, \$180.
- (c) The following biennial license renewal fees are established:
 - (1) barber, non-chemical barber, or hairdresser, \$180;
 - (2) esthetician, \$180;
 - (3) instructor, \$260;

- (4) shop owner, \$260;
- (5) school and school owner combined, \$660;
- (6) manicurist and advanced manicurist endorsement, \$180;
- (7) repealed 6/8/2016;
- (8) practitioner of tattooing or permanent cosmetic coloring, \$180;
- (9) practitioner of body piercing, \$180;
- (10) practitioner of hair braiding, \$180.

Authority: AS 08.01.065 AS 08.13.185

12 AAC 02.145. BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES. The following fees are established for direct-entry midwives and apprentices:

- (1) nonrefundable application fee for
 - (A) initial certification, \$500;
 - (B) emergency courtesy license, \$50;
- (2) certification fee for all or part of the initial biennial certification period, \$3,800;
- (3) biennial certification renewal fee, \$3,800;
- (4) apprentice direct-entry midwife permit fee, \$875;
- (5) biennial apprentice direct-entry midwife permit renewal fee, \$875;
- (6) nonrefundable application fee for initial apprentice direct-entry midwife permit, \$250;
- (7) emergency courtesy license fee, \$950.

Authority: AS 08.01.062 AS 08.01.065 AS 08.65.100

12 AAC 02.150. BOARD OF CHIROPRACTIC EXAMINERS. (a) The following fees are established for chiropractors:

- (1) application fee for
 - (A) initial license, \$250;
 - (B) locum tenens permit, \$250;
 - (C) any courtesy license, \$250;
 - (2) license fee for all or part of the initial biennial license period, \$600;
 - (3) biennial license renewal fee, \$600;
 - (4) temporary permit fee, \$150;
 - (5) examination fee, \$200;
 - (6) locum tenens permit fee, \$150;
 - (7) inactive license fee, \$150;
 - (8) retired status license fee, \$150;
 - (9) specialty designation fee, \$50;
 - (10) fee for any courtesy license, \$150;
 - (11) continuing education course approval fee, \$125;
 - (12) continuing education course change approval fee, \$50;
 - (13) delayed renewal penalty fee, \$100.
- (b) The peer review fee charged to a complainant is \$50.

Authority: AS 08.01.062 AS 08.01.100 AS 08.20.185
AS 08.01.065 AS 08.20.180

12 AAC 02.155. BOARD OF SOCIAL WORK EXAMINERS. (a) The following fees are established for social workers:

- (1) nonrefundable application fee for
 - (A) initial license, \$100;
 - (B) emergency courtesy license, \$50;
 - (2) clinical social worker license fee for all or part of the initial biennial license period, \$325;
 - (3) master social worker license fee for all or part of the initial biennial license period, \$275;
 - (4) baccalaureate social worker license fee for all or part of the initial biennial license period, \$225;
 - (5) biennial clinical social worker license renewal fee, \$325;
 - (6) biennial master social worker license renewal fee, \$275;
 - (7) biennial baccalaureate social worker license renewal fee, \$225;
 - (8) temporary license fee, \$75;
 - (9) emergency courtesy license fee, \$80.
- (b) Repealed 5/14/2021.

(c) The following fees are established for submission of social worker continuing education courses for approval under 12 AAC 18.220:

- (1) initial continuing education course submittal fee, \$50;

- (2) continuing education course resubmittal fee, \$25.

Authority: AS 08.01.062 AS 08.95.030 AS 08.95.120
AS 08.01.065 AS 08.95.110 AS 08.95.125

12 AAC 02.160. COLLECTION AGENCIES. (a) The following fees are established for collection agencies:

- (1) application fee for initial license, \$50;
- (2) operator license fee for all or part of the initial biennial license period, \$50;
- (3) biennial operator license renewal fee, \$50;
- (4) agency license fee for all or part of the initial biennial license period, \$50;
- (5) biennial agency license renewal fee, \$50;
- (6) branch office license fee, for all or part of the initial biennial license period, \$50;
- (7) biennial branch office license renewal fee, \$50;
- (8) delayed renewal penalty, \$50.

(b) Under AS 08.24.370, all nonresident operator and agency fees are double the fees established in (a) of this section, except for branch office fees.

Authority: AS 08.01.065 AS 08.24.135 AS 08.24.370
AS 08.01.100

12 AAC 02.170. CONCERT PROMOTERS. The following fees are established for concert promoters:

- (1) application fee for initial registration, \$125;
- (2) certificate of registration fee, for all or part of the initial biennial registration period, \$500;
- (3) biennial certificate of registration renewal fee, \$500.

Authority: AS 08.01.065 AS 08.92.020 AS 08.92.080

12 AAC 02.180. CONSTRUCTION CONTRACTORS. (a) The following fees are established for general, mechanical, and all specialty construction contractors:

- (1) nonrefundable application fee for initial registration or residential contractor endorsement, \$100;
- (2) certificate of registration and license enforcement support fee, for all or part of the initial biennial registration period, \$250;
- (3) biennial certificate of registration renewal and license enforcement support fee, \$250;
- (4) fee for change from one specialty to another specialty, or from specialty to mechanical, or from mechanical to specialty, contractor registration, \$35;
- (5) name change, \$65;
- (6) bonding research, \$30;
- (7) residential contractor endorsement fee, for all or part of the initial biennial endorsement period, \$250;
- (8) biennial residential contractor endorsement renewal fee, \$250;
- (9) repealed 10/20/2018;

(10) fee for change from a specialty or mechanical contractor registration to a general contractor registration, or a general contractor registration to a specialty contractor or mechanical contractor registration, \$75.

(b) Repealed 10/20/2018.

Authority: AS 08.01.065 AS 08.18.041

12 AAC 02.190. BOARD OF DENTAL EXAMINERS. (a) The following fees for dental hygienists are established:

- (1) nonrefundable application fee for
 - (A) initial license, \$100;
 - (B) courtesy license, \$50;
 - (C) initial restorative function endorsement, \$100;
 - (D) local anesthetic permit, \$100;
 - (E) nitrous oxide certification, \$100;
- (2) repealed 12/13/2014;
- (3) license fee for all or part of the initial biennial license period, \$200;
- (4) biennial license renewal fee, \$200;
- (5) local anesthetic permit, \$100;
- (6) credential review fee, \$110;
- (7) repealed 2/21/2019;
- (8) courtesy license fee, \$50;
- (9) restorative function endorsement fee, for all or part of the initial endorsement period, \$60;
- (10) restorative function endorsement renewal fee, \$60;
- (11) nitrous oxide certification one-time fee, \$100.

(b) The following fees for dentists are established:

- (1) nonrefundable application fee for
 - (A) initial license by examination, \$600;
 - (B) repealed 12/13/2014;
 - (C) courtesy license, \$50;
 - (D) repealed 12/13/2014;
 - (E) deep sedation, moderate sedation, minimal sedation, or general anesthetic permit, \$100;
 - (F) temporary permit, \$50;
 - (2) nonrefundable application and review fee for license by credentials, \$1,000;
 - (3) repealed 12/13/2014;
 - (4) license fee for all or part of the initial biennial license period, \$450;
 - (5) repealed 12/13/2014;
 - (6) biennial license renewal fee, \$450;
 - (7) repealed 12/13/2014;
 - (8) repealed 12/13/2014;
 - (9) deep sedation, moderate sedation, or minimal sedation permit fee for all or part of the initial biennial permit period, \$1,000;
 - (10) biennial deep sedation, moderate sedation, or minimal sedation permit renewal fee, \$350;
 - (11) repealed 12/13/2014;
 - (12) general anesthetic permit fee for all or part of the initial biennial permit period, \$1,000;
 - (13) biennial general anesthetic permit renewal fee, \$350;
 - (14) courtesy license fee, \$50;
 - (15) temporary permit fee, \$112.50;
 - (16) temporary permit extension fee, \$50.
- (c) The following fees are established for submission of dental and dental hygiene continuing education courses for approval under 12 AAC 28.410:
- (1) initial continuing education course submittal fee, \$50;
 - (2) continuing education course resubmittal fee, \$50.

Authority:	AS 08.01.065	AS 08.32.070	AS 08.36.250
	AS 08.01.100	AS 08.32.071	AS 08.36.254
	AS 08.32.030	AS 08.32.081	

12 AAC 02.195. DIETITIANS AND NUTRITIONISTS. The following fees are established for dietitians and nutritionists:

- (1) application fee for initial license, \$100;
- (2) license fee for all or part of the initial biennial license period, \$50;
- (3) biennial license renewal fee, \$50.

Authority:	AS 08.01.010	AS 08.01.100	AS 08.38.030
	AS 08.01.065	AS 08.38.020	

12 AAC 02.200. DISPENSING OPTICIANS. The following fees are established for dispensing opticians and apprentices:

- (1) nonrefundable application fee for initial license or registration, \$50;
- (2) license fee for all or part of the initial biennial license period, \$275;
- (3) biennial license renewal fee, \$275;
- (4) apprentice registration fee, \$250;
- (5) apprentice registration change fee, \$50;
- (6) biennial apprentice registration renewal fee, \$50.

Authority:	AS 08.01.065	AS 08.71.120	AS 08.71.160
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12 AAC 02.210. ELECTRICAL ADMINISTRATORS. The following fees are established for electrical administrators:

- (1) nonrefundable application fee for each license category applied for separately, \$150;
- (2) repealed 9/29/2019;
- (3) electrical administrator license fee for all or part of the initial biennial license period, \$170;
- (4) biennial electrical administrator license renewal fee, \$170;
- (5) repealed 10/1/88;
- (6) repealed 5/30/97.

Authority:	AS 08.01.065	AS 08.40.150
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12 AAC 02.215. EUTHANASIA OF DOMESTIC ANIMALS. The following fees are established for agencies that purchase, possess, and use certain drugs to euthanize domestic animals:

- (1) nonrefundable application fee for initial euthanasia permit, \$100;
- (2) permit fee for all or part of the initial biennial license period, \$300;
- (3) biennial permit renewal fee, \$300.

Authority: AS 08.01.065 AS 08.02.050

12 AAC 02.220. GEOLOGISTS. The fee for certification of a professional geologist is \$50.

Authority: AS 08.01.065 AS 08.02.011

12 AAC 02.225. PRIVATE PROFESSIONAL GUARDIAN LICENSE AND PRIVATE PROFESSIONAL CONSERVATOR LICENSE. The following fees are established for private professional guardians and private professional conservators:

- (1) application fee for initial registration, \$125;
- (2) license fee for all or part of the initial biennial licensing period, \$725;
- (3) biennial license renewal fee, \$725;
- (4) temporary license fee for private professional guardian or private professional conservator, \$50;
- (5) nonrefundable fingerprint processing fee, \$59.

Authority: AS 08.01.065 AS 08.26.060

12 AAC 02.230. BIG GAME COMMERCIAL SERVICES BOARD. (a) The following fees are established for registered and master guide-outfitters:

- (1) nonrefundable application fee for initial license, \$200;
- (2) initial registered guide-outfitter qualification examination or retake examination fee, \$125;
- (3) game management unit examination fee for taking initial examination, retaking examination, or adding game management units, \$400 per game management unit;
- (4) registered or master guide-outfitter license fee, for all or part of the biennial license period, \$850;
- (5) biennial registered or master guide-outfitter license renewal fee, \$850;
- (6) examination preparation packet for registered guide-outfitter, \$100;
- (7) retired status license fee, \$300;
- (8) hunt record annual filing fee, \$300;
- (9) guide use area registration fee, \$100.

(b) The following fees are established for Class-A assistant and assistant guides:

- (1) nonrefundable application fee for initial license, \$200;
- (2) Class-A assistant and assistant guide license fee for all or part of the initial biennial license period, \$410;
- (3) Class-A assistant and assistant guide biennial license renewal fee, \$410;
- (4) retired status license fee, \$175.

(c) The following fees are established for transporter licenses:

- (1) nonrefundable application fee, \$200;
- (2) transporter license fee, for all or part of the biennial license period, \$850;
- (3) biennial transporter license renewal fee, \$850;
- (4) transporter activity report annual filing fee, \$300.

(d) Under AS 08.54.770(e), the license fees for nonresidents are double the license fees established in (a) – (c) of this section.

(e) The following fee is established for each municipality request for hunt record and transporter activity report information under AS 08.54.760(b)(2), \$500.

Authority: AS 08.01.010 AS 08.54.650 AS 08.54.760
AS 08.01.065 AS 08.54.750 AS 08.54.770
AS 08.01.100

12 AAC 02.235. HOME INSPECTORS. The following fees are established for home inspectors and associate home inspectors:

- (1) nonrefundable application fee for initial license, \$100;
- (2) certificate of registration and license enforcement support fee, for all or part of the initial biennial licensing period, \$250;
- (3) biennial certificate of registration renewal and license enforcement support fee, \$250;
- (4) bonding research, \$30;
- (5) fee for adding an additional type of authorized inspection to a registration, \$30.

Authority: AS 08.01.065 AS 08.18.022 AS 08.18.041

12 AAC 02.240. BOARD OF MARINE PILOTS. The following fees are established for all license and registration categories of marine pilots and vessel agents:

- (1) nonrefundable application fee for
 - (A) initial deputy marine pilot license, including the application fee for the regional comprehensive local knowledge examination, \$300;
 - (B) core examination, extension of route examination, marine pilot license, vessel agent registration, VLCC endorsement, or tonnage upgrade, \$100;
- (2) marine pilot license fee for all or part of the initial biennial license period, \$1,500, which will be waived by the department if the applicant is upgrading from a deputy marine pilot license and has paid the deputy marine pilot license fee for the same biennial license period;
- (3) biennial marine pilot license renewal fee, \$1,500;
- (4) vessel agent registration fee for all or part of the initial biennial registration period, \$500;
- (5) biennial vessel agent renewal fee, \$500;
- (6) core examination fee, \$500;
- (7) deputy marine pilot license fee for all or part of the initial biennial license period, \$1,500;
- (8) biennial deputy marine pilot license renewal fee, \$1,500;
- (9) regional comprehensive local knowledge examination fee, \$500;
- (10) extension of route examination fee, \$200.

Authority: AS 08.01.065 AS 08.62.140

12 AAC 02.242. BOARD OF MARITAL AND FAMILY THERAPY. The following fees are established for marital and family therapists and associates:

- (1) nonrefundable application fee for
 - (A) initial license, \$350;
 - (B) emergency courtesy license, \$50;
- (2) license fee for all or part of the initial biennial license period, \$1,250;
- (3) biennial license renewal fee, \$1,250;
- (4) four-year associate license fee for supervised practice, \$600;
- (5) temporary license fee, \$300;
- (6) emergency courtesy license fee, \$300.

Authority: AS 08.01.062 AS 08.63.100 AS 08.63.130
AS 08.01.065 AS 08.63.110 AS 08.63.140

12 AAC 02.245. MECHANICAL ADMINISTRATORS. The following fees are established for mechanical administrators:

- (1) nonrefundable application fee for each license category applied for separately, \$150;
- (2) repealed 8/21/2019;
- (3) mechanical administrator license fee for all or part of the initial biennial license period, \$200;
- (4) biennial mechanical administrator license renewal fee, \$200;
- (5) repealed 5/30/97.

Authority: AS 08.01.065 AS 08.40.290 AS 08.40.310

12 AAC 02.250. STATE MEDICAL BOARD. (a) The following fees are established for physicians, podiatrists, and osteopaths:

- (1) nonrefundable application fee for initial license, \$400;
 - (2) temporary permit fee, \$200;
 - (3) initial or extended locum tenens permit fee, \$150;
 - (4) license fee for all or part of the initial biennial license period, \$425;
 - (5) active biennial license renewal fee, \$425;
 - (6) inactive biennial license renewal fee, \$275;
 - (7) retired status license one-time fee, \$150;
 - (8) courtesy license fee, \$150;
 - (9) residency permit nonrefundable application and permit fee, \$100;
 - (10) nonrefundable application fee for locum tenens permit, \$150;
 - (11) nonrefundable application fee for courtesy license, \$100.
- (b) The following fees are established for physician assistants:
- (1) nonrefundable application fee for
 - (A) initial license, \$200;
 - (B) emergency courtesy license, \$50;
 - (2) temporary license fee, \$75;
 - (3) repealed 8/30/2018;

- (4) repealed 8/30/2018;
 - (5) fee for establishing or changing a collaborative relationship, \$125;
 - (6) license fee for all or part of the initial biennial license period, \$250;
 - (7) biennial license renewal fee, \$250;
 - (8) graduate physician assistant nonrefundable application and license fee, \$100;
 - (9) inactive biennial license fee, \$175;
 - (10) emergency courtesy license fee, \$60.
- (c) The following fees are established for mobile intensive care paramedics:
- (1) nonrefundable application fee for
 - (A) initial license, \$100;
 - (B) emergency courtesy license, \$50;
 - (2) temporary permit fee, \$75;
 - (3) provisional license fee, \$75;
 - (4) license fee for all or part of the initial biennial license period, \$75;
 - (5) biennial license renewal fee, \$75;
 - (6) emergency courtesy license fee, \$20.

Authority: AS 08.01.062 AS 08.64.270 AS 08.64.276
AS 08.01.065 AS 08.64.272 AS 08.64.315
AS 08.64.107

12 AAC 02.255. MOBILE HOME DEALERS. Repealed 5/14/2021.

12 AAC 02.260. MORTUARY SCIENCE. (a) A funeral director or embalmer license and a funeral establishment permit expires on December 31 of all even- numbered years. The following fees are established for funeral directors, embalmers, and funeral establishments:

- (1) nonrefundable application fee for initial license or permit, \$150;
 - (2) license or permit fee for all or part of the initial license or permit period, \$185;
 - (3) biennial license or permit renewal fee, \$185;
 - (4) state law examination fee, \$100.
- (b) The following fees are established for funeral director or embalmer trainee permits:
- (1) application fee for initial permit, \$150;
 - (2) trainee permit issuance and renewal fee, \$100.
- (c) Permit fee for disposal of human remains for compensation by a person not licensed under AS 08.42 is \$75.

Authority: AS 08.01.065 AS 08.42.010

12 AAC 02.270. NATUROPATHS. The following fees are established for naturopaths:

- (1) nonrefundable application fee for initial license, \$500;
- (2) license fee for all or part of the initial biennial license period, \$1,800;
- (3) biennial license renewal fee, \$1,800;
- (4) temporary license fee, \$500;
- (5) repealed 10/28/2000.

Authority: AS 08.01.065 AS 08.45.030 AS 08.45.100
AS 08.45.020 AS 08.45.035

12 AAC 02.280. BOARD OF NURSING: FEES FOR NURSES AND ADVANCED PRACTICE REGISTERED NURSES. The following fees are established for nurses and advanced practice registered nurses:

- (1) nonrefundable application fee for
 - (A) initial registered or practical nursing license, \$100;
 - (B) advanced practice registered nurse license, \$100;
 - (C) preceptorship registration one-time fee, \$100;
 - (D) emergency courtesy license, \$50;
- (2) license fee for all or part of the initial biennial registered or practical nursing license period, \$200;
- (3) biennial registered or practical nursing license renewal fee, \$200;
- (4) temporary permit fee, \$100;
- (5) prescriptive authority or controlled substance authority application one-time fee, \$100;
- (6) advanced practice registered nurse license fee for all or part of the initial biennial license period, \$100;
- (7) advanced practice registered nurse biennial license renewal fee, \$100;
- (8) reexamination application fee, \$50;
- (9) late renewal penalty fee, \$100;
- (10) nonrefundable fingerprint processing fee, \$75;
- (11) emergency courtesy license fee, \$50;

(12) retired nurse status license one-time fee, \$100.

Authority: AS 08.01.010 AS 08.01.065 AS 08.68.220
AS 08.01.062 AS 08.01.100

12 AAC 02.282. BOARD OF NURSING: FEES FOR CERTIFIED NURSE AIDES. The following fees are established for certified nurse aides:

- (1) nonrefundable application fee for initial certification, \$100;
- (2) examination fee, \$55;
- (3) certification fee for all or part of the initial biennial nurse aide certification period, \$100;
- (4) biennial nurse aide certification renewal fee, \$100;
- (5) certified nurse aide training program approval fee, \$500;
- (6) reexamination fee, \$50;
- (7) nonrefundable fingerprint processing fee, \$75.

Authority: AS 08.01.010 AS 08.01.065 AS 08.68.336

12 AAC 02.290. NURSING HOME ADMINISTRATORS. The following fees are established for nursing home administrators:

- (1) application fee for
 - (A) initial license, \$125;
 - (B) provisional license, \$100;
- (2) license fee for all or part of the initial biennial license period, \$250;
- (3) biennial license renewal fee, \$250;
- (4) provisional license fee, \$125.

Authority: AS 08.01.065 AS 08.70.130 AS 08.70.150
AS 08.70.080

12 AAC 02.300. BOARD OF EXAMINERS IN OPTOMETRY. The following fees are established for optometrists:

- (1) nonrefundable application fee for initial license, \$450;
- (2) examination fee, \$250;
- (3) license fee for all or part of the initial biennial license period, \$600;
- (4) biennial license renewal fee, \$600;
- (5) retired status license fee, \$150;
- (6) temporary military courtesy license fee, \$240;
- (7) extension of temporary military courtesy license fee, \$240.

Authority: AS 08.01.063 AS 08.01.065 AS 08.72.191

12 AAC 02.310. BOARD OF PHARMACY. (a) The following fees are established for pharmacists, pharmacy interns, pharmacy technicians, pharmacies, wholesale drug distributors, and drug dispensaries:

- (1) nonrefundable application fee for initial license, \$100;
- (2) repealed 10/28/2000;
- (3) temporary pharmacist license fee, \$50;
- (4) emergency permit to practice pharmacy fee, \$100;
- (5) pharmacy intern license fee, \$30.

(b) The following license and registration fees for all or part of the initial biennial licensing or registration period and subsequent biennial license and registration renewal fees are established for pharmacists, pharmacy technicians, remote and other pharmacies, and wholesale drug distributors:

- (1) pharmacist, \$200;
- (2) wholesale drug distributor, \$500;
- (3) pharmacy, \$200;
- (4) drug room, \$200;
- (5) registered pharmacy located outside of the state, \$600;
- (6) pharmacy technician, \$50;
- (7) remote pharmacy, \$200;
- (8) non-resident wholesale drug distributor, \$600;
- (9) outsourcing facility, \$600;
- (10) third-party logistics provider, \$600.

Authority: AS 08.01.065 AS 08.80.159 AS 08.80.160

12 AAC 02.320. STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD. The following fees are established for physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants:

- (1) application fee for initial license, \$150;
- (2) license fee for physical or occupational therapist for all or part of the initial biennial license period, \$200;
- (3) biennial license renewal fee for physical or occupational therapist, \$200;
- (4) temporary permit fee, \$65;
- (5) limited permit fee, \$65;
- (6) license fee for physical or occupational therapy assistant for all or part of the initial biennial license period, \$130;
- (7) biennial license renewal fee for physical or occupational therapy assistant, \$130.

Authority: AS 08.01.065 AS 08.84.050

12 AAC 02.325. BOARD OF PROFESSIONAL COUNSELORS. The following fees are established for professional counselors:

- (1) application fee for any initial license, \$200;
- (2) license fee for all or part of any initial biennial license period, \$250;
- (3) any biennial license renewal fee, \$250;
- (4) any board-approved supervisor fee, \$150.

Authority: AS 08.01.065

12 AAC 02.330. BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS. The following fees are established for psychologists and psychological associates:

- (1) application fee for
 - (A) initial license, \$200;
 - (B) any courtesy psychologist license, \$50;
- (2) credential review fee, \$100;
- (3) psychologist license fee for all or part of the initial biennial licensing period, \$500;
- (4) psychologist biennial license renewal fee, \$500;
- (5) temporary license fee, \$150;
- (6) psychological associate license fee for all or part of the initial biennial licensing period, \$500;
- (7) psychological associate biennial license renewal fee, \$500;
- (8) state examination fee, \$50;
- (9) Examination for Professional Practice in Psychology (EPPP), examination retest fee, \$25;
- (10) fee for any courtesy psychologist license, \$200.

Authority: AS 08.01.062 AS 08.86.135 AS 08.86.140
AS 08.01.065

12 AAC 02.340. BOARD OF PUBLIC ACCOUNTANCY. The following fees are established for accountants, partnerships, corporations, limited liability companies, and other legal entities:

- (1) nonrefundable application fee for
 - (A) initial license, permit, or practice privilege, \$300;
 - (B) repealed 10/18/2015;
- (2) repealed 11/18/2006;
- (3) certified public accountant license fee for all or part of the initial biennial license period, \$390;
- (4) certified public accountant biennial active license renewal fee, \$390;
- (5) certified public accountant biennial inactive license renewal fee, \$245;
- (6) uncertified public accountant biennial license renewal fee, under AS 08.04.661, \$200;
- (7) uncertified public accountant biennial inactive license renewal fee, under AS 08.04.661, \$200;
- (8) partnership, corporation, limited liability company, or other legal entity registration and permit fee for all or part of the initial biennial registration period, \$530;
- (9) biennial partnership, corporation, limited liability company, or other legal entity permit renewal fee, \$530;
- (10) out-of-state practice privilege permit fee for all or part of the initial biennial registration period, \$900;
- (11) biennial out-of-state practice privilege permit renewal fee, \$900;
- (12) license reactivation fee, \$150;
- (13) delayed renewal penalty fee, \$100.

Authority: AS 08.01.065 AS 08.04.495

12 AAC 02.350. BOARD OF VETERINARY EXAMINERS. The following fees are established for veterinarians and veterinary technicians:

- (1) nonrefundable application fee for
 - (A) initial veterinarian license by examination, \$200;
 - (B) initial veterinary technician license, \$100;
 - (C) courtesy license, \$125;
 - (D) student permit, \$125;
- (2) state written examination fee for veterinarians, \$200;
- (3) repealed 10/9/2016;
- (4) license fee for veterinarians for all or part of the initial biennial license period, \$600;
- (5) biennial license renewal fee for veterinarians, \$600;
- (6) temporary license fee, \$125;
- (7) temporary permit fee, \$125;
- (8) registration fee for veterinary technicians for all or part of the initial biennial registration period, \$100;
- (9) biennial registration renewal fee for veterinary technicians, \$100;
- (10) courtesy license fee, \$125;
- (11) nonrefundable application and investigation fee for veterinarian license by credentials under AS 08.98.184, \$200;
- (12) delayed renewal penalty fee for a veterinarian license that has lapsed more than 60 days and for each year the license has been lapsed, \$150;
- (13) delayed renewal penalty fee for a veterinary technician license that has lapsed more than 60 days and for each year the license has been lapsed, \$75.

Authority: AS 08.01.062 AS 08.01.100 AS 08.98.190
 AS 08.01.065

12 AAC 02.360. REAL ESTATE COMMISSION. (a) The following fees are established for real estate salespersons, associate brokers, and brokers:

- (1) license fee, for all or part of the initial biennial license period, whether licensure is by examination or endorsement, \$140;
 - (2) biennial license renewal fee for both active and inactive licenses, \$140;
 - (3) fee for office changes, including change of broker and company name, \$120 for each license;
 - (4) transfer of license fee, \$225;
 - (5) application fee for initial license, \$200;
 - (6) initial office registration fee, \$200;
 - (7) license inactivation or reactivation fee, \$150;
 - (8) duplicate license fee, \$20;
 - (9) name change fee, \$75;
 - (10) post-license education certification and new license document fee, \$50;
 - (11) reinstatement fee for a lapsed license, \$225.
- (b) The following fees are established for real estate education course certification and instructor approval:
- (1) initial course certification fee, \$50 per credit hour;
 - (2) biennial course recertification fee, \$30 per credit hour;
 - (3) instructor approval fee, \$200 per instructor;
 - (4) temporary instructor approval fee, \$250 per instructor;
 - (5) instructor approval recertification fee, \$100.
- (c) The following fees are established for publications offered by the Real Estate Commission:
- (1) information pamphlet on landlord and tenant rights, \$5;
 - (2) repealed 12/2/2005.

Authority: AS 08.01.065 AS 08.88.221

12 AAC 02.370. BOARD OF CERTIFIED REAL ESTATE APPRAISERS. (a) The following fees are established for general real estate appraisers, residential real estate appraisers, institutional real estate appraisers, and registered real estate appraiser trainees:

- (1) nonrefundable application fee for initial
 - (A) certification, license, or registration, \$150;
 - (B) courtesy license, \$100;
 - (2) certification fee for all or part of the initial biennial certification period, \$350;
 - (3) biennial certification renewal fee, \$350;
 - (4) real estate appraiser trainee registration fee, \$150;
 - (5) real estate appraiser trainee renewal fee, \$150;
 - (6) courtesy license fee, \$150;
 - (7) course approval fee, \$400;
 - (8) annual federal registry fee, \$40.
- (b) The following fees are established for real estate appraisal management companies:

- (1) nonrefundable application fee for initial registration, \$500;
- (2) registration fee for all or part of the initial biennial registration period, \$700;
- (3) biennial registration renewal fee, \$700;
- (4) change in controlling person, owner, employee, director, officer, or agent, \$250;
- (5) annual federal registry fee for each appraiser on the appraiser panel performing one or more federally related transactions in the preceding calendar year, \$25.

Authority: AS 08.01.062 AS 08.87.110 AS 08.87.310
AS 08.01.065 AS 08.87.120

12 AAC 02.380. PAWNBROKERS. The following fees are established for pawnbrokers:

- (1) nonrefundable application fee for initial license, \$250;
- (2) license fee for all or part of the initial biennial licensing period, \$100;
- (3) biennial license renewal fee, \$100.

Authority: AS 08.01.065 AS 08.76.110 AS 08.76.140

12 AAC 02.390. BEHAVIOR ANALYSTS. The following fees are established for behavior analysts and assistant behavior analysts:

- (1) nonrefundable application fee for initial license, \$150;
- (2) behavior analyst license fee for all or part of the initial biennial licensing period, \$100;
- (3) behavior analyst biennial license renewal fee, \$100;
- (4) assistant behavior analyst license fee for all or part of the initial biennial licensing period, \$50;
- (5) assistant behavior analyst biennial license renewal fee, \$50;
- (6) temporary license fee, \$80;
- (7) nonrefundable fingerprint processing fee, \$75.

Authority: AS 08.01.010 AS 08.15.020 AS 08.15.080
AS 08.01.065

12 AAC 02.395. ATHLETIC TRAINERS. The following fees are established for athletic trainers:

- (1) nonrefundable application fee for initial license, \$200;
- (2) athletic trainer license fee for all or part of the initial biennial licensing period, \$100;
- (3) athletic trainer biennial license renewal fee, \$100.

Authority: AS 08.01.010 AS 08.07.020 AS 08.07.040
AS 08.01.065

12 AAC 02.396. BOARD OF MASSAGE THERAPISTS. The following fees are established for massage therapists:

- (1) nonrefundable application fee for initial license, \$200;
- (2) massage therapy license fee for all or part of the initial biennial licensing period, \$290;
- (3) massage therapy biennial license renewal fee, \$290;
- (4) nonrefundable fingerprint processing fee, \$60;
- (5) nonrefundable massage therapy establishment registration fee, \$300;
- (6) fee for each investigation of an unregistered massage therapy establishment, \$2,000;
- (7) massage therapy establishment biennial registration renewal fee, \$300;
- (8) massage therapy establishment change of location fee, \$65.

Authority: AS 08.01.010 AS 08.61.020 AS 08.61.090
AS 08.01.065

**ARTICLE 3.
EXAMINATION REVIEW PROCEDURES.**

Section

400. Examination review

12 AAC 02.400. EXAMINATION REVIEW. (a) The division will follow the examination review procedures established in this section unless the public or private organization that prepares and owns the examination has procedures for examination review that conflict with the procedures in this section. When there is a conflict, the division will follow the procedures of the public or private organization that prepares and owns the examination.

(b) An applicant who wishes to review a failed examination shall submit a written request, and the applicable examination review fee specified in this chapter, to the division within 30 days after the notice of examination results was mailed to the applicant.

(c) All examination reviews will be conducted in the presence of division staff or the division's designee at the time and location determined by the division. An examination review will not be conducted within 30 days of the next examination the applicant is scheduled to take.

(d) Only an applicant who has failed an examination may participate in the examination review and the applicant may review only his or her own examination.

(e) An applicant may use the same reference materials during an examination review that were allowed during the examination itself, but applicants may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the division staff.

(f) An applicant may challenge questions on the examination by submitting the challenge in writing during the time allowed to conduct the examination review under (h) of this section. The written challenge to an examination question must include

- (1) the applicant's name;
- (2) the date of the examination;
- (3) the title of the examination;
- (4) the number of the question being challenged; and
- (5) a detailed explanation of the reason for the challenge.

(g) A challenge to an examination question will be reviewed by the division, licensing board, or the public or private organization administering the examination. If the division, licensing board, or public or private organization administering the examination sustains a challenge to an examination question, the department will give credit to the applicant for that question.

(h) To conduct the examination review, the division will allow the applicant challenging a question under (f) of this section one half of the length of time that was allowed for the taking of the examination being reviewed.

(i) Unless otherwise provided by an organization that provides or administers an examination for the division or the release is prohibited by law or contract, the division will provide an applicant who requests an examination review with the questions answered incorrectly on the failed examination and the answer that the applicant selected only. If the examination contains multiple choice questions, the applicant may be provided with all of the answer selections to each failed question without identification of the correct answers.

Authority: AS 08.01.050

AS 08.01.080

ARTICLE 4. REAL ESTATE ERRORS AND OMISSIONS INSURANCE.

Section

- 510. Minimum standards**
- 520. Exceptions to coverage**
- 530. Standards for equivalent coverage**
- 540. Notification required for cancellation**
- 550. Maximum amount of premium**
- 560. Method of adjustment**
- 590. Definitions**

12 AAC 02.510. MINIMUM STANDARDS. (a) The master errors and omissions insurance policy must provide to each individual licensee, at a minimum, the following terms of coverage:

(1) not less than \$100,000 limit of liability for each licensee per covered wrongful act or per covered claim depending on the policy form used by the insurer; claims expenses including the cost for investigation or defense must be in addition to the limit of liability; if the limit of liability is on a

(A) covered wrongful act basis, two or more claims arising out of a single wrongful act or a series of related wrongful acts may be considered one claim;

(B) covered claim basis, two or more related wrongful acts may be considered one claim;

(2) an annual aggregate limit of liability of not less than \$300,000 per licensee;

(3) a deductible amount for each covered wrongful act of not more than \$5,000 for every \$300,000 annual aggregate limit of liability; an additional deductible for investigation and defense costs may be considered;

(4) an extended reporting period of 90 days and an option to purchase an additional three years extended reporting period for a premium not to exceed 200 percent of the premium charged for the last year of the terminating coverage;

(5) the ability of a licensee, upon payment of an additional premium, to obtain higher limits of coverage or to purchase additional coverages from the group insurer as may be available from the insurer;

(6) the coverage provided under the master errors and omissions insurance policy must be individual and specific to the licensee and must cover the licensee regardless of changes in real estate broker or changes in the business relationship between a real estate broker and the licensee; and

(7) prior acts coverage must be offered to a licensee who has maintained the same or similar coverage, continually in-force until the date and the time that coverage begins under the master errors and omissions insurance policy coverage.

(b) The master errors and omissions insurance policy must contain a provision requiring the consent of the insured to settle a claim except that the insured may not unreasonably withhold consent.

(c) The insurer that is selected to provide the master errors and omissions insurance policy shall

(1) maintain an A.M. Best rating of "B+" or better and financial size category of class VI or higher;

(2) maintain a certificate of authority issued under AS 21.09 by the director of insurance to transact insurance business in this state and be in compliance with AS 21;

(3) provide the master errors and omissions insurance policy after notification by the Real Estate Commission that it is the successful bidder of a competitive bidding process under AS 36.30;

(4) enter into contract to provide the master errors and omissions insurance policy in conformity with AS 08.88.172, 12 AAC 02.510 – 12 AAC 02.590, and AS 21; and

(5) collect premiums, maintain records, and report to the Real Estate Commission the names of those insured and prior claims experience if known, date of claim, amount paid, nature of claim, and claims information on a quarterly basis or an annual basis or on request by the Real Estate Commission.

Authority: AS 08.88.172

12 AAC 02.520. EXCEPTIONS TO COVERAGE. Except as provided in this section, the master errors and omissions insurance policy may not exclude coverage for claims brought against the insured licensee arising out of a wrongful act by the licensee when performing a professional service for which a real estate license is required. The policy may limit or exclude coverage for claims brought against a licensee that arise as follows:

(1) out of claims or lawsuits made or brought by any insured person against any other insured person within the same firm or from compensation disputes between licensees;

(2) out of loss assumed under a contract or an agreement, except for liability the insured would have had in the absence of the agreements;

(3) from a criminal, dishonest, fraudulent, or intentional act or omission; this exclusion does not apply to an insured person who did not personally participate in committing the act or omission and who, upon having knowledge of the act or omission, reported it to the Real Estate Commission, or appropriate law enforcement authorities;

(4) from unlawful discrimination committed by or for the insured person;

(5) from fines or penalties imposed by a tribunal or other governmental agency;

(6) from bodily injury, personal injury, advertising injury, or property damage;

(7) from related business activities for which a license is not required under AS 08.88;

(8) from the presence of or the actual, alleged, or threatened discharge, dispersal, release, or escape of hazardous materials, nuclear materials, or pollutants;

(9) from prior wrongful acts unless specific prior wrongful acts coverage is provided;

(10) from any violation of 15 U.S.C. 77a – 77aa (Securities Act of 1933) or 15 U.S.C. 78a – 78mm (Securities Exchange Act of 1934) or any state blue sky or securities law or similar state or federal statutes; or

(11) other standard exclusions that are typical in a professional liability insurance policy and that have been approved by the director of insurance under AS 21.42;

(12) from the insolvency of an insured person;

(13) from any injury or damage that the insured had reason to expect; or

(14) from the conversion, misappropriation, commingling, or defalcation of funds or other property.

Authority: AS 08.88.172

12 AAC 02.530. STANDARDS FOR EQUIVALENT COVERAGE. An insurer issuing equivalent coverage under AS 08.88.172(c)(2) shall hold a certificate of authority issued under AS 21.09. All activities contemplated under AS 08.88.172 must be covered. The insurance must meet the minimum coverage standards of 12 AAC 02.510(a)(1) – (3), 12 AAC 02.510(b), and 12 AAC 02.510(c)(1) and (5), except that

(1) a policy with a higher deductible amount or self-insured retention will qualify as equivalent coverage for purposes of AS 08.88.172(c)(2) if, when applying to obtain or renew the license, the insured licensee provides the Real Estate Commission with

(A) an affidavit certifying that the insured licensee has the financial resources in set-aside funds to pay the higher deductible amount or self-insured retention; and

(B) a certificate of insurance from the insured licensee's insurer; and

(2) a broker employing other real estate licensees may comply with the requirements of 12 AAC 02.510(a)(1) and (2) by obtaining insurance with coverage of a minimum of \$300,000 per wrongful act and \$1,000,000 aggregate, if all licensees associated with the broker are covered.

Authority: AS 08.88.172

12 AAC 02.540. NOTIFICATION REQUIRED FOR CANCELLATION. If equivalent insurance coverage obtained by a licensee under AS 08.88.172(c)(2) is to lapse or not be renewed, the insurer shall notify the Real Estate Commission of the intent to lapse or not to renew a minimum of 30 days before the expiration date of the term. It is the responsibility of the broker or licensee, as applicable, to instruct the insurer to provide the notice required by this section to the Real Estate Commission with named licensees covered.

Authority: AS 08.88.172

12 AAC 02.550. MAXIMUM AMOUNT OF PREMIUM. The maximum amount of premium to be charged a licensee annually under the master errors and omissions insurance policy may not exceed \$2,500.

Authority: AS 08.88.172

12 AAC 02.560. METHOD OF ADJUSTMENT. Every three years after the initial procurement of the master errors and omissions insurance policy, the department may adjust the amount of coverage under 12 AAC 02.510(a). The department will not make an adjustment if the department finds the adjustment will significantly reduce the number of insurers willing to bid on a contract to offer the master errors and omissions insurance policy. An adjustment in the limits of liability under 12 AAC 02.510(a) must be an increment of no less than \$25,000. The department will give notice of the adjustments under this section by posting the amounts on its Internet website. An adjustment under this section does not take effect until the renewal or the issuance of a new master errors and omissions insurance policy.

Authority: AS 08.88.172

12 AAC 02.590. DEFINITIONS. In this chapter, unless the context requires otherwise,

(1) "aggregate limit" means the maximum liability of an insurer regardless of the number of claims during the policy term;

(2) "director of insurance" means the person appointed under AS 21.06.010 to head the division of insurance of this state;

(3) "equivalent coverage" means errors and omissions insurance coverage obtained independently of the master errors and omissions insurance policy available from the Real Estate Commission and that complies with the requirements, terms, and conditions as set out in 12 AAC 02.530;

(4) "errors and omissions insurance" means professional liability insurance that provides coverage to holders of active real estate brokers, associate brokers, and salespersons licensed in this state for wrongful acts made during the course of real estate transactions, subject to the coverages, limitations, and exclusions of one or more specific insurance policies in place;

(5) "extended reporting period" means a designated period of time after an errors and omissions insurance policy has expired during which a claim may be made and coverage triggered as if the claim has been made during the policy period;

(6) "master errors and omissions insurance policy" means the policy obtained by the Real Estate Commission under AS 08.88.172 that meets the requirements of 12 AAC 02.510 – 12 AAC 02.590.

(7) "prior acts coverage" means the insurance policy provides coverage for claims that are made during a current policy period, but one or more acts causing the claim or injuries for which the claim is made occurred before the inception of the current policy period;

(8) "wrongful act" means a negligent act, error, or omission.

Authority: AS 08.88.172

ARTICLE 5. TELEMEDICINE BUSINESS REGISTRY.

Section

600. Application for placement on the telemedicine business registry; changes of information

12 AAC 02.600. APPLICATION FOR PLACEMENT ON THE TELEMEDICINE BUSINESS REGISTRY; CHANGES OF INFORMATION. (a) To be registered on the telemedicine business registry established and maintained under AS 44.33.381, and before providing telemedicine services to a recipient located in this state, a business performing telemedicine services must submit to the department

(1) a complete registration on a form provided by the department; the registration must include the business's name, address, and contact information;

(2) a copy of the business's valid business license issued under AS 43.70 and 12 AAC 12; and

- (3) the applicable fee established in 12 AAC 02.106.
- (b) A business performing telemedicine services must register with the name it is using to perform telemedicine services in this state. A business operating under multiple names to perform telemedicine services shall file a separate registration for each name.
- (c) If the name, address, or contact information of a business on the telemedicine business registry changes, the business performing telemedicine services must submit to the department, not later than 30 days after the change or termination,
 - (1) a complete report, on a form provided by the department, of each change; and
 - (2) the applicable fee established in 12 AAC 02.106.
- (d) A business that fails to comply timely with (c) of this section may not perform telemedicine services in this state and must submit a new application under (a) of this section before resuming the provision of telemedicine services to a recipient located in this state.
- (e) If a business terminates the performance of telemedicine services in this state, the business shall notify the department, requesting that the department remove the business from the telemedicine business registry. If a business gives notification under this subsection, the business must submit a new application under (a) of this section before resuming the provision of telemedicine services to a recipient located in this state.
- (f) In this section, "telemedicine services" has the meaning given in AS 44.33.381.

Authority: AS 44.33.020 AS 44.33.381

ARTICLE 6. GENERAL PROVISIONS.

Section

- 900. Name and address changes**
- 910. Abandoned applications**
- 915. Application form and verifications for licensure**
- 920. Filing date**
- 930. Date of license lapse**
- 935. Effective date of license**
- 940. Effective date of renewed licenses**
- 950. (Repealed)**
- 955. Courtesy license**
- 956. Temporary license for spouses of military personnel**
- 957. Temporary license for military personnel**
- 960. Audit of compliance with continuing competency requirements**
- 965. Failure to meet continuing education requirements for renewal and reinstatement of license**
- 990. Definitions**

12 AAC 02.900. NAME AND ADDRESS CHANGES. (a) A person licensed, registered, or certified by a board or commission listed in AS 08.01.010, or in an occupation listed in AS 08.01.010, shall maintain a current, valid, mailing address on file with the division at all times. The latest mailing address on file with the division is the address that will be used for official communications, notifications, and service of legal process.

- (b) A licensee must notify the division, in writing, of a change of the licensee's address.
- (c) If a licensee has a change of name, the licensee shall submit to the division within 30 days of the change of name
 - (1) notification of the change of the licensee's name, on a form provided by the division that has been completed by the licensee and notarized;
 - (2) a copy of the marriage certificate, court document, or other legal document verifying the change of name; and
 - (3) the fee established in 12 AAC 02.105 for a name change.
- (d) The division will issue a new license showing the change of name if a licensee meets the requirements in (c) of this section.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.087

12 AAC 02.910. ABANDONED APPLICATIONS. (a) Except if procedures are otherwise expressly provided in this title for a particular board or occupation, an application is considered abandoned when

- (1) 12 months have elapsed since correspondence was last received from or on behalf of the applicant; or
- (2) the applicant has failed to appear for two successive examinations.
- (b) An abandoned application is denied without prejudice and the application fee forfeited.
- (c) At the time an application is considered abandoned, the division will send notification of abandonment to the last known address of the applicant. An applicant may request a refund of all unused examination and licensing fees

credited to the application by submitting a written request for refund within 30 days from the date notification of abandonment was mailed by the division. If no request for refund is received, all fees are forfeited.

Authority: AS 08.01.050 AS 08.01.080

12 AAC 02.915. APPLICATION FORM AND VERIFICATIONS FOR LICENSURE. (a) Except as otherwise provided in this title for a board, commission, or occupation, if upon receipt by the division of the last document required to complete an application file, the file contains an application form, authorization for release of records form, or verification that is older than 12 months from the date the document was received by the division, the document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the division or a licensing board.

(b) In this section,

- (1) "application form" means an application for a license;
- (2) "verification" means a verification of licensure from an appropriate licensing authority in
 - (A) a state or territory;
 - (B) a province or territory of Canada; or
 - (C) another country.

Authority: AS 08.01.050 AS 08.01.080

12 AAC 02.920. FILING DATE. (a) Except as otherwise provided in this title, a document submitted to the division will be considered filed as of the postmark date of the document. If the document is submitted by a method that does not provide a postmark date, the document will be considered filed as of the date stamped on the document,

(1) except as provided in (2) of this subsection, when it is received in the division office in Juneau;

(2) for a document related to licensing for nursing under 12 AAC 44 or real estate licensing under 12 AAC 64, when it is received in the division office in Anchorage.

(b) If a filing deadline established in AS 08 or this title falls on a Saturday, Sunday, or state holiday, the deadline will be extended to the next regular state business day.

(c) For the purposes of this section, "postmark date" means the date of a document with prepaid postage and correctly addressed to the division by the United States Postal Service or other established domestic courier service.

Authority: AS 08.01.050 AS 08.01.080

Editor's note: For the purposes of 12 AAC 02.920(a), the division of corporations, business and professional licensing office in the Department of Commerce, Community, and Economic Development, in Juneau is located at the State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801 and the division office in Anchorage is located at the Atwood Building, 550 W. 7th Avenue, Suite 1500, Anchorage, Alaska 99501.

12 AAC 02.930. DATE OF LICENSE LAPSE. For the purposes of AS 08.01.100, if a person licensed by the department or by one of the boards or commissions under AS 08.01.010 was issued a temporary license under AS 25.27.244 and the temporary license was not converted to an annual or biennial license under AS 08 or AS 46.03.375, the lapsed period begins from the date that the temporary license expired.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.935. EFFECTIVE DATE OF LICENSE. (a) Repealed 5/14/2021.

(b) When the child support services agency issues a release, on or before the expiration date of the temporary license issued by the division under AS 25.27.244, the division will issue the initial license or renewal under AS 08 or AS 46.03.375. The effective date of the license is the date that the license is issued under AS 08 or AS 46.03.375, except as provided in 12 AAC 02.940(b).

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.940. EFFECTIVE DATE OF RENEWED LICENSES. (a) Except as provided in (b) of this section, the effective date of a renewed license will be the date a complete renewal application is filed with the division as determined by 12 AAC 02.920. A complete application includes

- (1) a completed renewal form;
- (2) any applicable renewal fees required by this chapter; and
- (3) documentation of fulfillment of all applicable prerequisites to license renewal, such as continuing competency, recent experience, insurance coverage, or other requirements.

(b) The division will, in its discretion, show a retroactive effective date on a licensee's renewed license if the licensee

- (1) holds a license that has been lapsed less than 60 days;

(2) requests in writing that the division issue a renewed license showing an effective date that is earlier than the date the renewed license was issued;

(3) documents that the licensee was in substantial compliance with the renewal requirements in (a) of this section as of the requested effective date; and

(4) establishes to the satisfaction of the division that the licensee made a good faith effort to strictly comply with the renewal requirements.

(c) The division will not issue a renewed license with an effective date that is earlier than the postmark date of the licensee's first written attempt to renew the licensee's license. "Written attempt to renew" means an effort by the licensee to submit the proper documentation to comply with the license renewal requirements. A request for a renewal application form alone does not constitute a "written attempt to renew."

Authority: AS 08.01.050 AS 08.01.100

12 AAC 02.950. APPLICATION DEADLINE FOR EXAMINATION FOR AN OPTOMETRY LICENSE. Repealed 12/16/2001.

12 AAC 02.955. COURTESY LICENSE. (a) If an applicant meets the requirements of this section, the department will issue a courtesy license authorizing the holder to practice one of the following professions for the limited purpose recognized by the division:

- (1) acupuncturist under AS 08.06;
- (2) audiologist under AS 08.11;
- (3) electrical administrator or mechanical administrator under AS 08.40;
- (4) funeral director or embalmer under AS 08.42;
- (5) naturopath under AS 08.45.

(b) A courtesy license issued under (a) of this section authorizes the holder to practice the profession or occupation for which the license is issued for a limited purpose recognized by the division under (f) of this section. A courtesy license does not authorize the holder to practice the profession outside the scope of the limited purpose for which the courtesy license is issued.

(c) An applicant for a courtesy license issued under (a) of this section shall submit to the department

- (1) a completed application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.105 for a courtesy license;
- (3) a sworn statement, signed by the applicant before a notary, that the applicant is not a resident of this state;
- (4) verification of a current license in another licensing jurisdiction to practice the profession for which a courtesy license is requested; the license in that jurisdiction must be active, in good standing, and cover the scope of the practice required for the limited purpose of the courtesy license;
- (5) a description of the limited purpose of the courtesy license and the applicant's intended scope of practice under the courtesy license; and
- (6) a sworn statement, signed by the applicant before a notary, that the applicant has not previously been denied a license or had a license revoked in this or another state or other licensing jurisdiction for the profession that the courtesy license is sought.

(d) A courtesy license issued under (a) of this section is valid for no more than 90 consecutive days. The department will not issue more than two courtesy licenses for the profession to an individual within a consecutive eighteen-month period.

(e) The holder of a courtesy license issued under (a) of this section is obligated to uphold the standards of practice identified in AS 08 and in this title for the relevant profession and is subject to the relevant disciplinary provisions in AS 08 and this title.

(f) The department will recognize the following limited purposes for a courtesy license issued under (a) of this section:

- (1) provision of professional services in an emergency situation specifically recognized by the department; the department will, in its discretion, restrict the license to cover only the professional services required to respond to the emergency situation, if the department finds that the courtesy license is only needed for this purpose;
- (2) instruction or provision of professional services at a clinic or seminar focused on a subject in which the applicant for a courtesy license is a specialist.

Authority: AS 08.01.050 AS 08.01.062 AS 08.01.080

12 AAC 02.956. TEMPORARY LICENSE FOR SPOUSES OF MILITARY PERSONNEL. (a) The department will issue a temporary license to the spouse of an active duty member of the armed forces of the United States who meets the requirements of AS 08.01.063 and this section, authorizing the holder to practice a profession that is regulated by the department under AS 08.01.010 and this title.

(b) An applicant for a temporary license under this section must submit

- (1) a completed application, on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.105 for a temporary license;

(3) a copy of the applicant's military dependent identification card and a copy of the spouse's current active duty military orders showing assignment to a duty station in this state;

(4) verification of licensure from each jurisdiction where the applicant holds or has ever held a license to practice the profession for which the temporary license is requested, one of which must be a current license in good standing and meet the requirements of AS 08.01.063(a)(2); the verifications must meet the requirements of AS 08.01.063(a)(4) and (5); and

(5) if the profession for which the applicant is seeking a temporary license requires a criminal history background check, a completed fingerprint card and the fee required by the Department of Public Safety to obtain state and national criminal justice information required under AS 08.01.063(a)(3).

(c) The department will expedite the issuance of the license under this section as required by AS 08.01.063(b).

(d) A temporary license issued under this section is valid for 180 days, and may be extended for an additional 180-day period by applying on a form provided by the department and submitting the temporary license fee established in 12 AAC 02.105.

Authority: AS 08.01.050 AS 08.01.063 AS 08.01.065

12 AAC 02.957. TEMPORARY LICENSE FOR MILITARY PERSONNEL. (a) The department will issue a temporary license to a member of the armed forces of the United States who meets the requirements of AS 08.01.064 and this section, authorizing the holder to practice a profession that is regulated by the department under AS 08.01.010 and this title.

(b) An applicant for a temporary license under this section must submit

(1) a completed application, on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.105 for a temporary license;

(3) verification of licensure from each jurisdiction where the applicant holds or has ever held a license to practice the profession for which the temporary license is requested; the verifications must meet the requirements of AS 08.01.063(a)(4) and (5);

(4) evidence satisfactory to the department of meeting the requirements of AS 08.01.064(b)(3) as follows:

(A) verification of a current license or certificate issued by another jurisdiction that provides proof of licensure during the time the applicant provided the practice in the area of the license or certificate while in the military, and proof that the applicant practiced the profession, as described in AS 08.01.064(b)(3)(A); or

(B) documentation of receiving education, training, or service as a member of the armed forces and being awarded a degree, diploma, or certificate by a branch of the armed forces of the United States or any state, that meets the requirements of AS 08.01.064(b)(3)(B); and

(5) if the profession for which the applicant is seeking a temporary license requires a criminal history background check, a completed fingerprint card and the fee required by the Department of Public Safety to obtain state and national criminal justice information required under AS 08.01.063(a)(3).

(c) The department will expedite the issuance of the license under this section for an applicant who is on active duty as required by AS 08.01.064(c)

(d) A temporary license issued under this section is valid for 180 days, and may be extended for an additional 180-day period by applying on a form provided by the department and submitting the temporary license fee established in 12 AAC 02.105.

Authority: AS 08.01.050 AS 08.01.064 AS 08.01.065

12 AAC 02.960. AUDIT OF COMPLIANCE WITH CONTINUING COMPETENCY REQUIREMENTS.

(a) Except as provided in (b) - (j) of this section, the department will audit compliance of licenses with continuing competency requirements in accordance with this section if

(1) the licensee is required to meet continuing competency requirements under AS 08 or this title;

(2) repealed 9/29/2005;

(3) repealed 9/29/2005.

(b) A licensee subject to audit under (a) of this section and applying for license renewal shall

(1) complete and sign a statement of compliance with continuing competency requirements; and

(2) submit the statement to the department with the application for license renewal.

(c) Except as provided in (d) of this section, the department will select licensees for audit under (a) of this section as follows:

(1) ten percent of the total number of licensees in that profession if the total number of licensees is less than 3,000; or

(2) five percent of the total number of licensees in that profession if the total number of licensees is 3,000 or more.

(d) The department will require that a different percent of licensees be selected for audit, if the board that regulates the profession, or the department for a profession not regulated by a board or commission, finds that a different percent to be audited is necessary to protect public health and safety.

(e) A licensee selected for audit under (c) or (d) of this section will be notified by the department. Within 30 days of notification, the licensee shall submit to the department, documentation to verify completion of the

continuing competency activities claimed on the statement submitted with the application for license renewal. The documentation must include a valid copy of a certificate or similar verification of satisfactory completion of the continuing competency activities claimed that provides

- (1) the name of the licensee;
- (2) the amount of continuing competency credit awarded;
- (3) a description of the continuing competency activity;
- (4) the dates of actual participation or successful completion;
- (5) the name and mailing address of the instructor, sponsor, or other verifier; and
- (6) the Internet address of an online provider that can verify individual student attendance.

(f) A licensee subject to audit under (a) of this section is responsible for maintaining adequate and detailed records of all continuing competency activities completed and shall make the records available to the department on request. A licensee shall maintain the records until the later of

- (1) four years from the date of completion of the continuing competency activity; or
- (2) if the licensee was selected for audit, the date that the department notifies the licensee that the audit is completed.

(g) The department will extend the period for providing documentation of completion of continuing competency activities if the department finds that the licensee has good cause for the need for additional time to submit the documentation required in (e) of this section.

(h) The department will notify the respective board of a licensee's failure to comply with the department's request for records under (e) of this section.

(i) For professions licensed by the department, the department will consider the licensee's failure to comply with the department's request for records under (e) of this section as grounds for imposition of disciplinary sanctions to the extent allowed under AS 08 and this title.

(j) In this section, "successful completion" means the date that credit for the continuing competency activity is awarded by the instructor, sponsor, or other verifier for completion of the activity.

(k) If individual student attendance cannot be verified upon attempt by the department, the department will determine the continuing education credit to be invalid and will not award it.

(l) The department or applicable board will consider the licensee's failure to comply with the continuing education audit under this section as grounds for imposition of disciplinary sanctions to the extent allowed under AS 08 and this title.

Authority: AS 08.01.050 AS 08.01.087 AS 08.01.100
AS 08.01.080

12 AAC 02.965. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL AND REINSTATEMENT OF LICENSE.

(a) Except as otherwise provided in AS 08 or this title, a license issued under AS 08 will not be renewed or reinstated if the applicant for renewal or reinstatement has not earned the required number of continuing education credits during the concluding licensing period. With the appropriate board or department approval, an applicant for renewal or reinstatement of a lapsed license may earn the required number of credits after the expiration date of the license. Continuing education credits earned to reinstate or renew a lapsed license may not be used to satisfy the continuing education requirements for a future renewal or reinstatement. Credits submitted to satisfy the continuing education requirements under this section must be approved under AS 08 and this title by the department or the applicable board.

(b) For the purposes of this section, "continuing education credits" includes continuing competency, contact hours, continuing education units (CEU's), and credit hours.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.990. DEFINITIONS. As used in this chapter

- (1) "department" means the Department of Commerce, Community, and Economic Development;
- (2) "division" means the division assigned occupational licensing functions in the Department of Commerce, Community, and Economic Development;
- (3) "license" means a license, certificate, permit, registration, or similar evidence of authority issued by the division or by one of the boards listed in AS 08.01.010;
- (4) "licensee" means a person who holds a license issued by the division or by one of the boards listed in AS 08.01.010.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

APPENDIX

Fees for Certification of Underground Storage Tank Workers

18 AAC 78.495. FEES. (a) The following fees are established for purposes of this chapter:

- (1) application fee, \$100;
- (2) certification fee for each category for which an applicant seeks certification, \$60;
- (3) certification fee for each category for which an applicant seeks renewal, \$60; and
- (4) reciprocity certification fee for each category for which an applicant seeks certification through reciprocity, \$60.

(b) An applicant shall submit a fee required under this section to the division at the time of application, renewal, or request for duplicate certificate.

Authority: AS 46.03.375

Centralized Licensing Statutes

March 2021



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 01.
CENTRALIZED LICENSING.**

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Sec. 08.01.010. Applicability of chapter. This chapter applies to the

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) regulation of acupuncturists under AS 08.06;
- (3) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.011);
- (4) Athletic Commission (AS 05.05 and AS 05.10);
- (5) regulation of athletic trainers under AS 08.07;
- (6) regulation of audiologists and speech-language pathologists under AS 08.11;
- (7) Board of Barbers and Hairdressers (AS 08.13.010);
- (8) regulation of behavior analysts under AS 08.15;
- (9) Big Game Commercial Services Board (AS 08.54.591);
- (10) regulation of business licenses under AS 43.70;
- (11) Board of Chiropractic Examiners (AS 08.20.010);
- (12) regulation of collection agencies under AS 08.24;
- (13) regulation of concert promoters under AS 08.92;
- (14) regulation of construction contractors and home inspectors under AS 08.18;
- (15) Board of Dental Examiners (AS 08.36.010);
- (16) regulation of dietitians and nutritionists under AS 08.38;
- (17) Board of Certified Direct-Entry Midwives (AS 08.65.010);
- (18) regulation of dispensing opticians under AS 08.71;
- (19) regulation of electrical and mechanical administrators under AS 08.40;
- (20) regulation of agencies that perform euthanasia services under AS 08.02.050;
- (21) regulation of professional geologists under AS 08.02.011;
- (22) regulation of private professional guardians and private professional conservators (AS 08.26);
- (23) regulation of hearing aid dealers under AS 08.55;
- (24) Board of Marine Pilots (AS 08.62.010);
- (25) Board of Marital and Family Therapy (AS 08.63.010);
- (26) Board of Massage Therapists (AS 08.61.010);
- (27) State Medical Board (AS 08.64.010);
- (28) regulation of morticians under AS 08.42;
- (29) regulation of the practice of naturopathy under AS 08.45;
- (30) Board of Nursing (AS 08.68.010);
- (31) regulation of nursing home administrators under AS 08.70;
- (32) Board of Examiners in Optometry (AS 08.72.010);
- (33) regulation of pawnbrokers (AS 08.76.100 – 08.76.590);

- (34) Board of Pharmacy (AS 08.80.010);
- (35) State Physical Therapy and Occupational Therapy Board (AS 08.84.010);
- (36) Board of Professional Counselors (AS 08.29.010);
- (37) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (38) Real Estate Commission (AS 08.88.011);
- (39) Board of Certified Real Estate Appraisers (AS 08.87.010);
- (40) Board of Social Work Examiners (AS 08.95.010);
- (41) Board of Veterinary Examiners (AS 08.98.010).

Sec. 08.01.020. Board organization. Board members are appointed by the governor and serve at the pleasure of the governor. Unless otherwise provided, the governor may designate the chair of a board, and all other officers shall be elected by the board members. Unless otherwise provided, officers of a board are the chair and the secretary. A board may provide by regulation that three or more unexcused absences from meetings are cause for removal.

Sec. 08.01.025. Public members. A public member of a board may not

- (1) be engaged in the occupation that the board regulates;
- (2) be associated by legal contract with a member of the occupation that the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation that the board regulates.

Sec. 08.01.030. Quorum. A majority of the membership of a board constitutes a quorum unless otherwise provided.

Sec. 08.01.035. Appointments and terms. Members of boards subject to this chapter are appointed for staggered terms of four years. Except as provided in AS 39.05.080(4), a member of a board serves until a successor is appointed. Except as provided in AS 39.05.080(4), an appointment to fill a vacancy on a board is for the remainder of the unexpired term. A member who has served all or part of two successive terms on a board may not be reappointed to that board unless four years have elapsed since the person has last served on the board.

Sec. 08.01.040. Transportation and per diem. A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180.

Sec. 08.01.050. Administrative duties of department. (a) The department shall perform the following administrative and budgetary services when appropriate:

- (1) collect and record fees;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection as determined by the board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as determined by the department under applicable law;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examinations and proceedings;
- (7) arrange space for holding examinations and proceedings;
- (8) notify applicants of results of examinations;
- (9) issue licenses or temporary licenses as authorized by the board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as authorized by the department under applicable law;
- (10) issue duplicate licenses upon submission of a written request by the licensee attesting to loss of or the failure to receive the original and payment by the licensee of a fee established by regulation adopted by the department;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain a current register of licensees;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ additional help when needed;
- (18) perform other services that may be requested by the board;
- (19) provide inspection, enforcement, and investigative services to the boards and for the occupations listed in AS 08.01.010 regarding all licenses issued by or through the department;
- (20) retain and safeguard the official seal of a board and prepare, sign, and affix a board seal, as appropriate, for licenses approved by a board;
- (21) issue business licenses under AS 43.70.

(b) The form and content of a license, authorized by a board listed in AS 08.01.010, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned.

(c) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(d) At the request of one of the following boards, the department may contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances:

- (1) Board of Social Work Examiners;
- (2) Board of Dental Examiners;
- (3) Board of Marital and Family Therapy;
- (4) State Medical Board;
- (5) Board of Nursing;
- (6) Board of Examiners in Optometry;
- (7) Board of Pharmacy;
- (8) State Physical Therapy and Occupational Therapy Board;
- (9) Board of Professional Counselors;
- (10) Board of Psychologist and Psychological Associate Examiners; and
- (11) Board of Veterinary Examiners.

Sec. 08.01.060. Application for license. (a) All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department.

(b) If the applicant is a natural person, the application must require that the applicant submit the applicant's social security number to the department. Notwithstanding any other provision of this title, a license to engage in a profession may not be issued by the department to a natural person unless the social security number has been provided to the department.

Sec. 08.01.062. Courtesy licenses. (a) A board established under this title and the Department of Commerce, Community, and Economic Development, with respect to an occupation that it regulates under this title, may by regulation establish criteria for issuing a temporary courtesy license to nonresidents who enter the state so that, on a temporary basis, they may practice the occupation regulated by the board or the department.

(b) The regulations adopted under (a) of this section may include limitations relating to the

- (1) duration of the license's validity;
- (2) scope of practice allowed under the license; and
- (3) other matters considered important by the board or the department.

Sec. 08.01.063. Military courtesy licenses. (a) Except as provided in (d) of this section, and notwithstanding another provision of law, the department or appropriate board may issue a temporary courtesy license to the spouse of an active duty member of the armed forces of the United States if the spouse applies to the department or appropriate board in the manner prescribed by the department or appropriate board. An application must include evidence satisfactory to the department or appropriate board that the applicant

(1) is married to and living with a member of the armed forces of the United States who is on active duty and assigned to a duty station in this state under official active duty military orders;

(2) holds a current license or certificate in another state, district, or territory of the United States with requirements that the department or appropriate board determines are equivalent to those established under this title for that occupation;

(3) if required by the department or appropriate board for obtaining a license in the applicant's profession, has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(4) has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation under this title at the time the act was committed;

(5) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and

(6) pays any fees required under this title.

(b) The department or appropriate board shall expedite the procedure for issuance of a license under (a) of this section.

(c) A temporary courtesy license issued under this section is valid for 180 days and may be extended at the discretion of the department or appropriate board for one additional 180-day period, on application of the holder of the temporary courtesy license.

(d) This section does not apply to the practice of law or the regulation of attorneys under AS 08.08.

Sec. 08.01.064. Military education, training, and service credit; temporary license. (a) Notwithstanding another provision of law, the department or applicable board shall accept military education, training, and service for some or all of the qualifications otherwise required of an applicant for a license or certificate issued under this chapter if

(1) the department or applicable board determines that the military education, training, and service is substantially equivalent to some or all of the qualifications otherwise required of an applicant for a license or certificate issued under this chapter; and

(2) the applicant provides satisfactory evidence of successful completion of the education, training, or service as a member of the armed forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state, or the Naval Militia of any state.

(b) If the department issues temporary licenses or certificates as authorized by the department or applicable board under AS 08.01.050(a)(9), the department or applicable board shall issue a temporary license or certificate to a person who

(1) applies to the department or applicable board in a manner prescribed by the department or board;

(2) meets the requirements in AS 08.01.063(a)(3) - (6); and

(3) while in the armed forces of the United States or any state, as described in (a) of this section,

(A) held a current license or certificate in another state, district, or territory of the United States, practiced in the area of the license or certificate, and maintained the license or certificate in active status before and at the time of application for a license or certificate under this subsection; or

(B) was awarded a degree, diploma, or certificate by a branch of the armed forces of the United States or any state, as described in (a) of this section, that met standards for an equivalent license or a certificate of technical training.

(c) The department or applicable board shall expedite the procedure for issuance of a license or certificate under (b) of this section for an applicant who is on active duty.

(d) A license or certificate issued under (b) of this section is valid for 180 days and may be extended at the discretion of the department or applicable board for one additional 180-day period if the holder of the license or certificate applies for an extension on a form approved by the department or applicable board.

(e) The department or applicable board may adopt regulations necessary to implement this section.

Sec. 08.01.065. Establishment of fees. (a) Except for business licenses, the department shall adopt regulations that establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by this chapter.

(b) *[Repealed, Sec. 4 ch 34 SLA 1992.]*

(c) Except as provided in (f) – (j) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The department shall annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation. If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations under (a) of this section to implement the adjustments. In January of each year, the department shall report on all fee levels and revisions for the previous year under this subsection to the office of management and budget. If a board regulates an occupation covered by this chapter, the department shall consider the board's recommendations concerning the occupation's fee levels and regulatory costs before revising fee schedules to comply with this subsection. In this subsection, "regulatory costs" means costs of the department that are attributable to regulation of an occupation plus

(1) all expenses of the board that regulates the occupation if the board regulates only one occupation;

(2) the expenses of a board that are attributable to the occupation if the board regulates more than one occupation.

(d) The license fee for a business license is set by AS 43.70.030(a). The department shall adopt regulations that establish the manner of payment of the license fee.

(e) *[Repealed, Sec. 28 ch 90 SLA 1991.]*

(f) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the State Board of Registration for Architects, Engineers, and Land Surveyors approximately equals the total regulatory costs of the department and the board for all occupations regulated by the board. The department shall set the fee levels for the issuance and renewal of a certificate of registration issued under AS 08.48.211 so that the fee levels are the same for all occupations regulated by the board.

(g) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the department for all occupations regulated under AS 08.11 approximately equals the total regulatory costs of the department for all occupations regulated by the department under AS 08.11. The department shall set the fee levels for the issuance and renewal of licenses issued under AS 08.11 so that the fee levels are the same for all occupations regulated by the department under AS 08.11.

(h) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the Board of Barbers and Hairdressers approximately equals the total regulatory costs of the department, the board, and the Department of Environmental Conservation for all occupations regulated by the board. For purposes of this subsection, the regulatory costs of the Department of Environmental

Conservation for the occupations regulated by the board include the cost of inspections under AS 08.13.210(b), the cost of developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing, hair braiding, manicuring, esthetics, body piercing, ear piercing, tattooing, and permanent cosmetic coloring establishments, and the cost to the Department of Environmental Conservation of enforcing the regulations for body piercing, tattooing, and permanent cosmetic coloring establishments. The department shall set the fee levels for the issuance and renewal of a practitioner's license issued under AS 08.13.100 so that the license and license renewal fees are the same for all occupations regulated by the Board of Barbers and Hairdressers.

(i) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the Department of Commerce, Community, and Economic Development for specialty contractors, home inspectors, and associate home inspectors approximately equals the total regulatory costs of the department for those three registration categories. The department shall set the fee levels for the issuance and renewal of a certificate of registration issued under AS 08.18 so that the fee levels are the same for all three of these registration categories and so that the fee level for a home inspector with a joint registration is not different from the fee level for a home inspector who does not have a joint registration. In this subsection, "joint registration" has the meaning given in AS 08.18.171.

(j) The department shall establish for real estate appraisal management companies registered under AS 08.87 a registry fee in an amount that equals the amount determined by the federal Appraisal Subcommittee established under 12 U.S.C. 3310 as a national registry fee for each real estate appraiser of the appraiser panel of a real estate appraisal management company under 12 U.S.C. 3338 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act); the department may annually remit fees paid under this subsection to the Appraisal Subcommittee for participation in the national registry for real estate appraisal management companies.

Sec. 08.01.070. Administrative duties of boards. Each board shall perform the following duties in addition to those provided in its respective law:

- (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.

Sec. 08.01.075. Disciplinary powers of boards. (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.

Sec. 08.01.077. Conviction as grounds for disciplinary action. Notwithstanding any other provision of this title, the conviction under AS 47.24.010 of a person licensed, certified, or regulated by the department or a board under this title may be considered by the department or board as grounds for disciplinary proceedings or sanctions.

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

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license.

Sec. 08.01.087. Investigative and enforcement powers of department. (a) The department may, upon its own motion, conduct investigations to

(1) determine whether a person has violated a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010; or

(2) secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010, the commissioner may, if the commissioner considers it in the public interest, and after notification of a proposed order or action by telephone or facsimile to all board members, if a board regulates the act or practice involved, unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the office of administrative hearings (AS 44.64.010) shall conduct the hearing and shall issue a proposed decision within 10 days after the hearing; the commissioner shall issue a final order within five days after the proposed decision is issued;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, an order issued under it, or with a provision of this title or regulation adopted under this title dealing with business licenses or an occupation or board listed in AS 08.01.010;

(3) examine or have examined the books and records of a person whose business activities require a business license or licensure by a board listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010; the commissioner may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records, and other documents.

(c) Under procedures and standards of operation established by the department by regulation, and with the agreement of the appropriate agency, the department may designate appropriate state or municipal agencies to investigate reports of abuse, neglect, or misappropriation of property by certified nurse aides.

Sec. 08.01.089. Copies of records for child support purposes. If a copy of a public record concerning an individual who owes or is owed child support that is prepared or maintained by the department is requested by the child support services agency created in AS 25.27.010 or a child support enforcement agency of another state, the department shall provide the requesting agency with a certified copy of the public record, including the individual's social security number. If these records are prepared or maintained by the department in an electronic data base, the records may be supplied by providing the requesting agency with a copy of the electronic record and a statement certifying its contents. A requesting agency receiving information under this section may use it only for child support purposes authorized under law.

Sec. 08.01.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b) and actions taken under AS 08.68.333(c).

Sec. 08.01.100. License renewal, lapse, and reinstatement. (a) Licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A license subject to renewal shall be renewed on or before the date set by the department. If the license is not renewed by the date set by the department, the license lapses. In addition to renewal fees required for reinstatement of the lapsed license, the department may impose a delayed renewal penalty, established by regulation, that shall be paid before a license that has been lapsed for more than 60 days may be renewed. The department may adopt a delayed renewal penalty only with the concurrence of the appropriate board.

(c) Except as provided in (f) of this section, when continuing education or other requirements are made a condition of license renewal, the requirements shall be satisfied before a license is renewed.

(d) Except as otherwise provided, a license may not be renewed if it has been lapsed for five years or more.

(e) Notwithstanding any other provision of this title, a renewal of a license may not be issued by the department to a natural person unless the licensee's social security number has been provided to the department.

(f) The department may establish and implement a waiver of continuing education requirements for renewal of a license regulated by the department and a board may establish and implement a waiver of continuing education requirements for renewal of a license regulated by the board for the period in which a licensee is engaged in active duty military service in the armed forces of the United States.

(g) A member of the armed forces of the United States on active duty in a combat zone, danger pay post, or qualified hazardous duty area, who is a licensee under this title in good standing at the time of the licensee's active duty order is exempt from any fees or other requirements to maintain that license or good standing while the licensee is in that zone, at that post, or in that area. This exemption is valid for 180 days after returning to the licensee's permanent duty station, if the licensee does not engage in licensed practice for profit in the private sector. The licensee shall pay fees and meet all other requirements for the license period beginning after the exemption ends. In this subsection,

(1) "combat zone" has the meaning given in 26 U.S.C. 112(c)(2) (Internal Revenue Code);

(2) "danger pay post" means a post so designated by the United States Secretary of State in the Department of State Standardized Regulations for purposes of danger pay under 5 U.S.C. 5928;

(3) "qualified hazardous duty area" means an area that, during the applicant's deployment, is treated as if it were a combat zone for purposes of a federal tax exemption under 26 U.S.C. 112 (Internal Revenue Code).

Sec. 08.01.102. Citation for unlicensed practice or activity. The department may issue a citation for a violation of a license requirement under this chapter, except a requirement to have a license under AS 43.70, if there is probable cause to believe a person has practiced a profession or engaged in business for which a license is required without holding the license. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation. A citation issued under this section must comply with the standards adopted under AS 12.25.175 - 12.25.230.

Sec. 08.01.103. Procedure and form of citation. (a) A person receiving the citation issued under AS 08.01.102 is not required to sign a notice to appear in court.

(b) The time specified in the notice to appear on a citation issued under AS 08.01.102 shall be at least five working days after the issuance of the citation.

(c) The department is responsible for the issuance of books containing appropriate citations and shall maintain a record of each book issued and each citation contained in it. The department shall require and retain a receipt for every book issued to an employee of the department.

(d) On or before the 10th working day after the issuance of a citation, the department shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon its deposit with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge, or prosecutor. The department may not dispose of a citation, copies of it, or the record of its issuance except as required under this subsection and (e) of this section.

(e) The department shall require the return of a copy of every citation issued by the department and all copies of a citation that has been spoiled or upon which an entry has been made and not issued to an alleged violator. The department shall also maintain, in connection with each citation, a record of the disposition of the charge by the court where the original or copy of the citation was deposited.

(f) A citation issued under AS 08.01.102 is considered to be a lawful complaint for the purpose of prosecution.

Sec. 08.01.104. Failure to obey citation. Unless the citation has been voided or otherwise dismissed by the magistrate, judge, or prosecutor, a person who without lawful justification or excuse fails to appear in court to answer a citation issued under AS 08.01.102, regardless of the disposition of the charge for which the citation was issued, is guilty of a class B misdemeanor.

Sec. 08.01.105. Penalty for improper payment. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

Sec. 08.01.110. Definitions. In this chapter,

(1) "board" includes the boards and commissions listed in AS 08.01.010;

(2) "commissioner" means the commissioner of commerce, community, and economic development;

(3) "department" means the Department of Commerce, Community, and Economic Development;

(4) "license" means a business license or a license, certificate, permit, or registration or similar evidence of authority issued for an occupation by the department or by one of the boards listed in AS 08.01.010;

(5) "licensee" means a person who holds a license;

(6) "occupation" means a trade or profession listed in AS 08.01.010.

CHAPTER 02.
MISCELLANEOUS PROVISIONS.

Section

- 10. Professional designation requirements**
- 11. Professional geologist**
- 20. Limitation of liability**
- 40. Access to certain mental health information and records by the state**
- 50. Permits for use of drugs to euthanize domestic animals**
- 90. Definition**

Sec. 08.02.010. Professional designation requirements. (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-language pathologist licensed under AS 08.11, a behavior analyst licensed under AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of noncompliance by that person's appropriate licensing board or, if the person is not regulated by a board, by the department. If, after a reasonable time, with opportunity for a hearing, the person's noncompliance continues, the board or department, as appropriate, may suspend or revoke the person's license or registration, or administer other disciplinary action which in its determination is appropriate.

Sec. 08.02.011. Professional geologist. The commissioner of commerce, community, and economic development shall certify an applicant as a professional geologist if the applicant is certified as a professional geologist by the American Institute of Professional Geologists.

Sec. 08.02.020. Limitation of liability. An action may not be brought against a person for damages resulting from

- (1) the person's good faith performance of a duty, function, or activity required as a
 - (A) member of, or witness before, a licensing board or peer review committee established to review a licensing matter;
 - (B) member of a committee appointed under AS 08.64.336(c);
 - (C) contractor or agent of a contractor under AS 08.01.050(d) or AS 08.64.101(a)(5);
- (2) a recommendation or action in accordance with the prescribed duties of a licensing board, peer review committee established to review a licensing matter, committee appointed under AS 08.64.336(c), or contractor or agent of a contractor under AS 08.01.050(d) or AS 08.64.101(a)(5) when the person acts in the reasonable belief that the action or recommendation is warranted by facts known to the person, board, peer review committee, committee appointed under AS 08.64.336(c), or contractor or agent of the contractor under AS 08.01.050(d) or AS 08.64.101(a)(5) after reasonable efforts to ascertain the facts upon which the action or recommendation is made; or
- (3) a report made in good faith to a public agency by the person, or participation by the person in an investigation by a public agency or a judicial or administrative proceeding relating to the report, if the report relates to the abuse of alcohol, other drugs, or other substances by a person licensed by a board listed in AS 08.01.050(d).

Sec. 08.02.025. Compliance with student loan requirements. *[Repealed, Sec. 18 ch 54 SLA 1997.]*

Sec. 08.02.040. Access to certain mental health information and records by the state. (a) Notwithstanding AS 08.29.200, AS 08.63.200, AS 08.86.200, AS 08.95.900, another provision of this title, or a regulation adopted under this title, a licensee or an entity employing or contracting with a licensee may disclose confidential patient mental health information, communications, and records to the Department of Health and Social Services when disclosure is authorized under AS 47.30.540, 47.30.590, 47.30.845, or AS 47.31.032. Information, communications, and records received by the Department of Health and Social Services under this section are confidential medical records of patients and are not open to public inspection and copying under AS 40.25.110 - 40.25.120.

(b) In this section, "licensee" has the meaning given in AS 08.01.110.

Sec. 08.02.050. Permits for use of drugs to euthanize domestic animals. (a) A qualified agency may apply to the department and obtain a permit that authorizes the purchase, possession, and use by the agency of sodium pentobarbital, sodium pentobarbital with lidocaine, and other drugs authorized in regulations adopted by the department for the purpose of euthanizing injured, sick, or abandoned domestic animals in the lawful possession of the agency. To qualify to obtain the permit, the agency shall certify that it will

(1) comply with applicable federal laws related to the use of the drugs; and

(2) not permit an employee to administer the drugs unless the employee has successfully completed a euthanasia technician certification course approved by the National Animal Control Association, the American Humane Association, or the Humane Society of the United States.

(b) The department may revoke or suspend a permit or take another disciplinary action under AS 08.01.075 if it determines that the agency or an employee of the agency

(1) improperly used sodium pentobarbital, sodium pentobarbital with lidocaine, or another drug authorized for use under this section;

(2) failed to follow federal or state laws regarding proper storage and handling of the drugs;

(3) allowed an employee to administer the drugs before the employee successfully completed the certification course described in (a)(2) of this section; or

(4) violated this title or a regulation adopted under this title.

(c) In this section, "agency" means an animal control agency of a municipality or recognized governmental entity or an entity that has contracted with a municipality or recognized governmental entity to perform animal control or animal euthanasia services.

(d) The department may adopt regulations to implement this section.

Sec. 08.02.090. Definition. In this chapter, "department" means the Department of Commerce, Community, and Economic Development.

CHAPTER 03.
TERMINATION, CONTINUATION AND REESTABLISHMENT
OF REGULATORY BOARDS.

Section

10. Termination dates for regulatory boards

20. Procedures governing termination, transition, and continuation

Sec. 08.03.010. Termination dates for regulatory boards.

(a) *[Repealed, Sec. 4 ch 14 SLA 1987.]*

(b) *[Repealed, Sec. 4 ch 14 SLA 1987.]*

(c) The following boards have the termination date provided by this subsection:

- (1) Board of Public Accountancy (AS 08.04.010) – June 30, 2021;
 - (2) Board of Governors of the Alaska Bar Association (AS 08.08.040) – June 30, 2021;
 - (3) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.011) – June 30, 2025;
 - (4) Board of Barbers and Hairdressers (AS 08.13.010) – June 30, 2027;
 - (5) Board of Chiropractic Examiners (AS 08.20.010) – June 30, 2022;
 - (6) Board of Professional Counselors (AS 08.29.010) – June 30, 2026;
 - (7) Board of Dental Examiners (AS 08.36.010) – June 30, 2027;
 - (8) Board of Certified Direct-Entry Midwives (AS 08.65.010) – June 30, 2021;
 - (9) Big Game Commercial Services Board (AS 08.54.591) – June 30, 2024;
 - (10) Board of Marine Pilots (AS 08.62.010) – June 30, 2027;
 - (11) Board of Marital and Family Therapy (AS 08.63.010) – June 30, 2026;
 - (12) Board of Massage Therapists (AS 08.61.010) – June 30, 2024;
 - (13) State Medical Board (AS 08.64.010) – June 30, 2023;
 - (14) Board of Nursing (AS 08.68.010) – June 30, 2025;
 - (15) Board of Examiners in Optometry (AS 08.72.010) – June 30, 2022;
 - (16) Board of Pharmacy (AS 08.80.010) – June 30, 2022;
 - (17) State Physical Therapy and Occupational Therapy Board (AS 08.84.010) – June 30, 2022;
 - (18) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010) – June 30, 2026;
 - (19) Real Estate Commission (AS 08.88.011) – June 30, 2026;
 - (20) Board of Certified Real Estate Appraisers (AS 08.87.010) – June 30, 2026;
 - (21) Board of Social Work Examiners (AS 08.95.010) – June 30, 2026;
 - (22) Board of Veterinary Examiners (AS 08.98.010) – June 30, 2025.
- (d) *[Repealed, Sec. 3 ch 74 SLA 1979.]*
- (e) *[Repealed, Sec. 3 ch 74 SLA 1979.]*

Sec. 08.03.020. Procedures governing termination, transition, and continuation. (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities, and the statutory authority of the board is transferred to the department.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed eight years unless the board is continued or reestablished for a longer period under AS 08.03.010.

(d) The department shall carry out the functions of a board that has ceased all activities under (a) of this section. Litigation, hearings, investigations, and other proceedings pending at the time the board ceased activities continue in effect and may be continued or completed by the department. Licenses, certificates, orders, and regulations issued or adopted by the board and in effect at the time the board ceased activities remain in effect for the term issued or until revoked, amended, vacated, or repealed by the department.

Steps in the Board Regulation Adoption Process

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

All timeframes are estimated, dependent upon staff and attorney workflow and board scheduling.

Steps in the Regulation Process for a Board and Commission (board)¹

Beginning the Process

1. At an open meeting, the board initiates and votes on proposed regulation changes.
2. **Reason:** Identify the reason for the proposed action, such as compliance with new or changed state law. If applicable, identify the law, order, decision, or other action of the federal government, or federal or state court, if that is the basis for the proposed action. The description need only be a sentence or two.
3. **Cost information:** In the meeting minutes there must be estimated costs in the aggregate to comply with the proposed action to:
 - A private person
 - Another state agency
 - A municipality

Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community.

Example: The Board of Chiropractic Examiners is proposing to add three CE credits to their continuing competency requirements for a biennial license renewal. The proposal may cost

- A private person: \$50 per applicant/licensee
 - Another state agency: None known
 - A municipality: None known
4. Within 10 days of the meeting, board staff must transmit board minutes² or an excerpt of the minutes, draft language or proposals, and a completed Regulations FAQ Worksheet for the proposed regulation changes requested by the board to the Regulations Specialist.

What comes next: Regulations Specialist

5. The Regulations Specialist determines if there is authority in statute to adopt the proposed regulation changes.
6. The Regulations Specialist prepares a draft of regulation changes, using the Department of Law's *Drafting Manual for Administrative Regulations* for conformity and style, and works with board staff before submitting the final draft to the board for review/approval. In some instances the draft regulation changes will be reviewed by an AAG before the final draft is submitted to the board for review/approval.
7. Once completed, the draft proposed regulation changes are presented to the board at its next public meeting to review and approve the final draft, amends if needed, and requests that the approved draft be finalized and public noticed.

Public Notice

8. NOTE: The board must **always** provide an opportunity for submission of written comments in the regulation-adoption process. Also, the board should determine if it wants to hold a public hearing on the proposed regulation changes at its next meeting. If it does, the location, date and time of the hearing needs to be included in the public notice. Public hearings are usually held in conjunction with a regularly-scheduled meeting of the board and are always recorded. Oral public hearing is optional; however, answering the following questions will help the board determine if an oral public hearing is needed:
 - Are the regulations controversial and is there likely to be substantial public interest in them?
 - Would those most affected by the regulations be better able to participate if an oral hearing were held?
 - Would the board benefit from a face-to-face or teleconferenced opportunity to receive comments on the proposed regulations from interested persons?
9. Regulations Specialist sends notice to Alaska Dispatch News (or other newspapers if warranted) for publication, all interested parties, and licensees, if warranted. The Regulations Specialist posts the notice on the Alaska Online Public Notice System, electronically transmits a copy of the notice and proposed regulation changes to all incumbent legislators and the Legislative Affairs Agency, House & Senate Labor & Commerce Committees, Legislative Council, Lt. Governor, Governor, and Department of Law (Law). It is also emailed to board members and affected staff, including the commissioner's office. Public notice will be posted on the board's webpage.

Comment Period

10. The Regulations Specialist or board staff shall make a good faith effort to answer relevant questions received at least 10 days before the end of the public comment period. Questions must be in writing or asked at the legally noticed public meeting. The Regulations Specialist or board staff shall answer questions in writing and make the questions and answers available on the Alaska Online Public Notice System and the board's webpage. FAQs will be posted on the board's webpage and updated when relevant questions are answered. The Regulations Specialist or board staff may, but are not required to, answer written questions received after the 10-day cutoff date.
11. After the comment deadline (at least 30 days in duration), comments received on proposed regulation changes are compiled and copied by the Regulations Specialist and given to board staff to include in the board packets for the next open board meeting to be considered prior to adopting. Comments received after the deadline should not be forwarded to the board and comments should not be taken at the board meeting from the public prior to adoption unless a hearing was noticed and the comments are heard by the board during the comment period.

Adoption

12. The board's options regarding the proposed regulation changes at its next meeting are:

- a. It can adopt the proposed regulation changes as written/publicly noticed, amend, and adopt them; or
 - b. Choose to take no action on them.
 - c. Substantive changes may require additional drafting and public notice (see Step 7 above).
13. When making a motion to adopt the regulations, the board is required to state on the record that it has reviewed any comments received, and considered the cost to private persons of the regulatory action being taken.
14. When regulation changes are adopted:
- a. The chair signs the adoption/certification order; and
 - b. The board staff signs an affidavit of board action and/or affidavit of oral hearing (if applicable) and attaches it to the relevant minutes or an excerpt of the minutes and forwards to the Regulations Specialist.

Finalizing the regulation change process

15. Regulations Specialist prepares the final regulation package for transmittal to Department of Law for final review/approval, which includes the adopted regulations, certain affidavits, and other appropriate documents.
16. Assigned agency attorney reviews the regulations.
17. Regulations attorney reviews and either approves or disapproves regulation changes. Law reviews and will occasionally make edits. (On rare occasions, this may require the edited version to be re-adopted by the board at a subsequent meeting.) At the same time, the adopted regulations are submitted to the governor for review. The governor has 30 days to review the regulations under AS 44.62.040(c), and return the regulation for specified reasons.
18. Unless returned by the governor, when the governor and Law's review are complete, the adopted regulations are forwarded to the Lt. Governor for filing. Regulation changes are effective 30 days after filing unless a later effective date is specified in the adoption order.

Once regulations are effective

19. Agency posts summary of approved regulation changes on Alaska Online Public Notice System.
20. Agency updates statutes and regulations board webpage.
21. Regulation published in Alaska Administrative Code.

¹ The process may take six months to a year or longer to complete. It may be expedited if a board meets often or holds a teleconference following the written comment period to adopt the final regulations. Department of Law workload also plays a big part in the timeframe.

² Board minutes reflecting concisely what the project entails plays an important part in getting a project rolling. This is true for the initial stages and the final motion adopting the regulations following the public comment period due to the relevant minutes or an excerpt of the minutes being forwarded to the Department of Law with the final project.

Statutes and Regulations **Chiropractors**

August 2020



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 20.
CHIROPRACTORS.**

Article

1. **Board of Chiropractic Examiners (§§ 08.20.010—08.20.090)**
2. **Licensing and Regulation (§§ 08.20.100—08.20.195)**
3. **Unlawful Acts and Penalties (§§ 08.20.200—08.20.210)**
4. **General Provisions (§§ 08.20.230—08.20.900)**

**ARTICLE 1.
BOARD OF CHIROPRACTIC EXAMINERS.**

Section

10. **Creation and membership of Board of Chiropractic Examiners**
20. **Members of board**
25. **Removal of board members**
40. **Organization of board**
50. **Power of officers to administer oaths and take testimony**
55. **Board regulations**
60. **Seal**
90. **Quorum of board**

Sec. 08.20.010. Creation and membership of Board of Chiropractic Examiners. There is created the Board of Chiropractic Examiners consisting of five members appointed by the governor.

Sec. 08.20.020. Members of board. Four members of the board shall be licensed chiropractic physicians who have practiced chiropractic in this state not less than two years. One member of the board shall be a person with no direct financial interest in the health care industry. Each member serves without pay but is entitled to per diem and travel expenses allowed by law.

Sec. 08.20.025. Removal of board members. A member of the board may be removed from office by the governor for cause.

Sec. 08.20.030. Members' terms; vacancies. *[Repealed, Sec. 49 ch 94 SLA 1987.]*

Sec. 08.20.040. Organization of board. Every two years, the board shall elect from its membership a president, vice-president and secretary.

Sec. 08.20.050. Power of officers to administer oaths and take testimony. The president and the secretary may administer oaths in conjunction with the business of the board.

Sec. 08.20.055. Board regulations. The board shall adopt regulations necessary to effect the provisions of this chapter, including regulations establishing standards for

- (1) continuing education;
- (2) the application, performance, and evaluation of chiropractic core methodology;
- (3) the training, qualifications, scope of practice, and employment of chiropractic interns and chiropractic preceptors;
- (4) the designation of one or more nationally recognized certification programs for chiropractic clinical assistants; and
- (5) the performance of patient examinations authorized under AS 08.20.100(b).

Sec. 08.20.060. Seal. The board shall adopt a seal and affix it to all licenses issued.

Sec. 08.20.070 – 08.20.080. Secretary; records; reports and accounts of board. *[Repealed, Sec. 3 ch 59 SLA 1966.]*

Sec. 08.20.090. Quorum of board. A majority of the board constitutes a quorum for the transaction of business.

**ARTICLE 2.
LICENSING AND REGULATION.**

Section

- 100. Practice of chiropractic**
- 110. Application for license**
- 120. Qualifications for license**
- 130. Examinations**
- 141. Licensure by credentials**
- 155. Professional designation**
- 160. Temporary permits**
- 163. Temporary permit for locum tenens practice**
- 165. Inactive license status**
- 167. Retired license status**
- 168. Chiropractic clinical assistant**
- 170. Disciplinary sanctions; refusal to issue or renew license**
- 180. Fees**
- 185. Utilization review committee; confidentiality**
- 195. Limitation of practice**

Sec. 08.20.100. Practice of chiropractic. (a) A person may not practice chiropractic or use chiropractic core methodology in the state without a license.

(b) A person licensed under this chapter may

- (1) analyze, diagnose, or treat the chiropractic condition of a patient by chiropractic core methodology or by ancillary methodology;
- (2) accept referrals for treatment by chiropractic core methodology or by ancillary methodology;
- (3) consult on chiropractic matters;
- (4) refer patients to other health care professionals;
- (5) perform, within the scope of chiropractic practice, physical examinations of children for school physical examinations and preparticipation physical examinations for sports and school activities;

(6) sign

(A) reports for excuses from employment and from attendance at school or participation in sports activities;

and

(B) authorizations for sick leave;

- (7) perform preemployment and workplace health examinations;
- (8) provide disability and physical impairment ratings;
- (9) provide retirement health and disability authorizations and recommendations;
- (10) employ nationally certified chiropractic clinical assistants; and
- (11) employ chiropractic interns and chiropractic preceptors.

(c) A person licensed under this chapter is not authorized to sign affidavits exempting school children from immunization requirements under AS 14.30.125 or to administer or interpret the results of infectious disease tests required by statute or regulation.

(d) This section does not apply to a chiropractic intern who is acting within the scope of practice authorized by the board and is under the personal supervision of a licensed chiropractor.

Sec. 08.20.110. Application for license. A person desiring to practice chiropractic shall apply in writing to the board.

Sec. 08.20.115. Malpractice insurance. *[Repealed, Sec. 40 ch 177 SLA 1978.]*

Sec. 08.20.120. Qualifications for license. (a) An applicant shall be issued a license to practice chiropractic if the applicant

- (1) has a high school education or its equivalent;
- (2) has successfully completed at least two academic years of study in a college of liberal arts or sciences or has engaged in the active licensed practice of chiropractic for three of the four years preceding the filing of the application;

(3) is a graduate of a school or college of chiropractic that

(A) is accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board; or

(B) if an accrediting agency under (A) of this paragraph does not exist, requires the completion of a minimum of 4,000 hours of formal education and training in order to graduate, including

- (i) 150 hours of chiropractic philosophy or principles;
- (ii) 1,200 hours of basic sciences, including anatomy, chemistry, physiology, and pathology;
- (iii) 1,400 hours of preclinical technique, including diagnosis, chiropractic technique, and x-ray; and
- (iv) 700 hours of clinical training;

- (4) completes 120 hours of formal training in physiological therapeutics;
 - (5) passes an examination given by the board; and
 - (6) passes, to the satisfaction of the board, the parts of the examination of the National Board of Chiropractic Examiners required by the board.
- (b) Repealed 1996.

Sec. 08.20.130. Examinations. (a) Examinations for a license to practice chiropractic may be held in the time and manner fixed by the board.

- (b) The examination may include practical demonstration and oral and written examination in those subjects usually taught in accredited chiropractic schools.
- (c) A general average rating of 75 percent is a passing grade on the examination.
- (d) An applicant may take a reexamination within one year after failing the examination.

Sec. 08.20.141. Licensure by credentials. The board may issue a license by credentials to an applicant who pays the appropriate fee and presents satisfactory proof that the applicant

- (1) is a graduate of a school or college of chiropractic that
 - (A) is accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board; or
 - (B) if an accrediting agency under (A) of this paragraph does not exist, requires the completion of a minimum of 4,000 hours of formal education and training in order to graduate, including
 - (i) 150 hours of chiropractic philosophy or principles;
 - (ii) 1,200 hours of basic sciences, including anatomy, chemistry, physiology, and pathology;
 - (iii) 1,400 hours of preclinical technique, including diagnosis, chiropractic technique, and x-rays; and
 - (iv) 700 hours of clinical training;
- (2) has held a license in good standing to practice chiropractic in another jurisdiction for the five years preceding the date of application; for purposes of this paragraph, "good standing" means that
 - (A) no action has been reported about the applicant in the national licensee database of the Federation of Chiropractic Licensing Boards;
 - (B) the applicant has not, within the five years preceding the date of application, been the subject of an unresolved review or an adverse decision based on a complaint, investigation, review procedure, or disciplinary proceeding undertaken by a foreign, state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on the applicant's ability or competence to engage in the practice of chiropractic or on the safety or well-being of patients;
 - (C) the applicant has not been convicted of a felony within the five years preceding the date of application;
- (3) has been in active licensed clinical chiropractic practice for at least three of the five years immediately preceding the date of application;
- (4) has passed, to the satisfaction of the board, the parts of the examination of the National Board of Chiropractic Examiners required by the board;
- (5) has passed an examination approved by the board that is designed to test the applicant's knowledge of the laws of the state governing the practice of chiropractic and the regulations adopted under those laws; and
- (6) has completed 120 hours of formal training in physiological therapeutics or has passed, to the satisfaction of the board, a physiological therapeutics examination of the National Board of Chiropractic Examiners required by the board.

Sec. 08.20.150. Recording of license. *[Repealed, Sec. 7 ch 37 SLA 1986.]*

Sec. 08.20.155. Professional designation. Notwithstanding the provisions of AS 08.02.010 relating to specialist designations, a person licensed under this chapter may not designate a specialty unless the person has completed a postgraduate specialty program at an accredited school approved by the board and the person has passed a certification exam for the specialty approved by the board. All specialty designations must include the term "chiropractic"

Sec. 08.20.160. Temporary permits. Temporary permits may be issued to qualified applicants until the next regular meeting of the board.

Sec. 08.20.163. Temporary permit for locum tenens practice. (a) The board may grant a temporary permit to a chiropractor for the purpose of the chiropractor's substituting for another chiropractor licensed in this state. The permit is valid for 60 consecutive days. If circumstances warrant, an extension of the permit may be granted by the board.

- (b) A chiropractor applying under (a) of this section shall pay the required fee and shall meet the
 - (1) requirements of AS 08.20.120; or
 - (2) following requirements:
 - (A) submit evidence of a current license in good standing, including
 - (i) no action reported in the national licensee database of the Federation of Chiropractic Licensing Boards;
 - (ii) not having been, within the five years preceding the date of application, the subject of an unresolved review or an adverse decision based upon a complaint, investigation, review procedure, or disciplinary proceeding

undertaken by a state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on the applicant's ability or competence to engage in the practice of chiropractic or on the safety or well-being of patients; and

(iii) no conviction for a felony within the five years preceding the date of application;

(B) submit evidence of five years of active licensed clinical practice;

(C) be a graduate of a school or college of chiropractic that is accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board;

(D) have completed 120 hours of formal training in physiological therapeutics or have passed, to the satisfaction of the board, a physiological therapeutic examination of the National Board of Chiropractic Examiners required by the board;

(E) have passed, to the satisfaction of the board, Parts I and II of the examination of the National Board of Chiropractic Examiners; and

(F) pass an examination given by the board.

(c) Permits and extensions of permits issued under this section to an individual are not valid for more than 240 days during any consecutive 24 months.

Sec. 08.20.165. Inactive license status. (a) A licensee who does not practice in the state may convert a license to inactive status when renewing the license. A person who practices in the state, however infrequently, shall hold an active license. A person renewing an inactive license shall meet the same renewal requirements that would be applicable if the person were renewing an active license.

(b) A person who has an inactive license certificate under (a) of this section may reactivate the license by applying for an active license and paying the required fees.

Sec. 08.20.167. Retired license status. (a) Upon retiring from practice and upon payment of an appropriate one-time fee, a licensee in good standing with the board may apply for the conversion of an active or inactive license to a retired status license. A person holding a retired status license may not practice chiropractic in the state. A retired status license is valid for the life of the license holder and does not require renewal. A person holding a retired status license is exempt from continuing education requirements adopted by the board under AS 08.20.170 (d).

(b) A person with a retired status license may apply for active licensure. Before issuing an active license under this subsection, the board may require the applicant to meet reasonable criteria, as determined under regulations of the board, that may include submission of continuing education credits, reexamination requirements, physical and psychiatric examination requirements, an interview with the board, and a review of information in the national licensee database of the Federation of Chiropractic Licensing Boards.

Sec. 08.20.168. Chiropractic clinical assistant. (a) Enrollment in or completion of a nationally recognized certification program under AS 08.20.055(4) is required to practice as a chiropractic clinical assistant in this state.

(b) A person who meets the requirement under (a) of this section may, under the general supervision of a person licensed under this chapter,

(1) perform diagnostic imaging studies;

(2) use ancillary methodologies; and

(3) perform procedures.

Sec. 08.20.170. Disciplinary sanctions; refusal to issue or renew license. (a) The board may impose a disciplinary sanction on a person licensed under this chapter or refuse to issue a license under this chapter when the board finds that the person

(1) secured or attempted to secure a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of

(A) a felony or other crime that affects the person's ability to practice competently and safely; or

(B) a crime involving the unlawful procurement, sale, prescription, or dispensing of drugs;

(5) intentionally or negligently engaged in or permitted the performance of patient care by persons under the licensee's supervision that does not conform to minimum professional standards established by regulation regardless of whether actual injury to the patient occurred;

(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(7) continued or attempted to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or a drug that impairs the person's ability to practice safely;

(C) physical or mental disability or an infectious or contagious disease;

(8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients; or

(9) failed to satisfy continuing education requirements adopted by the board.

(b) AS 44.62 (Administrative Procedure Act) applies to any action taken by the board for the suspension or

revocation of a license.

(c) A person whose license is suspended or revoked may within two years from date of suspension apply for reinstatement, and if the board is satisfied that the applicant should be reinstated, it shall order reinstatement.

(d) The board shall adopt regulations which ensure that renewal of license is contingent on proof of continued competency by a practitioner.

Sec. 08.20.175. Disciplinary sanctions. *[Repealed, Sec. 49 ch 94 SLA 1987.]*

Sec. 08.20.180. Fees. (a) An applicant for an examination, reexamination, issuance of a temporary permit under AS 08.20.160, issuance of a locum tenens permit under AS 08.20.163, issuance of a license by credentials under AS 08.20.141, one-time issuance of a retired status license, or initial issuance or renewal of an active or inactive license shall pay a fee established under AS 08.01.065.

(b) *Repealed Sec. 24 ch. 22 SLA 2001.*

Sec. 08.20.185. Utilization review committee; confidentiality. (a) The board may establish a utilization review committee to review complaints concerning the reasonableness or appropriateness of care provided, fees charged, or costs for services rendered by a licensee to a patient. A review conducted by a utilization review committee under this section may be used by the board in considering disciplinary action against a licensee, but the results or recommendations of a utilization review committee are not binding on the board. A member of a utilization review committee established under this section who in good faith submits a report under this section or participates in an investigation or judicial proceeding related to a report submitted under this section is immune from civil liability for the submission or participation.

(b) The board shall charge a complainant a fee, established under AS 08.01.065, for utilization review under this section.

(c) Patient records presented to a utilization review committee for review under this section that were confidential before their presentation to the committee are confidential to the committee members and to the board members and are not subject to inspection or copying under AS 40.25.110 - 40.25.125. A committee member or board member to whom confidential records are presented under this subsection shall maintain the confidentiality of the records. A person who violates this subsection is guilty of a class B misdemeanor.

Sec. 08.20.190. Disposition of fees. *[Repealed, Sec. 54 ch 37 SLA 1985.]*

Sec. 08.20.195. Limitation of practice. A person licensed under this chapter or a person who is practicing as a chiropractic intern, chiropractic clinical assistant, or chiropractic preceptor under this chapter may act only within the scope of practice authorized by the board.

**ARTICLE 3.
UNLAWFUL ACTS AND PENALTIES.**

Section

200. Unlicensed practice

210. Fraudulent licenses and certificates

Sec. 08.20.200. Unlicensed practice. A person who practices chiropractic in the state without a license in violation of AS 08.20.100 is guilty of a class A misdemeanor and may be punished as provided in AS 12.55.

Sec. 08.20.210. Fraudulent licenses and certificates. A person who obtains or attempts to obtain a chiropractic license or provides the board with evidence that the person is nationally certified to practice as a chiropractic clinical assistant by dishonest or fraudulent means or who forges, counterfeits, or fraudulently alters a chiropractic license or chiropractic clinical assistant certificate issued by a nationally recognized certification program is guilty of a class A misdemeanor and is punishable as provided in AS 12.55.

**ARTICLE 4.
GENERAL PROVISIONS.**

Section

230. Practice of chiropractic

900. Definitions

Sec. 08.20.220. Chiropractic defined. *[Repealed, Sec. 13 ch 60 SLA 1988.]*

Sec. 08.20.230. Practice of chiropractic. The practice of chiropractic

(1) addresses ramifications of health and disease with a special emphasis on biomechanical analysis,

interpretation and treatment of the structural and functional integrity of skeletal joint structures, and the physiological efficiency of the nervous system as these matters relate to subluxation complex; and

(2) involves the diagnosis, analysis, or formulation of a chiropractic diagnostic impression regarding the chiropractic conditions of the patient to determine the appropriate method of chiropractic treatment.

Sec. 08.20.900. Definitions. In this chapter,

(1) "ancillary methodology" means employing within the scope of chiropractic practice, with appropriate training and education, those methods, procedures, modalities, devices, and measures commonly used by trained and licensed health care providers and includes

(A) physiological therapeutics; and

(B) counseling on dietary regimen, sanitary measures, physical and mental attitudes affecting health, personal hygiene, occupational safety, lifestyle habits, posture, rest, and work habits that enhance the effects of chiropractic adjustment;

(2) "board" means the Board of Chiropractic Examiners;

(3) "chiropractic" is the clinical science of human health and disease that focuses on the detection, correction, and prevention of the subluxation complex and the employment of physiological therapeutic procedures preparatory to and complementary with the correction of the subluxation complex for the purpose of enhancing the body's inherent recuperative powers, without the use of surgery or prescription drugs; the primary therapeutic vehicle of chiropractic is chiropractic adjustment;

(4) "chiropractic adjustment" means the application of a precisely controlled force applied by hand or by mechanical device to a specific focal point of the anatomy for the express purpose of creating a desired angular movement in skeletal joint structures in order to eliminate or decrease interference with neural transmission and correct or attempt to correct subluxation complex; "chiropractic adjustment" utilizes, as appropriate, short lever force, high velocity force, short amplitude force, or specific line-of-correction force to achieve the desired angular movement, as well as low force neuro-muscular, neuro-vascular, neuro-cranial, or neuro-lymphatic reflex technique procedures;

(5) "chiropractic clinical assistant" means a person who works under the general supervision of a person licensed under this chapter and who is

(A) enrolled in a nationally recognized certification program that certifies chiropractic clinical assistants; or

(B) certified by a national organization that certifies chiropractic clinical assistants;

(6) "chiropractic core methodology" means the treatment and prevention of subluxation complex by chiropractic adjustment as indicated by a chiropractic diagnosis and includes the determination of contra-indications to chiropractic adjustment, the normal regimen and rehabilitation of the patient, and patient education procedures; chiropractic core methodology does not incorporate the use of prescription drugs, surgery, needle acupuncture, obstetrics, or x-rays used for therapeutic purposes;

(7) "chiropractic diagnosis" means a diagnosis made by a person licensed under this chapter based on a chiropractic examination;

(8) "chiropractic examination" means an examination of a patient conducted by a person licensed under this chapter, or by a chiropractic clinical assistant or chiropractic intern under the supervision of a person licensed under this chapter, for the express purpose of ascertaining whether symptoms of subluxation complex exist and consisting of an analysis of the patient's health history, current health status, results of diagnostic procedures, including x-ray and other diagnostic imaging devices, and postural, thermal, physical, neuro-physical, and spinal examinations that focuses on the discovery of

(A) the existence and etiology of disrelationships of skeletal joint structures; and

(B) interference with normal nerve transmission and expression;

(9) "chiropractic intern" means a person who is engaged in the practice of chiropractic while under the personal supervision of a person licensed under this chapter for the purpose of obtaining practical experience for licensure as a chiropractor;

(10) "chiropractic preceptor" means a person who is licensed under this chapter and who participates in the instruction and training of chiropractic interns;

(11) "manipulation" means an application of a resistive movement by applying a nonspecific force without the use of a thrust, that is directed into a region and not into a focal point of the anatomy for the general purpose of restoring movement and reducing fixations;

(12) "physiological therapeutics" means the therapeutic application of forces that induce a physiologic response and use or allow the natural processes of the body to return to a more normal state of health; physiological therapeutics encompasses the diagnosis and treatment of disorders of the body, utilizing

(A) manipulation;

(B) the natural healing forces associated with air, cold, heat, electricity, exercise, light, massage, water, nutrition, sound, rest, and posture;

(C) thermotherapy, cryotherapy, high frequency currents, low frequency currents, interferential currents, hydrotherapy, exercise therapy, rehabilitative therapy, meridian therapy, vibratory therapy, traction and stretching, bracing and supports, trigger point therapy, and other forms of therapy;

(13) "subluxation complex" means a biomechanical or other disrelation or a skeletal structural disrelationship, misalignment, or dysfunction in a part of the body resulting in aberrant nerve transmission and expression.

**CHAPTER 16.
BOARD OF CHIROPRACTIC EXAMINERS.**

Article

1. **The Board (12 AAC 16.010—12 AAC 16.020)**
2. **Licensing (12 AAC 16.030—12 AAC 16.270)**
3. **Continuing Education (12 AAC 16.280—12 AAC 16.390)**
4. **Utilization Review (12 AAC 16.400—12 AAC 16.430)**
5. **General Provisions (12 AAC 16.900—12 AAC 16.990)**

**ARTICLE 1.
THE BOARD.**

Section

10. **Objectives**
20. **Meetings**

12 AAC 16.010. OBJECTIVES. (a) It is the objective of the board to foster professional standards consistent with the best interests of the public.

(b) It is the objective of the board to adhere to the Code of Ethics of the American Chiropractic Association or International Chiropractic Association as a basis for considering what comprises the duties and obligations of chiropractors to the public.

Authority: AS 08.20.055

12 AAC 16.020. MEETINGS. The board will, in its discretion, meet at least twice each year for the transaction of business and examination of applicants.

Authority: AS 08.20.055 AS 08.20.130

**ARTICLE 2.
LICENSING.**

Section

30. **Application for licensure by examination**
31. **Application for temporary permit for locum tenens practice**
32. **(Repealed)**
33. **Application for licensure by credentials**
35. **(Repealed)**
37. **National examination requirements**
40. **Evaluation of academic study in liberal arts or science**
41. **Preceptor scope of practice**
42. **Intern scope of practice**
45. **Accredited school or college**
46. **Chiropractic specialty designation**
47. **Chiropractic specialty program criteria**
48. **Approved chiropractic specialty programs**
50. **(Repealed)**
52. **Chiropractic clinical assistant scope of practice**
60. **(Repealed)**
70. **(Repealed)**
80. **(Repealed)**
90. **(Repealed)**
100. **(Repealed)**
110. **(Repealed)**
120. **(Repealed)**
130. **State chiropractic examination**
140. **(Repealed)**
150. **Reexamination**
160. **(Repealed)**
170. **Special examination**
180. **(Repealed)**
185. **(Repealed)**

- 190. (Repealed)
- 200. Temporary permits
- 205. Courtesy license
- 210. (Repealed)
- 211. (Repealed)
- 220. (Repealed)
- 230. (Repealed)
- 240. (Repealed)
- 250. (Repealed)
- 260. (Repealed)
- 270. (Repealed)

12 AAC 16.030. APPLICATION FOR LICENSURE BY EXAMINATION. (a) Except as provided in (b) of this section, a person applying for chiropractic licensure by examination shall submit, at least 45 days before the next scheduled state chiropractic examination,

- (1) a completed application on a form provided by the department;
- (2) the fees established in 12 AAC 02.150;
- (3) official college transcripts showing that the applicant has met the education requirements of AS 08.20.120(a)(1), (3), and (4);
- (4) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has passed the applicable examination described in 12 AAC 16.037;
- (5) either
 - (A) official college transcripts showing that the applicant has met the education requirements of AS 08.20.120(a)(2); or
 - (B) evidence of active licensed practice of chiropractic for at least three of the four years preceding the date that the application was filed;
- (6) if the applicant holds or has ever held a license to practice chiropractic, verification of the present status of the applicant's license from each jurisdiction where the applicant holds or has ever held a license to practice chiropractic, sent directly to the department from the licensing jurisdiction; and documentation of 32 credit hours of continuing education as provided under this paragraph, approved by the board or an equivalent licensing jurisdiction and taken within two years preceding the date of the application; the 32 credit hours
 - (A) must include at least
 - (i) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;
 - (ii) two hours in coding and documentation;
 - (iii) two hours in ethics and boundaries;
 - (iv) two hours in cardiopulmonary resuscitation; and
 - (v) 18 additional hours in education not to include business management;
 - (B) may not include more than four hours in the following subject areas:
 - (i) cardiopulmonary resuscitation (CPR) training;
 - (ii) automated external defibrillator (AED) training;
 - (iii) basic life support (BLS) training; and
 - (C) may not include more than 16 hours obtained over the Internet or by distance learning; and
- (7) a report under AS 12.62 containing criminal history record information concerning the applicant and issued no earlier than 90 days before the application; if a state other than this state is the applicant's primary state of residence, or if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, the applicant shall also submit an equivalent report issued by that other state and issued no earlier than 90 days before the application.

(b) The board may approve an applicant to take the state chiropractic examination before the applicant meets the requirements of (a)(3), (4), and (5)(A) of this section, if the registrar of the applicant's chiropractic college provides a letter to the board verifying that the applicant

- (1) is currently enrolled in the chiropractic college;
 - (2) is actively pursuing completion of a chiropractic curriculum; and
 - (3) has obtained senior status and is working on the clinical portion of the curriculum.
- (c) Repealed 1/29/2009.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.170
 AS 08.20.110 AS 08.20.130

12 AAC 16.031. APPLICATION FOR TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE.

(a) A person applying for a temporary permit for locum tenens practice must meet the applicable requirements of AS 08.20.163 and this section, including passing the state chiropractic examination described in 12 AAC 16.130.

(b) An applicant applying for a temporary permit for locum tenens practice under AS 08.20.163(b)(1) and this section shall submit

- (1) a completed application on a form provided by the department;

- (2) the applicable fees established in 12 AAC 02.150;
- (3) official college transcripts showing that the applicant meets the education requirements of AS 08.20.120(a)(2) - (4); and
- (4) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the applicable national examinations described in 12 AAC 16.037.

(c) An applicant applying for a temporary permit for locum tenens practice under AS 08.20.163(b)(2) and this section shall submit

- (1) a completed application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.150;
- (3) official college transcripts showing that the applicant meets the education requirements of AS 08.20.163(b)(2)(C) and (D);
- (4) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the examinations described in AS 08.20.163(b)(2)(D) and (E);
- (5) verification of practice showing that the applicant meets the requirements of AS 08.20.163(b)(2)(B);
- (6) verification of the applicant's licensure status and complete information regarding any disciplinary action or investigation taken or pending, sent directly to the department from all licensing jurisdictions where the applicant holds or has ever held a chiropractic license; and
- (7) a notarized, sworn statement by the applicant that the applicant has not been, within the five years preceding the date of application, the subject of an unresolved review or an adverse decision based upon a complaint, investigation, review procedure, or disciplinary proceeding undertaken by a state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on ability or competence to engage in the practice of chiropractic or the safety or well-being of patients;

(8) repealed 5/27/2006.

(d) An applicant applying for a temporary permit for locum tenens practice under AS 08.20.163 and this section shall submit

- (1) a notarized, sworn statement by the chiropractor licensed in this state for whom the applicant will substitute, including the dates of the substitute practice and the date that the chiropractor licensed in this state will resume practice; and
- (2) a report under AS 12.62 containing criminal history record information concerning the applicant and issued no earlier than 90 days before the application; if a state other than this state is the applicant's primary state of residence, or if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, the applicant shall also submit an equivalent report issued by that other state and issued no earlier than 90 days before the application.

Authority: AS 08.20.055 AS 08.20.163 AS 08.20.170
AS 08.20.120

12 AAC 16.032. APPLICATION FOR LICENSURE BY CREDENTIALS. Repealed 12/7/97.

12 AAC 16.033. APPLICATION FOR LICENSURE BY CREDENTIALS. An applicant for licensure by credentials must meet the requirements of AS 08.20.141, pass the examination required under AS 08.20.141(5), and submit, at least 45 days before the next scheduled state chiropractic examination, the following:

- (1) a completed application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.150;
- (3) evidence that the applicant has held a license in good standing to practice chiropractic in another jurisdiction for the five years preceding the date of application;
- (4) verification of the present status of the applicant's license from each jurisdiction where the applicant holds or has ever held a license to practice chiropractic;
- (5) evidence of active licensed clinical chiropractic practice for at least three out of the last five years immediately preceding the date of application;
- (6) official transcripts showing that the applicant is a graduate of a school or college of chiropractic that was, at the time of graduation, accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board;
- (7) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the Special Purposes Examination of Chiropractic (SPEC) or parts one, two, three, and four of the national examination;
- (8) either
 - (A) evidence of completion of 120 hours of formal training in physiological therapeutics; or
 - (B) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the physiological therapeutics examination;
- (9) a notarized sworn statement by the applicant that the applicant has not, within the five years preceding the date of application, been the subject of an unresolved review or an adverse decision based upon a complaint,

investigation, review procedure, or disciplinary proceeding undertaken by a foreign, state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on the applicant's ability or competence to engage in the practice of chiropractic or on the safety or well-being of patients;

(10) a report under AS 12.62 containing criminal history record information concerning the applicant and issued no earlier than 90 days before the application; if a state other than this state is the applicant's primary state of residence, or if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, the applicant shall also submit an equivalent report issued by that other state and issued no earlier than 90 days before the application.

Authority: AS 08.20.055 AS 08.20.130 AS 08.20.170
AS 08.20.110 AS 08.20.141

12 AAC 16.035. LICENSE-BY-EXAMINATION; NATIONAL BOARD CERTIFICATION. Repealed 5/10/90.

12 AAC 16.037. NATIONAL EXAMINATION REQUIREMENTS. (a) To satisfy the examination requirements of AS 08.20.120(a)(6), an applicant must successfully pass each subject of the following parts of the examination of the National Board of Chiropractic Examiners, and the elective physiotherapy examination;

(1) if the applicant graduated before 1987 from a school or college of chiropractic that meets the requirements of AS 08.20.120(a)(3), parts one and two of the national examination;

(2) if the applicant graduated after 1986 from a school or college of chiropractic that meets the requirements of AS 08.20.120(a)(3), parts one, two, and three of the national examination.

(b) An applicant who has been in the active practice of chiropractic for five continuous years before the date of application for a license in this state may substitute successful passage of the Special Purposes Examination of Chiropractic (SPEC) of the National Board of Chiropractic Examiners for parts three and four of the national examination.

(c) To pass a national examination subject, an applicant must achieve a minimum score of

(1) 75 percent for an examination taken before October 1983; or

(2) 375 for an examination taken on or after October 1983.

(d) Beginning September 1, 1998, to satisfy the examination requirements of AS 08.20.120(a)(6), in addition to the requirements of (a) of this section, an applicant must also pass part four of the national examination.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.130

12 AAC 16.040. EVALUATION OF ACADEMIC STUDY IN LIBERAL ARTS OR SCIENCE. After evaluating an applicant's academic study as required by AS 08.20.120(a)(3), it must be apparent that the course of academic study corresponds with that which is available from the University of Alaska or is acceptable to a regional accrediting agency for approved colleges of liberal arts or sciences.

Authority: AS 08.20.055 AS 08.20.120

12 AAC 16.041. PRECEPTOR SCOPE OF PRACTICE. A chiropractic preceptor

(1) may supervise not more than one chiropractic intern at a time;

(2) may permit a chiropractic intern to perform the chiropractic adjustment as set out in AS 08.20.900 only under personal supervision;

(3) before any chiropractic manipulative therapy performed by the intern, must provide a patient with an informed consent document that states that the chiropractic intern is a chiropractic student and not a licensed chiropractic physician in this state;

(4) must maintain a malpractice insurance policy with coverage limits of at least \$1,000,000 per claim, and a minimum aggregate limit of \$3,000,000 per policy period; and

(5) must have been licensed under this chapter in this state for not less than five years preceding the acceptance of a chiropractic intern.

Authority: AS 08.20.055

12 AAC 16.042. INTERN SCOPE OF PRACTICE. (a) A chiropractic intern may, under the personal supervision of a chiropractic preceptor, use chiropractic core methodologies as defined in AS 08.20.900, except that chiropractic diagnosis must be provided by the chiropractic preceptor.

(b) A chiropractic intern may, under the general supervision of a chiropractic preceptor,

(1) perform diagnostic imaging studies;

(2) perform examination procedures;

(3) use ancillary methodologies as defined in AS 08.20.900.

(c) A chiropractic preceptor is subject to disciplinary action if an intern is in violation of this chapter.

(d) An intern must be enrolled in a graduate-level course of study at a chiropractic institution accredited by the

Council on Chiropractic Education (CCE), and be accepted into and approved to participate in an internship program. Internship placement will be made by and overseen by the accredited chiropractic college program.

(e) An intern may practice under a chiropractic preceptor for a period of not more than six months or the time period approved by the intern's accredited chiropractic college, whichever comes first. Written extensions of an internship may be granted by the board.

Authority: AS 08.20.055 AS 08.20.170 AS 08.20.900
AS 08.20.100 AS 08.20.195

12 AAC 16.045. ACCREDITED SCHOOL OR COLLEGE. (a) For the purpose of AS 08.20.120(a)(3), an accredited school or college of chiropractic is a chiropractic program or institution that is accredited by or meets standards equivalent to those of the Council on Chiropractic Education.

(b) The definition in (a) of this section applies to all colleges of chiropractic from which an applicant for licensure matriculates after the effective date of this section.

Authority: AS 08.20.055 AS 08.20.120

12 AAC 16.046. CHIROPRACTIC SPECIALTY DESIGNATION. (a) A chiropractor licensed under AS 08.20 and this chapter applying for an initial or renewal specialty chiropractic designation shall submit

- (1) a completed application on a form provided by the department;
- (2) the specialty designation fee established in 12 AAC 02.150;
- (3) for the initial specialty chiropractic designation, documentation of the successful completion of a postgraduate specialty program at an accredited school approved by the board, mailed directly to the department from the accredited school;
- (4) documentation of certification or diplomate status issued by the certification program or diplomate board verifying that the licensee has met the protocols, guidelines, standards, continuing competency examinations, and coursework established by the certification program or diplomate board, mailed directly to the department from the certifying body.

(b) Upon approval by the board, the department will issue a new license with the specialty designation.

Authority: AS 08.20.055 AS 08.20.155

12 AAC 16.047. CHIROPRACTIC SPECIALTY PROGRAM CRITERIA. (a) To be approved by the board, a postgraduate diplomate chiropractic specialty program must

- (1) be comprised of a minimum of 300 classroom hours; and
- (2) require passage of appropriate examinations administered by the approved specialty board.

(b) To be approved by the board, a postgraduate chiropractic specialty certification program must

- (1) be offered by a program or institution accredited by the Council on Chiropractic Education;
- (2) be comprised of a minimum of 120 classroom hours; and
- (3) require passage of appropriate examinations administered by the approved program.

Authority: AS 08.20.055 AS 08.20.155

12 AAC 16.048. APPROVED CHIROPRACTIC SPECIALTY PROGRAMS. (a) The following postgraduate diplomate specialty programs are approved by the board, if the board determines that the program meets the requirements of 12 AAC 16.047:

- (1) Chiropractic Diagnostic Imaging (DACBR) program administered by the American Chiropractic Association Council on Diagnostic Imaging (Roentgenology);
- (2) Chiropractic Rehabilitation (DACRB) program administered by the American Chiropractic Association Council on Chiropractic Physiological Therapeutics and Rehabilitation;
- (3) Chiropractic Clinical Nutrition (DACBN) program administered by the American Chiropractic Association Council on Nutrition;
- (4) Chiropractic Diagnosis and Management of Internal Disorders (DABCI) program administered by the American Chiropractic Association Council on Family Practice;
- (5) Chiropractic Orthopedics (DABCO) program administered by the American Chiropractic Association Council on Orthopedists;
- (6) Chiropractic Clinical Neurology program administered by the
 - (A) American Chiropractic Academy of Neurology (DACAN or FACCN);
 - (B) American Chiropractic Association Council on Neurology (DABCN);
 - (C) American Chiropractic Neurology Board (DACNB);
 - (D) International Board of Chiropractic Neurology (IBCN);
- (7) Chiropractic Sports Physician (DACBSP) program administered by the American Chiropractic Board of Sports Physicians;
- (8) Chiropractic Forensics (DABFP) program administered by the American Board of Forensic Professionals.

(b) The following postgraduate specialty certification programs are approved by the board, if the board determines that the program meets the requirements of 12 AAC 16.047:

(1) Certified Chiropractic Sports Physician (CCSP) program administered by the American Chiropractic Association Sports Council;

(2) Certificate in Chiropractic Thermography (CACBT) program administered by the American Chiropractic Association Council on Thermography;

(3) Certificate in Chiropractic Pediatrics program administered by the International Chiropractors Association (ICA) Council on Chiropractic Pediatrics.

(c) The board may approve other postgraduate diplomate specialty programs or specialty certification programs upon written request by the program sponsor. In order to be approved by the board, the program sponsor must include in the written request documentation showing that the program meets the requirements in 12 AAC 16.047.

Authority: AS 08.20.055 AS 08.20.155

12 AAC 16.050. NOTIFICATION. Repealed 6/3/89.

12 AAC 16.052. CHIROPRACTIC CLINICAL ASSISTANT SCOPE OF PRACTICE. (a) A chiropractic clinical assistant may, under the general supervision of a licensed chiropractic physician, perform the following procedures:

(1) diagnostic imaging studies;

(2) examination procedures;

(3) ancillary methodologies as defined in AS 08.20.900.

(b) A chiropractic clinical assistant may not provide chiropractic diagnosis, chiropractic adjustment as in AS 08.20.900, or formulation or alteration of treatment plans.

(c) A chiropractic clinical assistant must maintain current cardiopulmonary resuscitation (CPR) certification from a nationally recognized provider.

(d) In order to meet the initial certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a currently employed chiropractic clinical assistant with 2,000 hours or more of experience must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4), not later than 2/23/2021.

(e) In order to meet the initial certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a currently employed chiropractic clinical assistant with less than 2,000 hours of experience must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4), not later than 2/23/2021.

(f) In order to meet the certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a newly hired chiropractic clinical assistant must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4), not later than 12 months after hire date.

(g) A person enrolled in an educational program recognized by the board that leads to certification as a chiropractic clinical assistant is allowed to provide clinical services under the general supervision of a chiropractic physician to gain the necessary practical clinical experience.

(h) A person may not use the title "Certified Chiropractic Clinical Assistant" or another designation indicating status, including abbreviations, or hold oneself out directly or indirectly as a certified chiropractic clinical assistant, unless that person has met the requirements under (d), (e), or (f) of this section.

(i) After completing the initial certification requirements under (d), (e), or (f) of this section, a chiropractic clinical assistant must maintain current certification in accordance with the requirements of the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4).

Authority: AS 08.20.055 AS 08.20.168 AS 08.20.195
AS 08.20.100 AS 08.20.170 AS 08.20.900

12 AAC 16.060. SCHEDULE. Repealed 9/30/81.

12 AAC 16.070. BASIS OF QUESTIONS. Repealed 8/21/91.

12 AAC 16.080. IDENTIFICATION OF EXAMINATION APPLICANTS. Repealed 1/6/2002.

12 AAC 16.090. METHOD OF EXAMINATION. Repealed 6/3/89.

12 AAC 16.100. MATERIALS. Repealed 1/6/2002.

12 AAC 16.110. LEAVING THE EXAMINATION ROOM. Repealed 1/6/2002.

12 AAC 16.120. DISTURBANCE. Repealed 1/6/2002.

12 AAC 16.130. STATE CHIROPRACTIC EXAMINATION. (a) The state chiropractic examination consists of a written examination, administered by the board or the board's agent, covering AS 08.01 – AS 08.03, AS 08.20, 12 AAC 02, 12 AAC 16, and 7 AAC 18, and any other subjects that the board determines are necessary to demonstrate knowledge of chiropractic as defined in AS 08.20.

(b) An examination candidate may not

(1) have on the examination table any paper or object other than the examination questions, examination paper, blotter, pencil, pens, ink, eraser, and a timepiece;

(2) while the examination is in session, leave the examination room for any reason, unless accompanied by a proctor or board member;

(3) communicate with another candidate during the examination; communication with another candidate will result in immediate dismissal from the entire examination.

(c) A score of 75 percent or above is required to receive a passing grade on the state chiropractic examination.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.130

12 AAC 16.140. FAILED SUBJECTS. Repealed 5/10/98.

12 AAC 16.150. REEXAMINATION. An applicant who has failed the state chiropractic examination may apply for reexamination by submitting to the board at least 30 days before the next scheduled examination

(1) a written request for reexamination; and

(2) repealed 5/10/98;

(3) the examination fee established in 12 AAC 02.150.

Authority: AS 08.20.055 AS 08.20.130

12 AAC 16.160. TIME. Repealed 9/30/81.

12 AAC 16.170. SPECIAL EXAMINATION. (a) Repealed 5/27/2006.

(b) A special examination may be administered at a time other than during a scheduled examination to an applicant for a locum tenens permit that meets the requirements of AS 08.20.163 and 12 AAC 16.031.

Authority: AS 08.20.055 AS 08.20.130

12 AAC 16.180. RECONSIDERATION OF PAPERS. Repealed 6/3/89.

12 AAC 16.185. EXAMINERS. Repealed 5/10/98.

12 AAC 16.190. LICENSES AND CERTIFICATES. Repealed 1/29/2009.

12 AAC 16.200. TEMPORARY PERMITS. (a) The board may issue a temporary permit to an applicant for licensure by examination or credentials who is scheduled to sit for the next state chiropractic examination and who otherwise

(1) meets the requirements of 12 AAC 16.030(a) or 12 AAC 16.033, as applicable;

(2) furnishes the board with the name of the licensed chiropractor in the state with whom the applicant will associate while practicing under the authority of the temporary permit;

(3) has not previously taken and failed the examination; and

(4) has not previously held a temporary permit.

(b) Repealed 12/7/97.

(c) A temporary permit holder must

(1) provide the board with a statement, sworn to by a licensed chiropractor in the state with whom the temporary permit holder will practice, that the licensed chiropractor assumes all legal liability for the practice of the temporary permit holder and is physically present in the same facility when the temporary permit holder is practicing;

(2) display the temporary permit in a conspicuous place in the office where the holder practices chiropractic; and

(3) inform the board of a change in the temporary permit holder's mailing and practicing address.

(d) A temporary permit is valid until the results of the next scheduled examination are received by the applicant. If an applicant is unable to appear for the first scheduled examination, the board will, in its discretion, extend the

temporary permit until the results of the next scheduled examination are received. The board will not extend a temporary permit more than once.

(e) If, after having been warned by the board once, a permittee continues to practice in an unethical or unlawful manner, the board will, in its discretion, terminate that permittee's temporary permit.

Authority: AS 08.20.055 AS 08.20.160 AS 08.20.170

12 AAC 16.205. COURTESY LICENSE. (a) The board will issue a courtesy license to an applicant who meets the requirements of this section. A courtesy license authorizes the licensee to practice chiropractic for a special event only. A courtesy license does not authorize the licensee to conduct a general chiropractic practice or to perform services outside the scope of practice specified in the courtesy license required for that special event.

(b) An applicant for a courtesy license must submit a complete application on a form provided by the department no later than 45 days before the special event for which the courtesy license is requested. A complete application includes

(1) the applicable fees established in 12 AAC 02.150;
(2) a current signed photograph of the applicant;
(3) a certification from the applicant certifying that the applicant is not a resident of this state;
(4) verification of a valid and active license to practice chiropractic in another state or other jurisdiction for the scope of practice specified in the application;

(5) a description of the special event for which the courtesy license is requested;
(6) the scope of practice required for the special event;
(7) certification that the applicant has not
(A) had a chiropractor license suspended or revoked in any jurisdiction; and
(B) been convicted of
(i) a felony or other crime that affects the applicant's ability to practice chiropractic competently and safely; or

(ii) a crime involving the unlawful procurement, sale, prescription, or dispensing of a controlled substance listed in AS 11.71.140 – 11.71.190 or conviction in another jurisdiction of a crime having substantially similar elements;

(8) a report, issued by the applicant's primary state of residence no earlier than 90 days before the application, and that is equivalent to a report under AS 12.62 issued by this state containing criminal history record information concerning the applicant; if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, a complete application also includes a report, issued by that state no earlier than 90 days before the application, and that is equivalent to a report under AS 12.62 issued by this state containing criminal history record information concerning the applicant.

(c) A courtesy license will be issued only after the department receives the results of a background check of the applicant from the Federation of Chiropractic Licensing Boards that reports no disciplinary action against the applicant.

(d) The board will waive the 45-day application deadline in (b) of this section if the board determines that the applicant's failure to meet the application deadline is for good cause beyond the control of the applicant. If the board grants the applicant a waiver under this subsection, the applicant may submit a notarized copy of the applicant's license that meets the requirements of (b)(4) of this section in place of license verification from the other jurisdiction.

(e) A document required by (b) or (d) of this section that is not in English must be accompanied by a certified English translation of the document.

(f) A courtesy license is valid for a period beginning seven days before and ending seven days after the event for which the courtesy license was issued. A person may not be issued more than two courtesy licenses in a 12-month period.

(g) The holder of a courtesy license must meet the minimum professional standards of 12 AAC 16.920 and is subject to the discipline under AS 08.01.075 and AS 08.20.170.

(h) The holder of a courtesy license is limited to the practice of chiropractic identified under AS 08.20.100, 08.20.230, and 08.20.900, and may not exceed the scope of practice specified in the courtesy license.

(i) The holder of a courtesy license may offer chiropractic services only to those individuals involved with the special event for which the courtesy license was issued, such as athletes, coaches, and staff.

(j) In this section, "special event" means an athletic, educational, cultural, or performing arts event held in this state.

Authority: AS 08.01.062 AS 08.20.055 AS 08.20.170

12 AAC 16.210. ASSOCIATES. Repealed 9/30/81.

12 AAC 16.211. CHIROPRACTIC ASSOCIATES. Repealed 6/29/84.

12 AAC 16.220. DUPLICATE LICENSES. Repealed 6/3/89.

12 AAC 16.230. MISREPRESENTATION. Repealed 6/29/84.

12 AAC 16.240. UNPROFESSIONAL CONDUCT. Repealed 6/29/84.

12 AAC 16.250. VIOLATIONS. Repealed 6/29/84.

12 AAC 16.260. ADVERTISING. Repealed 9/30/81.

12 AAC 16.270. DEFINITIONS. Repealed 6/29/84.

ARTICLE 3. CONTINUING EDUCATION.

Section

- 280. Statement of purpose of continuing education**
- 290. Hours of continuing education required**
- 300. Computation of nonacademic continuing education hours**
- 310. Computation of academic credit continuing education hours**
- 320. Approved subjects**
- 330. Nonacademic program criteria**
- 340. Approved nonacademic continuing education programs**
- 345. Application for continuing education course approval**
- 350. Individual study**
- 360. Instructor or discussion leader**
- 370. Publications**
- 380. (Repealed)**
- 390. Renewal and reinstatement of license**

12 AAC 16.280. STATEMENT OF PURPOSE OF CONTINUING EDUCATION. The purpose of continuing chiropractic education is to insure that the renewal of licenses is contingent upon proof of continued competency and to assure the consumer of an optimum quality of chiropractic health care by requiring licensed chiropractors to pursue education designed to advance their professional skills and knowledge.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.290. HOURS OF CONTINUING EDUCATION REQUIRED. (a) An applicant for renewal of a chiropractic license who has been licensed at least two years must complete 32 credit hours of approved continuing education that was earned during the concluding licensing period including at least

- (1) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;
- (2) two hours in coding and documentation;
- (3) two hours in ethics and boundaries; and
- (4) two hours in cardiopulmonary resuscitation (CPR) training.

(b) An applicant for renewal of a chiropractic license who has been licensed at least one year but less than two years of the concluding license period must complete 16 credit hours of approved continuing education that was earned during the concluding licensing period including at least

- (1) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;
- (2) two hours in coding and documentation;
- (3) two hours in ethics and boundaries; and
- (4) two hours in cardiopulmonary resuscitation (CPR) training.

(c) Two of the hours required under (a) of this section will be credited to each applicant for renewal for completing the jurisprudence review prepared by the board, covering the provisions of AS 08.20 and this chapter. An applicant for renewal must verify, in an affidavit, that the applicant has complied with this subsection before the applicant's license renewal will be processed.

(d) An applicant for renewal of a license to practice chiropractic must submit, on a form provided by the department, a sworn statement of the continuing education that the applicant completed during the concluding licensing period.

(e) An applicant for renewal of a chiropractic license may receive up to four hours of the credit required under (a) of this section from one or more of the following subject areas:

- (1) cardiopulmonary resuscitation (CPR) training;
- (2) automated external defibrillator (AED) training;
- (3) basic life support (BLS) training.

(f) Not more than 16 credit hours of the credit hours required under (a) of this section for a renewal of a chiropractic license may be obtained over the Internet or by distance learning.

(g) An applicant applying for renewal who has been licensed more than 90 days but less than one year of the concluding biennial license period is not required to submit proof of completion of continuing education.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.300. COMPUTATION OF NONACADEMIC CONTINUING EDUCATION HOURS. (a) For the purposes of 12 AAC 16.280 — 12 AAC 16.390, 50 minutes of instruction constitutes one hour.

(b) Credit is given only for class hours and not for hours devoted to class preparation.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.310. COMPUTATION OF ACADEMIC CREDIT CONTINUING EDUCATION HOURS. (a) One quarter hour academic credit from a college or university constitutes 10 hours of continuing education.

(b) One semester hour academic credit from a college or university constitutes 15 hours of continuing education.

(c) Challenged courses are not acceptable for continuing education credit.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.320. APPROVED SUBJECTS. To be approved by the board, a subject must contribute directly to the professional competency of a person licensed to practice as a chiropractor and be directly related to the concepts of chiropractic principles, philosophy, and practice, including the following:

- (1) treatment and adjustment technique, including physiotherapy, nutrition and dietetics;
 - (2) examination and diagnosis or analysis including physical, laboratory, orthopedic, neurological and differential;
 - (3) radiographic technique and interpretation involving all phases of roentgenology as permitted by law;
 - (4) study of the methods employed in the prevention of excessive radiation and safety precautions to the patient;
- and
- (5) diagnostic imaging.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.330. NONACADEMIC PROGRAM CRITERIA. (a) Nonacademic continuing education programs requiring class attendance are approved by the board if

- (1) the program is at least one hour in length;
- (2) the program is conducted by a qualified instructor;
- (3) a record of registration or attendance is maintained; and
- (4) an examination or other method of assuring satisfactory completion of program by participant is incorporated.

(b) A qualified instructor or discussion leader is anyone whose background, training, education or experience makes it appropriate for the person to lead a discussion on the subject matter of the particular program.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.340. APPROVED NONACADEMIC CONTINUING EDUCATION PROGRAMS. (a) The following programs are approved by the board:

(1) educational meetings of the following associations, if the documentation required by 12 AAC 16.290 demonstrates that the meeting in question meets the requirements of 12 AAC 16.320 and 12 AAC 16.330.

- (A) American Chiropractic Association;
- (B) International Chiropractors Association;
- (C) Canadian Chiropractic Association;

(2) educational classes, if

- (A) they are conducted by any chiropractic college that is accredited by or has accreditation status with the Council on Chiropractic Education; and

(B) the program sponsor or the applicant for renewal of a chiropractic license

- (i) requests board approval; and
- (ii) demonstrates to the board's satisfaction that the educational classes meet the requirements of 12 AAC 16.320 and 12 AAC 16.330

(3) continuing education programs that are certified by the Providers of Approved Continuing Education through the Federation of Chiropractic Licensing Boards.

(b) The board may approve other continuing education programs under 12 AAC 16.345.

(c) Repealed 1/29/2009.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.170

12 AAC 16.345. APPLICATION FOR CONTINUING EDUCATION COURSE APPROVAL. (a) Except as provided in 12 AAC 16.340(a), to be approved by the board to meet the continuing education requirements of 12 AAC 16.290, 12 AAC 16.320, and 12 AAC 16.330, an applicant for continuing education course approval shall submit to the board, not less than 90 days before the date of the proposed program presentation date,

- (1) a completed application on a form provided by the department;
- (2) the continuing education course approval fee specified in 12 AAC 02.150;
- (3) the name of the course provider;
- (4) a complete course description, including the course title and a description of the learning objectives;
- (5) a course syllabus; and
- (6) an outline of the major topics covered by the course and the number of classroom hours allowed for each topic.

(b) Approval of a continuing education course under this section is valid until December 31 of the next even-numbered year.

(c) A sponsor who has a change in a condition required under (a)(3) – (6) of this section during the approval period described in (b) of this section must

- (1) reapply to the board for continuing education credit approval; and
- (2) submit the continuing education course change approval fee specified in 12 AAC 02.150.

(d) Notwithstanding the provisions of (a) of this section, the board may award continuing education credit for attendance at a course or seminar that has not previously been approved by the board if course or seminar meets the requirements of 12 AAC 16.320 and 12 AAC 16.330 and if the applicant submits supporting documentation to the board with the application for credit. The amount of credit awarded, if any, will be determined by the board on an individual basis.

(e) Falsification of any written evidence submitted to the board under this section is unprofessional conduct and constitutes grounds for censure, reprimand, or license revocation or suspension.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.350. INDIVIDUAL STUDY. The number of hours of continuing education credit awarded for completion of a formal correspondence or other individual study program that requires registration and provides evidence of satisfactory completion will be determined by the board on an individual basis. A request for board approval for credit of hours of continuing education for an individual study program must be made to the board in writing before the applicant begins the individual study program.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.360. INSTRUCTOR OR DISCUSSION LEADER. (a) One hour of continuing education credit is awarded for each hour completed in preparation for instruction or discussion as an instructor or discussion leader of educational programs meeting the requirements of 12 AAC 16.280—12 AAC 16.390. The number of hours of credit so awarded may not exceed twice the number of hours awarded under (b) of this section.

(b) One hour of continuing education credit is awarded for each hour completed as an instructor or discussion leader of educational programs meeting the requirements of 12 AAC 16.280—12 AAC 16.390. Credit is awarded only for the initial course of instruction of the subject matter unless there have been substantial new developments in the subject since the prior presentation.

(c) The total credit awarded under this section may not exceed one-third of the total hours of continuing education reported in any licensing period.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.370. PUBLICATIONS. Continuing education credit may be awarded for publication of articles or books. The amount of credit so awarded will be determined by the board on an individual basis.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.380. REPORT OF CONTINUING EDUCATION. Repealed 1/29/2009.

12 AAC 16.390. RENEWAL AND REINSTATEMENT OF LICENSE. (a) The department will renew a license that has been lapsed or in retired status for less than two years if the applicant submits

- (1) a completed application for renewal, on a form provided by the department;
- (2) the following fees established in 12 AAC 02.150:
 - (A) biennial license renewal fee;
 - (B) delayed renewal penalty fee, if the license has been lapsed for more than 60 days, but less than two years;

and

(3) documentation that all continuing education requirements of 12 AAC 16.290 – 12 AAC 16.370 have been met.

(b) Unless the board finds that reinstatement of a license is contrary to AS 08.20.170, the board will reinstate a license that has been lapsed or in retired status for at least two years, but less than five years if the applicant

- (1) submits an application for reinstatement on a form provided by the department;
- (2) submits the applicable fees established in 12 AAC 02.150;

(3) submits documentation of completion of all continuing education requirements in 12 AAC 16.290 – 12 AAC 16.370 that would have been required to maintain a current license for the entire period that the license has been lapsed or in retired status; and

(4) passes the state chiropractic examination under 12 AAC 16.130.

(c) A person may not reinstate a license that has been lapsed or in retired status for five years or more at the time of application for reinstatement, and the former licensee must apply for a new license under AS 08.20 and this chapter.

(d) A licensee unable to obtain the required continuing education hours for renewal of a license due to reasonable cause or excusable neglect, must request exemption status in writing, to the board, accompanied by a statement explaining the reasonable cause or excusable neglect. If an exemption is granted, the board may prescribe an alternative method of compliance to the continuing education requirements as determined appropriate by the board for the individual situation.

(e) In this section, "reasonable cause or excusable neglect" includes

- (1) chronic illness;
- (2) retirement; or
- (3) a hardship, as individually determined by the board.

Authority: AS 08.01.100 AS 08.20.167 AS 08.20.170
AS 08.20.055

ARTICLE 4. UTILIZATION REVIEW.

Section

- 400. Utilization review committee**
- 410. Term of appointments to utilization review committee**
- 420. Conduct of utilization review**
- 430. Professional standards and guidelines**

12 AAC 16.400. UTILIZATION REVIEW COMMITTEE. (a) For the purposes of AS 08.20.185, the board may appoint a utilization review committee that is advisory to the board.

(b) A utilization review committee appointed by the board will consist of four individuals. Three members of the utilization review committee must be chiropractic physicians licensed under AS 08.20, and one member must be a public member who meets the requirements of AS 08.01.025.

(c) A member of a utilization review committee may not review a case if the member is in a direct business relationship with the chiropractic physician, insurer, or patient in the case being reviewed.

(d) In this section, a "direct business relationship" includes an employer-employee relationship, doctor-patient relationship, and a legal contractual relationship.

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.410. TERM OF APPOINTMENTS TO UTILIZATION REVIEW COMMITTEE. (a) Members of the utilization review committee are appointed for staggered terms of two years.

(b) Repealed 1/29/2009.

(c) A member of the utilization review committee may be removed by the board for cause.

(d) A member of the utilization review committee may not serve on the committee for more than four consecutive years. The member may not be reappointed until two years have elapsed since the member last served on the committee.

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.420. CONDUCT OF UTILIZATION REVIEW. (a) A patient, patient's representative, insurer, or the patient's chiropractic physician may file a request for utilization review with the board by submitting to the department

- (1) a written request for review of the care provided, fees charged, or services rendered by a licensee to a patient;
- (2) the utilization review fee established in 12 AAC 02.150; and
- (3) if the utilization review committee requires a patient's treatment records for review, a completed release, on a form provided by the department, signed by the patient.

(b) A licensee's acceptance of or request for payment for treatment given to a patient constitutes the licensee's consent to submit to the utilization review committee the information required in (c) of this section.

(c) A licensee involved in a case submitted to the utilization review committee shall submit to the utilization review committee all necessary records and other information concerning the patient's treatment.

(d) The utilization review committee shall conduct a utilization review for each request for utilization review submitted to it in accordance with guidelines established by the board. Except as provided in (f) of this section, the utilization review committee shall report its findings to the board and furnish a copy of its findings to the patient,

licensee, and third-party payor involved in the case.

(e) The findings of the utilization review committee must include a determination of whether the

- (1) licensee provided or ordered appropriate treatment or services; and
- (2) fees charged are a reasonable and appropriate cost of treatment; in determining the reasonableness and appropriateness of costs, the committee may consider, among other appropriate factors, charges by health care providers other than chiropractic physicians for the same or similar services.

(f) If the utilization review committee determines that reasonable cause exists to believe the licensee has violated a provision of AS 08.20 or this chapter for which a licensee may be disciplined, the utilization review committee may not report its finding to the board, but instead shall refer the matter to the department's investigative section. The utilization review committee shall provide all information gathered in connection with the utilization review to the department's investigative section.

(g) Repealed 1/6/2002

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.430. PROFESSIONAL STANDARDS AND GUIDELINES. (a) When making a determination as to whether a licensee provided reasonable and appropriate treatment or services or charged reasonable and appropriate costs of treatment to a patient, the utilization review committee appointed under 12 AAC 16.400 may rely on the guidelines, standards, or recommendations of the following organizations accepted by the board:

- (1) Alaska Worker's Compensation Board;
- (2) American Chiropractic Association;
- (3) Canadian Chiropractic Association;
- (4) Council on Chiropractic Education;
- (5) Croft Guidelines published by the Spine Research Institute of San Diego;
- (6) Federation of Chiropractic Licensing Boards;
- (7) repealed 9/7/2012;
- (8) International Chiropractors Association;
- (9) National Board of Chiropractic Examiners;
- (10) World Chiropractic Alliance;
- (11) World Federation of Chiropractic;
- (12) a successor organization to an organization specified in this subsection.

(b) The utilization review committee shall take into consideration the differences between the standards and guidelines of the organizations listed in (a) of this section when making a determination as to whether the care provided by the licensee was provided in a manner required of a reasonably competent practitioner acting under the same or similar circumstances.

Authority: AS 08.20.055 AS 08.20.185

ARTICLE 5. GENERAL PROVISIONS.

Section

- 900. Violations**
- 920. Minimum professional standards**
- 930. Lewd or immoral conduct with patients prohibited**
- 980. "Misrepresentation" defined**
- 990. Definitions**

12 AAC 16.900. VIOLATIONS. It is the duty of all members of the board to report to the department instances of alleged violations of AS 08.20.100. The department shall inform a new licensee in the state that it is his or her duty to report to the board all known instances of suspected unlicensed practice of chiropractic.

Authority: AS 08.20.055 AS 08.20.100

12 AAC 16.920. MINIMUM PROFESSIONAL STANDARDS. (a) Chiropractic care that may adversely affect the health and welfare of the public constitutes conduct that does not conform to minimum professional standards established under AS 08.20.170(a)(5) and this section. Conduct that does not conform to minimum professional standards in this chapter includes

- (1) failing to use sufficient knowledge, skills, or judgment in the practice of chiropractic;
- (2) failing to perform patient care within the chiropractor's scope of competence, which are necessary to prevent substantial risk or harm to a patient;
- (3) engaging in patient care outside the scope of chiropractic practice;
- (4) engaging in patient care outside the scope of the chiropractor's training and expertise;
- (5) violating established protocols in the delivery of chiropractic treatment or care;

- (6) violating the confidentiality of information or knowledge concerning a patient;
 - (7) physically or verbally abusing a patient;
 - (8) failing to maintain a record for a patient that accurately reflects the chiropractic problems and interventions for the patient;
 - (9) falsifying a patient's records;
 - (10) intentionally making an incorrect entry in a patient's chart;
 - (11) discrimination in the provision of chiropractic care on the basis of race, religion, color, national origin, ancestry, or sex;
 - (12) exploiting a patient for financial gain or offering, giving, soliciting, or receiving fees for referral of a patient;
 - (13) knowingly violating laws regulating health insurance, including those laws established in AS 21.36.360;
 - (14) using unsanitary or unsafe equipment;
 - (15) failing to adhere to the Code of Ethics of the American Chiropractic Association, as revised as of September 2007, adopted by reference;
 - (16) failing to provide copies of complete patient records in the licensee's custody and control within 30 days after receipt of a written request for the records from the patient or patient's guardian.
- (b) A licensee shall evaluate patient care on an individual basis and make a reasonable judgment on the course of treatment for each patient.

Authority: AS 08.20.055 AS 08.20.100 AS 08.20.170

Editor's note: A copy of the Code of Ethics of the American Chiropractic Association, September 2007 edition, adopted by reference in 12 AAC 16.920(a) is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska, or may be obtained from the American Chiropractic Association, 1701 Clarendon Boulevard, Arlington, VA 22209; telephone: (703)276-8800; website at <http://www.acatoday.org>.

12 AAC 16.930. LEWD OR IMMORAL CONDUCT WITH PATIENTS PROHIBITED. (a) A licensee may not engage in lewd or immoral conduct in connection with the delivery of professional services to a patient or solicit sexual contact or a romantic relationship with a patient.

- (b) It is a defense to a disciplinary action alleging a violation of this section that
 - (1) at the time of, or immediately preceding, the contact the patient was the licensee's spouse, or was in a dating, courtship, or engagement relationship with the licensee; or
 - (2) the licensee terminated the doctor-patient professional relationship with the former patient more than six months before the contact occurred.
- (c) It is not a defense to a disciplinary action alleging a violation of this section that the contact occurred
 - (1) with the consent of the patient;
 - (2) outside professional treatment sessions; or
 - (3) off of the premises regularly used by the licensee for the professional treatment of patients.
- (d) As used in AS 08.20.170(a)(8) and this section, "lewd or immoral conduct" includes sexual misconduct, sexual contact, or attempted sexual contact, with a patient outside the scope of generally accepted methods of examination or treatment of the patient during the time the patient is receiving professional treatment from the licensee.
- (e) As used in this section,
 - (1) "attempted sexual contact" means engaging in conduct that constitutes a substantial step towards sexual contact;
 - (2) "sexual contact"
 - (A) means touching, directly or through clothing, a patient's genitals, anus, or female breast, or causing the patient to touch, directly or through clothing, the licensee's or patient's genitals, anus, or female breast;
 - (B) includes sexual penetration;
 - (C) does not include acts
 - (i) that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child; or
 - (ii) performed for the purpose of administering a recognized and lawful form of chiropractic examination or treatment that is reasonably adapted to promoting the physical or mental health of the person being treated;
 - (3) "sexual misconduct" means behavior, a gesture, or an expression that may reasonably be interpreted as seductive, sexually suggestive, or sexually demeaning to a patient; "sexual misconduct" includes
 - (A) encouraging the patient to masturbate in the presence of the licensee or masturbation by the licensee while the patient is present;
 - (B) offering to provide to a patient controlled substances or other drugs in exchange for sexual contact;
 - (C) disrobing or draping practice that is seductive, sexually suggestive, or sexually demeaning to a patient, such as deliberately watching a patient dress or undress or failing to provide privacy for disrobing;
 - (D) making a comment about or to the patient that is seductive, sexually suggestive, or sexually demeaning to a patient, including
 - (i) sexual comment about a patient's body or underclothing;
 - (ii) sexualized or sexually demeaning comment to a patient;

(iii) demeaning or degrading comments to the patient about the patient's sexual orientation, regardless of whether the patient is homosexual, heterosexual, or bisexual;

(iv) comments about potential sexual performance of the patient during an examination or consultation, except when the examination or consultation is pertinent to the issue of sexual function or dysfunction;

(v) requesting details of sexual history or sexual likes or dislikes of the patient if the details are not clinically indicated for the type of examination or consultation;

(E) initiation by the licensee of conversation with a patient regarding the sexual problems, preferences, or fantasies of the licensee;

(F) using the doctor-patient professional relationship with the patient to solicit sexual contact or a romantic relationship with the patient or another;

(G) kissing a patient in a romantic or sexual manner;

(4) "sexual penetration"

(A) means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genitals or anus of another person's body; each party to any of the acts defined as "sexual penetration" is considered to be engaged in sexual penetration;

(B) does not include acts performed for the purpose of administering a recognized and lawful form of chiropractic examination or treatment that is reasonably adapted to promoting the physical health of the person being treated.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.980. "MISREPRESENTATION" DEFINED. In AS 08.20.170, "misrepresentation" means

(1) the use of any advertising in which untruthful, exaggerated, improper, misleading or deceptive statements are made;

(2) impersonation of another practitioner;

(3) advertising or holding oneself out to have the ability to treat diseases or other abnormal conditions of the human body by any secret formula, method, or procedure;

(4) knowingly permitting or allowing another person to use a licensee's license or certificate in the practice of any system or mode of treating the sick or afflicted.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.990. DEFINITIONS. (a) In this chapter, unless the context requires otherwise,

(1) "appropriate treatment or services" means treatment or services performed, because of a substantiated and properly diagnosed condition, that is consistent with that diagnosis as reviewed by the peer review committee appointed under 12 AAC 16.400;

(2) "board" means the Board of Chiropractic Examiners;

(3) "department" means the Department of Commerce, Community, and Economic Development;

(4) "licensee" means a chiropractic physician licensed under AS 08.20;

(5) "reasonable and appropriate cost of treatment" means that charges submitted for services performed are necessary and reasonable charges in the judgment of the peer review committee appointed under 12 AAC 16.400;

(6) "criminal history record information" has the meaning given in AS 12.62.900;

(7) "general supervision" means the directing of the authorized activities by a licensed chiropractic physician and does not require the physical presence of the supervisor when directing those activities;

(8) "personal supervision" means that the licensed chiropractic physician is physically present at the same office location where the services are being furnished.

(b) In AS 08.20.900,

(1) "prescription drug" means a drug that

(A) under federal law, before being dispensed or delivered, is required to be labeled with either of the following statements:

(i) "Caution: Federal law prohibits dispensing without prescription";

(ii) "Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian"; or

(B) is required by an applicable federal or state law or regulation to be dispensed only under a prescription drug order or is restricted to use by practitioners only;

(2) "surgery"

(A) means the use of a scalpel, sharp cutting instrument, laser, electrical current, or other device to incise or remove living tissue;

(B) does not include venipuncture or the removal of foreign objects from external tissue.

Authority: AS 08.20.055 AS 08.20.900

APPENDIX A

Notice on Superiority Advertising

At the request of the Federal Trade Commission and with the concurrence of the Alaska Attorney General, the Board of Chiropractic Examiners has repealed two provisions of the Alaska Administrative Code, effective August 31, 1986.

One of the repealed paragraphs, 12 AAC 16.910(b)(2), prohibited the advertising of techniques or modalities to infer or imply superiority of treatment or diagnosis by their use. The other repealed paragraph, 12 AAC 16.910(b)(4), prohibited print advertising claiming superiority over or greater skill than other practitioners. These provisions were both repealed so that the advertising practices previously prohibited would no longer be considered “misrepresentation” and therefore would be allowed.

[Home](#) [Bill & Laws](#) [Bills](#) [Enrolled SB 12 Detail](#) [FullText](#)

Enrolled SB 12: Relating to temporary courtesy licenses for military spouses; and relating to the Department of Commerce, Community, and Economic Development.

00 Enrolled [SB 12](#)

01 Relating to temporary courtesy licenses for military spouses; and
02 of Commerce, Community, and Economic Development.

03

04 * Section 1. [AS 08.01.063](#) is amended by adding new subsections:

05 (e) The department shall prepare an annual report that
06 previous fiscal year, information on temporary courtesy lic
07 section, including

08 (1) expedited application procedures;

09 (2) progress made toward implementing regulatio
10 changes to regulations made to accommodate the needs of mil
11 plans for future regulations;

12 (3) the number and type of the licenses that hav

13 (4) the department's efforts to inform each boa
14 temporary courtesy license under this section and the milit

01 about the licenses.

02 (f) The department shall submit the report prepared under (e) o
03 the Joint Armed Services Committee on or before the first day of
04 addition, the department shall consolidate the two most recent re
05 biennial report to the legislature on or before the first day of
06 regular session of each legislature. The department shall delive
07 report to the senate secretary and the chief clerk of the house o
08 notify the legislature that the report is available.

09 (g) The department shall annually produce and distribute to eac
10 authorized to issue a temporary courtesy license under this sect
11 materials for the purpose of improving the board's knowledge of t
12 application process, and best practices in providing applicant su
13 shall encourage the boards to designate a single employee to ser
14 contact for public information and inquiries related to temporary
15 military spouses.

Professional Counselors Emergency Courtesy License

12 AAC 62.150. EMERGENCY COURTESY LICENSE. (a) In an urgent situation, the board may issue an emergency courtesy license to an applicant who has a license in good standing to practice as a professional counselor in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section. The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department.

(c) A license issued under this section is valid for the period specified by the board and may not exceed 120 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 120 consecutive days.

(d) While practicing under an emergency courtesy license issued under this section, including by distance, the holder of the license must comply with the standards of practice set out in AS 08.29 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(e) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.29.400.

(f) In this section, "urgent situation" means a health crisis affecting all or part of the state that requires increased availability of professional counselors.

Midwives Emergency Courtesy License

12 AAC 14.125. EMERGENCY COURTESY LICENSE. (a) In an urgent situation, the board may issue an emergency courtesy license to practice as a direct-entry midwife to an applicant who has a license in good standing to practice direct-entry midwifery in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section. The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department. A complete application includes

- (1) the applicable application and licensing fees established in 12 AAC 02.145;
- (2) verification of a current license in good standing to practice direct-entry midwifery in another state or other

jurisdiction;

(3) certification that the applicant is not the subject of an unresolved complaint or disciplinary action before a regulatory authority in any jurisdiction;

(4) evidence satisfactory to the board that the applicant has not engaged in conduct that is ground for imposing disciplinary sanctions under AS 08.65.110;

(5) certification that the applicant has completed a course of study and supervised clinical experience of at least one year's duration, and has passed the national examination required of certified direct-entry midwives in this state.

(c) An emergency courtesy license issued under this section is valid for the period specified by the board and may not exceed 120 consecutive days.

(d) While practicing under an emergency courtesy license issued under this section, the holder of the license must comply with the standards of practice set out in AS 08.65 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(e) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.65.110.

(f) In this section, "urgent situation" means a health crisis that requires increased availability of direct-entry midwives.

Licensed Social Workers Emergency Courtesy License

12 AAC 18.111. EMERGENCY COURTESY LICENSE. (a) In an urgent situation, the board may issue an emergency courtesy license to practice clinical social work to an applicant who has a license in good standing to practice clinical social work in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section. The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department. A complete application includes the applicable application and licensing fees established in 12 AAC 02.155, verification of a current license in good standing to practice clinical social work in another state or other jurisdiction, and certification that the applicant is not under investigation in the state or other jurisdiction in which the applicant is licensed.

(c) An emergency courtesy license issued under this section is valid for the period specified by the board and may not exceed 90 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 90 consecutive days.

(d) While practicing under an emergency courtesy license issued under this section, the holder of the license must comply with the standards of practice set out in AS 08.95 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(e) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.95.050.


(f) In this section, "urgent situation" means a health crisis that requires increased availability of clinical social workers.

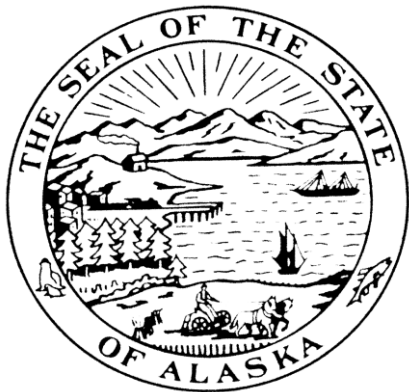
State of Alaska 2021 HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01/2021	New Year's Day
01/18/2021	MLK Jr.'s Birthday
02/15/2021	Presidents' Day
03/29/2021	Seward's Day
05/31/2021	Memorial Day
07/04/2021	Independence Day (observed 07/05/2021)
09/06/2021	Labor Day
10/18/2021	Alaska Day
11/11/2021	Veterans' Day
11/25/2021	Thanksgiving Day
12/25/2021	Christmas Day (observed 12/24/2021)
01/01/2022	New Year's Day (observed 12/31/2021)

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



JANUARY

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2022 STATE CALENDAR

JANUARY

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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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 Holiday  Payday

State Holidays

Date	Holiday
01/01/22	New Year's Day (observed 12/31/2021)
01/17/22	MLK Jr.'s Birthday
02/21/22	Presidents' Day
03/28/22	Seward's Day
05/30/22	Memorial Day
07/04/22	Independence Day

State Holidays

Date	Holiday
09/05/22	Labor Day
10/18/22	Alaska Day
11/11/22	Veterans' Day
11/24/22	Thanksgiving Day
12/25/22	Christmas Day (observed 12/26/2022)

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

Welcome to the board!

Thank you in advance for your service to the state of Alaska as a volunteer on a professional licensing board. The staff of the Division of Corporations, Business and Professional Licensing (CBPL) would like to welcome you, and—since your responsibility starts now—we encourage you begin learning about your new position. Board member training resources are located on our division web site at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardMemberResources.aspx>.

A few key points will help you navigate the unfamiliar workings of a government licensing board:

1. Licensing boards are quasi-judicial bodies.

This means that their work is more than advisory. Boards make decisions about the scope of practice of a profession, whether a person is qualified for licensure, and whether a violation of a statute or regulation has occurred. These processes require familiarity with the laws governing the profession, understanding of the legal processes involved, and a willingness and ability to think critically and deliberate fairly about facts and issues. We will teach you these things, so you don't need to know them yet. However, they are required knowledge once you are appointed.

2. Boards meet in person and electronically to do business.

Our boards are required by law to meet a few times a year. These meetings can happen either in-person or telephonically/via videoconference. They are open to the public, and sometimes you will need to travel to the meeting location. The state will pay for your travel expenses; however, you will be required to adjust your schedule—including taking time off work or missing a recreational event—to attend. Occasionally, meetings will be called on short notice; however, they are usually scheduled well in advance and tailored to participants' schedules.

“With great power comes great responsibility.”

Winston Churchill and Uncle Ben from *Spider-Man*

3. The business of licensing is ongoing.

In addition to attending scheduled public meetings, board members must be able to devote sufficient time to preparing for those meetings. Board membership also requires regular and dependable access to a computer or tablet with internet access as board members are sometimes called upon to provide staff with guidance, input on scheduling, or vote on a matter electronically. Further, members may need to research issues in preparation to propose or evaluate regulations, review investigative material, testify in legislative hearings, or complete special projects in between meetings. Depending on what is happening in the life of the board, a member may find himself or herself busy for a few hours a week.

4. Board members remain impartial and open to all perspectives.

Board members must weigh the concerns of consumers, licensed professionals, and stakeholders without prejudice and in the public interest. A board member serves the public, and even where the

member takes a seat specifically reserved for a particular constituency, the member's obligation is always to do what is in the best interest of the public.

5. Board members adhere to state and federal law, a Code of Conduct and the Executive Branch Ethics Act.

The division has adopted a Code of Conduct that is intended to assure the public that the board and its individual members uphold the highest level of integrity and ethical standards as they ensure competent, safe, and ethical practice of the licensed professions they regulate in the public interest. This code requires board members to:

Act to advance the broad public interest, not favor a professional or private constituency.

Demonstrate professional civility for fellow board members, staff, and the public in all matters.

Conduct verbal and nonverbal behavior in a calm, respectful, and positive manner that promotes sound decision-making.

Respect and adhere to rules, policies, and guidelines of the board.

Participate in board meetings, and be responsive to staff when requested to vote or provide input or insight outside of scheduled meetings.

Be prepared to address each item on the board's agenda and request recusal only where a conflict of interest has been properly identified.

Manage all matters in a fair, equitable, transparent, and impartial manner.

Courteously accept decisions made by a majority of the board.

Strive beyond the norm to avoid any actual or perceived conflict of interest that may compromise the integrity of the board, a board member, or a board decision.

The Executive Branch Ethics Act is a set of laws that ensure conflicts of interest are minimized. It can be found in AS 39.52 and is summarized at <http://law.alaska.gov/doclibrary/ethics/EthicsInfoBC.html>. The site also explains how to declare a conflict, how to report a potential conflict, and how one is cured.

Questions? Please contact the staff member assigned to your professional licensing board. You are always welcome to contact division management with questions or concerns.

Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
907-465-2550 or license@alaska.gov

PROFESSIONAL LICENSING Boards & Commissions

NEW MEMBER QUICK-START GUIDE

1. CONTACT YOUR BOARD STAFF LIAISON.

The nerve center of your licensing program is the desk of the division's liaison for your board. All information passes through this expert. Ask all the questions you have, and you will receive more information than you even knew you needed.

2. READ YOUR STATUTES & REGULATIONS.

Statutes equal your board's legal authority. Regulations are the board and division's clarification of the statutory authority given by the Alaska State Legislature. These are the most important documents you will need to do your job.

3. REVIEW YOUR PROGRAM'S WEB SITE.

All licensing programs have their own pages under professionallicense.alaska.gov. License applications and instructions, FAQs, proposed regulations, and many additional useful resources exist on your site.

4. REVIEW THE BOARD RESOURCE PAGE.

The division has launched a page focused on board member tools, and it is awaiting your examination and feedback. What do you love? What more should be added?

5. READ THE MEMBER "GUIDE TO EXCELLENCE IN REGULATION."

This is the handbook to service as a professional licensing board or commission member. Great responsibility rests on your shoulders now, and this guide can help. Focus first on:

- Professional Licensing Boards and Commissions Overview
- Executive Branch Ethics
- Framework for Decisionmaking
- Meetings and Parliamentary Procedure

6. COMPLETE THE FORMS REQUIRED TO REIMBURSE YOUR TRAVEL EXPENSES.

Enough said.



MEMORANDUM

TO: Professional Licensing Board Members

DATE: July 26, 2019

FROM: Sara Chambers, Division Director

SUBJECT: Professional Licensing Reform

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

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

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

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

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

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

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

1. **At all times, our governance should demonstrate that we have *internalized the purpose of professional licensing: safeguarding the public interest.***
 - a. Records of decisions should reflect that *the board considered the risk of harm to consumers, the impact on those seeking or holding a license, the effect on the market, and any unintended consequences to any party.*
 - b. All board deliberations should be *thorough, balanced, and grounded* in law and logic.
 - c. Board business should reflect *accountability and responsiveness* in addressing concerns.

2. ***Make decisions that reflect proficiency in the statutes, regulations, division policies, and state/national issues that affect our licensing programs.***
 - a. Read all centralized statutes ([AS 08.01-03](#)) and regulations ([12 AAC 02.010-400](#); [12 AAC 02.900-990](#)) and *know how to utilize them*, as appropriate.
 - b. Read [your program's](#) statutes under AS 08 and regulations under 12 AAC 02 and *take responsibility for being the state's experts* in what they say and how they impact the public, applicants, licensees, and other stakeholders.
 - c. Refer regularly to your [board member training resources](#) located on the division's web site, especially the Guide to Excellence in Regulation, which will help you navigate the intricacies of service on a quasi-judiciary government board.

3. **Add value to the bottom line by delivering *excellent service* to all internal and external customers.**
 - a. Communicate *transparently, proactively, and clearly.*
 - b. Respond to inquiries *promptly and professionally.*
 - c. *Resolve any roadblocks* that are delaying review or issuance of licenses to qualified individuals.
 - d. *Maximize efficiencies* where possible and practical.
 - e. Identify when *additional resources* are needed, and make solution-oriented suggestions to the director.

4. **Prioritize changes to statutes and regulations that *streamline, modernize, and reduce barriers* to employment of qualified individuals.**
 - a. *Develop a strategic plan for your board.* The division can provide resources to assist you.
 - b. *Look for low-hanging fruit:* What has created a regulatory roadblock in the last five years? What is outdated or outmoded, given current tools, trends, and technology?
 - c. *Think big:* Now is the time to consider those ambitious changes you've dreamed about making. Join a licensure compact? Adopt reciprocity with other states? Put it on the table.
 - d. *Challenge biases and "the way we have always done it":* Does the data support the decision? What does the requirement accomplish? Is it based on fact, fear, familiarity, or faction?
 - e. *Build into each agenda ample time to review* a portion of your program statutes and regulations to ensure they are serving the public interest.
 - f. *Set deadlines to assertively draft changes to statutes and regulations.* Consider assigning committees to work on them at publicly noticed gatherings between board meetings. Use the division's administrative resources to maximize outputs and opportunities.

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

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

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

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

GUIDE TO EXCELLENCE IN REGULATION
for
PROFESSIONAL LICENSING
Boards & Commissions

UPDATED U ° k#= 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

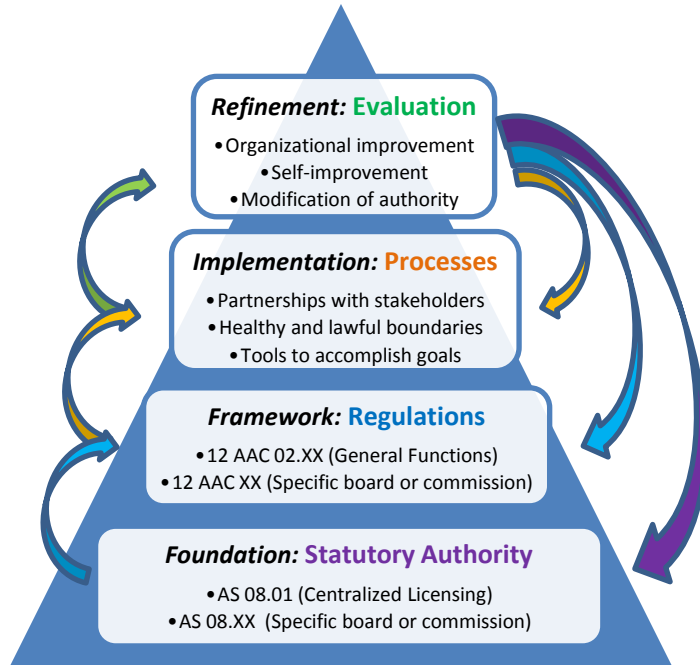
The chief purpose of boards and commissions is to protect the public's health and safety and assure the competency of those providing the services regulated. *Allison v. State*, 583 P.2d. 813 (Alaska 1978)

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	<i>Day 65</i>	7	<i>Once Regulations Are Effective</i>
	At an open meeting, the board votes on language to change regulations. This motion is forwarded to the Division Regulations Specialist for drafting.		Division Regulations Specialist compiles answers to questions and posts FAQ on the program web page.	
<i>Day 30</i>	2	<i>Day 75</i>	8	14a
	Once drafting is complete, the board holds another public meeting to edit or approve draft for public notice.		Regulations Specialist compiles public comments for distribution to board.	Agency posts summary on Alaska Online Public Notice System
	3	<i>Day 90</i>	9	14b
	Approved language is reviewed by Division attorney.		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).	Lt. Governor's office sends regulation to ARRC
	4		10	14c
	Department of Law opens file.		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.	Regulation published in Alaska Administrative Code
<i>Day 45</i>	5		11	14d
	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		Agency attorney reviews regulation	Forms & FAQ updated on program web page
	6	<i>Day 110</i>	12	
	Public comment period and/or hearing (if applicable).		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
				Public comment period and/or hearing (if any). FAQ posted on program web page.
				8
				Agency amends and/or adopts regulation
<i>Day 45</i>	3	Division develops a draft regulation and public notice information.	<i>Day 100</i>	9
				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.
	4	Consultation with Division attorney, if needed.		10
				Agency attorney reviews regulation
	5	Department of Law opens file		11
			<i>Day 120</i>	Regulations attorney reviews and either approves or disapproves regulation
<i>Day 60</i>	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	<i>Day 150</i>	12
				Unless returned by the Governor, Lt. Governor's office files approved regulation; regulation is effective in 30 days
				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

Once Regulations Are Effective

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,

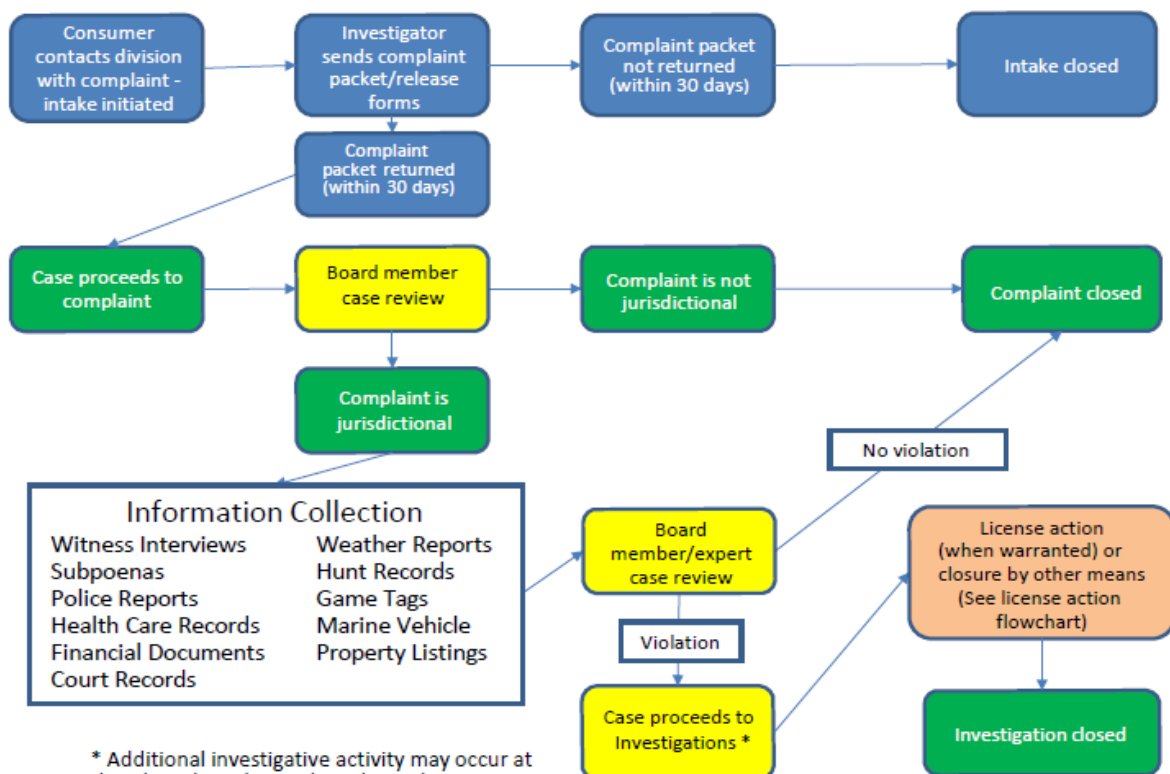
the ALJ issues a proposed decision.. The division’s counsel and the licensee (or the attorney for the licensee) may propose a different outcome in a document called a Proposal For Action. Once it has considered the proposed decision from the ALJ and the proposals for action from the litigants, the board 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

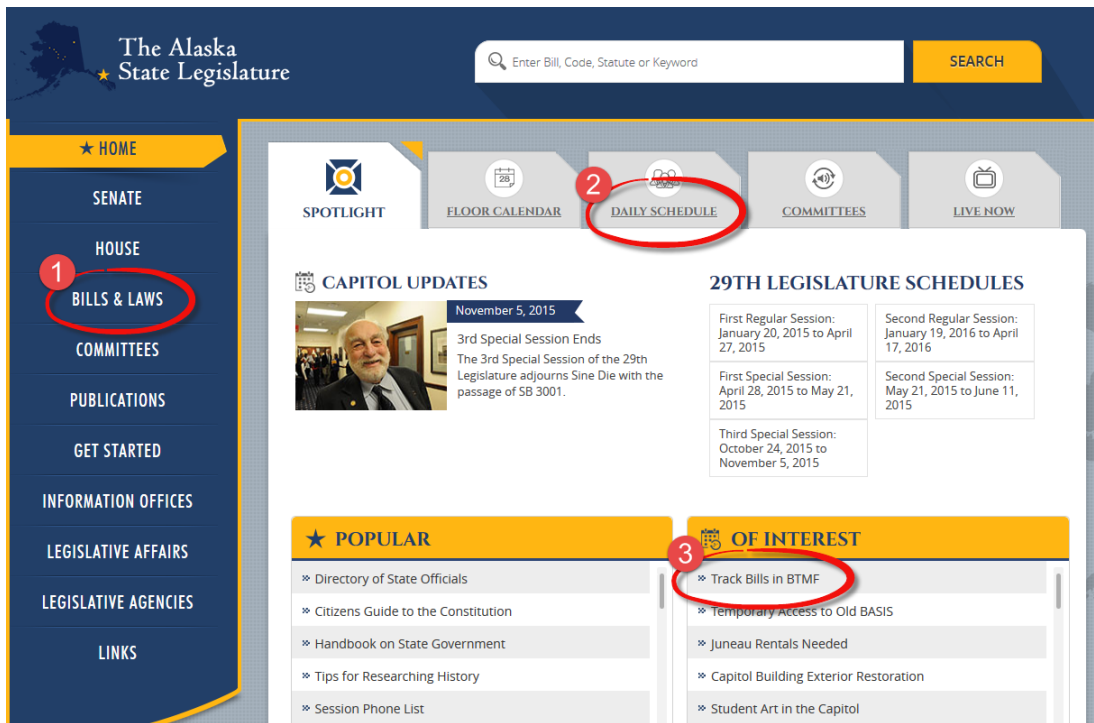
AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage 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.

- 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.

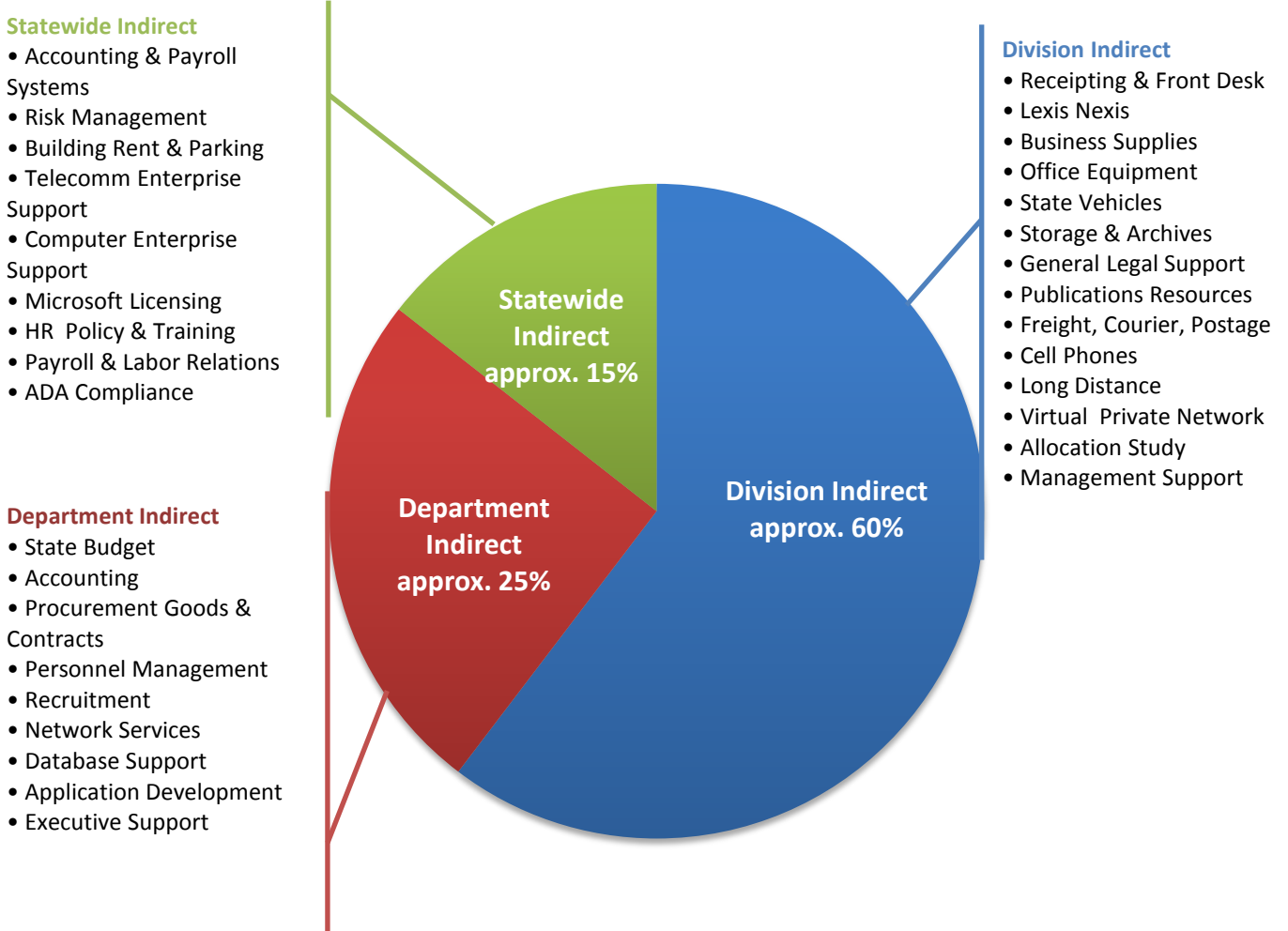
- Travel for management that is not directly chargeable to a singular program.
- Various services and commodities, such as the Lexis Nexis research database subscription, copies of statutes and regulations, records storage, purchase/lease and maintenance of printers and copiers, and other shared supplies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

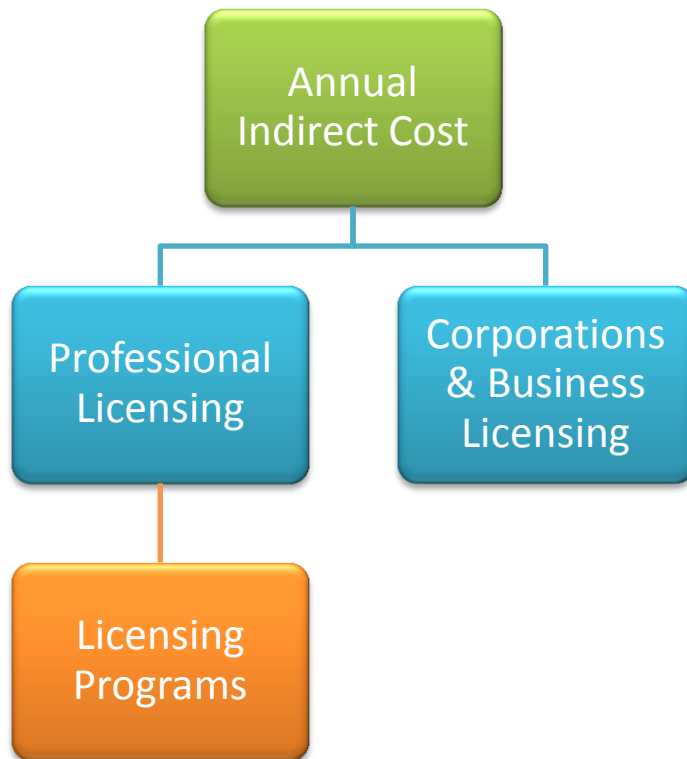
- 2) Allocation of CBPL personal services costs for administrative and accounting activity during high-volume renewal cycles. Following a review of CBPL administrative staff personal services, specifically the receipting staff & a portion of their supervisor's time, resulted in an updated allocation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

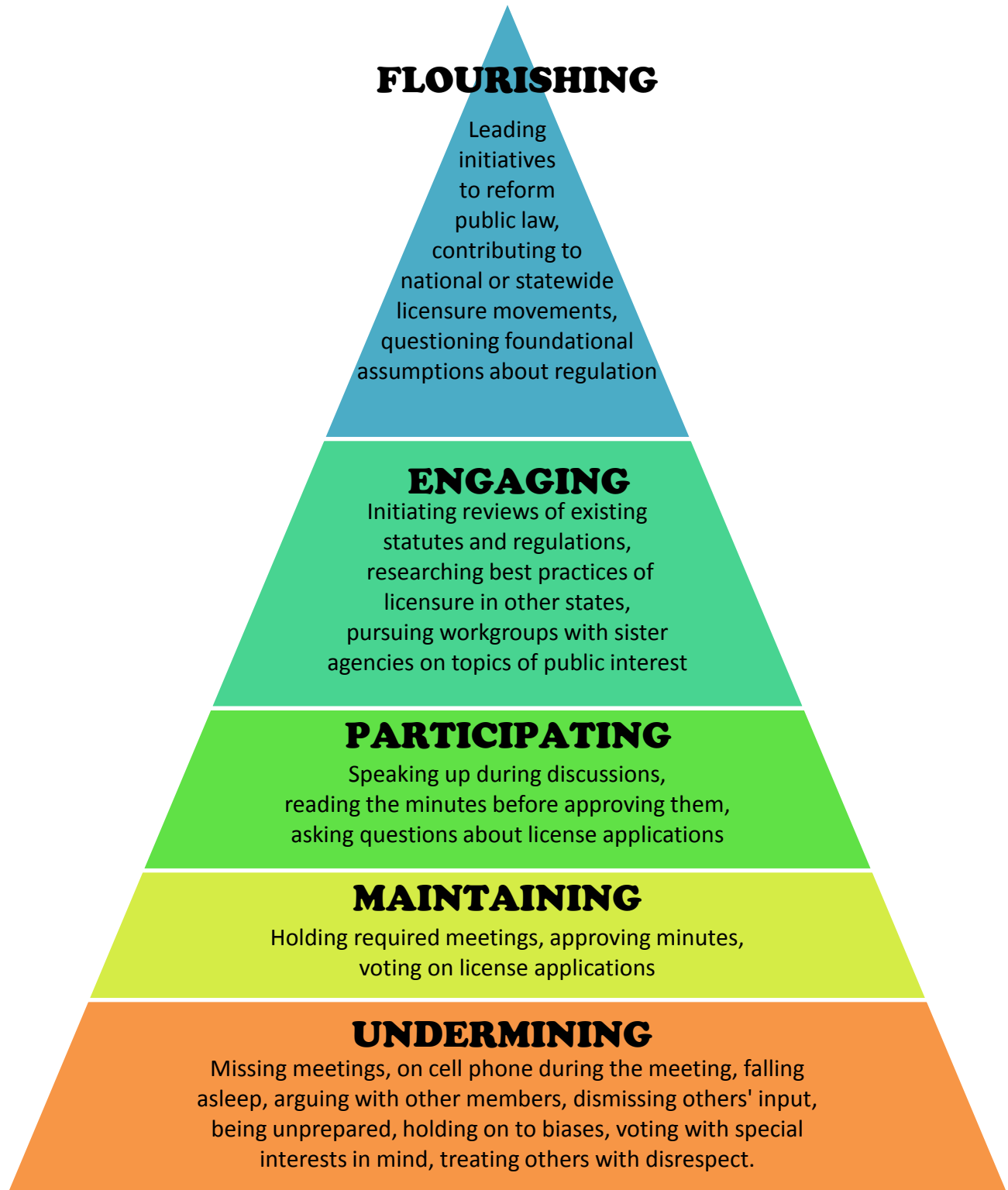
- The chair adjourns, praising the members for an extremely efficient meeting. The next week, the chair discovers that a hasty deliberation and quick vote just to get to lunch on time resulted in the board's passage of a decision that violates state law. All activity on the issue has to stop until the 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.					
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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:				

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>		<small>ID number assigned to the legal name below and used for tax reporting</small>	
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> <small>Please attach a voided check or other bank verification of account number as applicable</small>		
ACCOUNT TYPE <i>Required</i> <input type="radio"/> CHECKING <input type="radio"/> SAVINGS					
<i>* FOR CHANGES ONLY.</i> 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).					
<p align="center">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.</p> <p align="center">For EDI Payment Inquiry and other electronic payment information, visit our website at: http://doa.alaska.gov/dof/epay/</p>					

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: