

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 8, 2015

1:30 p.m.

MEMBERS PRESENT

Senator Bert Stedman, Chair
Senator Cathy Giessel, Vice Chair
Senator Pete Kelly
Senator Johnny Ellis

MEMBERS ABSENT

Senator Bill Stoltze

COMMITTEE CALENDAR

SENATE BILL NO. 74

"An Act relating to permanent fund dividends; relating to a medical assistance reform program; establishing a personal health savings account program for medical assistance recipients; relating to the duties of the Department of Health and Social Services; establishing medical assistance demonstration projects; and relating to a study by the Department of Health and Social Services."

- HEARD & HELD

SENATE BILL NO. 53

"An Act relating to advanced practice registered nursing; relating to certified direct-entry midwifery; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 90

"An Act relating to the purchase of durable medical equipment under Medicaid; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 4

"An Act relating to automated external defibrillators."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 74

SHORT TITLE: MEDICAID REFORM/PFD/HSAS/ER USE/STUDIES

SPONSOR(s): SENATOR(s) KELLY

03/13/15 (S) READ THE FIRST TIME - REFERRALS
03/13/15 (S) HSS, STA, FIN
03/13/15 (S) HSS AT 1:30 PM BUTROVICH 205
03/13/15 (S) -- Testimony <Invitation Only> --
03/23/15 (S) HSS AT 1:30 PM BUTROVICH 205
03/23/15 (S) Heard & Held
03/23/15 (S) MINUTE(HSS)
04/01/15 (S) HSS AT 1:30 PM BUTROVICH 205
04/01/15 (S) Heard & Held
04/01/15 (S) MINUTE(HSS)
04/02/15 (S) STA AT 9:00 AM BUTROVICH 205
04/02/15 (S) <Pending Referral>
04/03/15 (S) HSS AT 1:30 PM BUTROVICH 205
04/03/15 (S) -- Testimony <Invitation Only> --

BILL: SB 53

SHORT TITLE: ADVANCED PRACTICE REGISTERED NURSES

SPONSOR(s): SENATOR(s) GIESSEL

02/18/15 (S) READ THE FIRST TIME - REFERRALS
02/18/15 (S) L&C, HSS
03/10/15 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/10/15 (S) Heard & Held
03/10/15 (S) MINUTE(L&C)
03/12/15 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/12/15 (S) Moved SB 53 Out of Committee
03/12/15 (S) MINUTE(L&C)
03/13/15 (S) L&C RPT 4DP 1NR
03/13/15 (S) DP: COSTELLO, GIESSEL, MEYER, STEVENS
03/13/15 (S) NR: ELLIS
04/08/15 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 90

SHORT TITLE: MEDICAID: USED DURABLE MEDICAL EQUIPMENT

SPONSOR(s): SENATOR(s) STOLTZE

03/25/15 (S) READ THE FIRST TIME - REFERRALS
03/25/15 (S) HSS, FIN
04/08/15 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: HB 4

SHORT TITLE: AUTOMATED EXTERNAL DEFIBRILLATOR
SPONSOR(s): REPRESENTATIVE(s) WILSON

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	JUD
02/04/15	(H)	JUD AT 1:00 PM CAPITOL 120
02/04/15	(H)	Moved HB 4 Out of Committee
02/04/15	(H)	MINUTE(JUD)
02/06/15	(H)	JUD RPT 4DP 1NR
02/06/15	(H)	DP: KELLER, MILLETT, CLAMAN, LEDOUX
02/06/15	(H)	NR: GRUENBERG
02/11/15	(H)	TRANSMITTED TO (S)
02/11/15	(H)	VERSION: HB 4
02/13/15	(S)	READ THE FIRST TIME - REFERRALS
02/13/15	(S)	HSS, JUD
04/08/15	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

RANDY RUARO, Staff
Senator Bert Stedman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Addressed the changes in version I of SB 74.

JANE CONWAY, Staff
Senator Cathy Giessel
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis of SB 53.

DR. CARRIE DOYLE, Clinical Nurse Specialist
Alaska Clinical Nurse Specialist Association (ACNSA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 53.

LAURA SARCONI, Co-Chair
Advanced Practice Registered Nurses (APRN) Alliance
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 53.

BRANDON BREFCZYNSKI, Staff
Senator Bill Stoltze
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 90 on behalf of the sponsor.

PATRICK REINHART, Director
Governor's Council on Disability & Special Education
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 90.

JIM BECK, Executive Director
Access Alaska
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 90.

JOHN CANNON, President
Key Coalition of Alaska
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 90.

KIM CHAMPNEY, Chief of Services
REACH and Alaska Association on Developmental Disabilities
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 90.

REPRESENTATIVE TAMMIE WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 4.

DOUG SCHRAGE, Chief
Alaska Fire Chiefs Association
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 4.

JIM FOSTER, Active Resuscitation Community Organizer
Loren Marshall Foundation
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 4.

ACTION NARRATIVE

[1:30:44 PM](#)

CHAIR BERT STEDMAN called the Senate Health and Social Services Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Giessel, Kelly, Ellis, and Chair Stedman. He listed the order of the four bills to be heard: SB 74, SB 53, SB 90, and HB 4.

SB 74-MEDICAID REFORM/PFD/HSAS/ER USE/STUDIES

[1:31:12 PM](#)

CHAIR STEDMAN announced the consideration of SB 74. He noted that his staff, the sponsor's staff, and the Departments of Law and Health and Social Services have been working hard on the new CS for SB 74.

REPRESENTATIVE KELLY moved to adopt the CS for SB 74, labeled 29-LS0692\I, as the working document.

CHAIR STEDMAN objected for discussion.

RANDY RUARO, Staff, Senator Bert Stedman, Alaska State Legislature, addressed the changes in version I of SB 74. He read from the following:

The committee substitute for SB 74, version I, makes the following substantive changes:

- Deletes Sections 1 and 3 of SB 74 related to health savings accounts and funding the accounts with 10% of a recipients permanent fund dividend.
- As a conforming change, deletes language in Section 4 of SB 74 that would have put a sunset date on the health savings account provisions.
- Adds a new Section 1 related to false claims for medical assistance and providing for a civil penalty to be imposed by either a court or an administrative agency and providing for enhanced damages to be awarded to the state.
- Amends Section 2 of SB 74 to make a conforming change by deleting subparagraph (1) which related to health savings accounts and renumbering the remaining subparagraphs.
- Amends Section 2, subparagraph (2) of SB 74 by adding language requiring the DHSS reform program to include referrals for career and education services.
- Amends Section 2, subparagraph (4) of SB 74 by adding "behavioral health" to the list of services that telemedicine should be expanded to include.
- Amends Section 2, subparagraph (9) of SB 74 by adding language providing that the payment process should be reformed by implementing fee agreements based on

performance measures that include premium payments for centers of excellence and penalties for certain hospital related outcomes, such as hospital acquired infections, readmissions, and failures of outcomes.

- Amends Section 2, of SB 74 by adding a new section (b) that requires the identify areas where access to telemedicine would be most effective and to coordinate with Indian Health Services providers where appropriate to gain access to telemedicine equipment.
- Amends Section 2(b) of SB 74, the report section on reforms by changing the annual report due date from 10 days after session starts to October 15 of each year, and adds a number of subparagraphs in (4) - (13) that are designed to provide information to the legislature on the progress of reforms and other information relevant to management of the program.
- Amends Section 2 of SB 74 by adding a new section (d) that is a definition of telemedicine.
- Section 3 of version I relates to direction to the department on reducing use of emergency room services. This was Section 6 in the original version of SB 74. There was no change between the two sections other than numbering.
- Section 4, the repeal section of SB 74 is deleted. It repealed the health savings account sections and the reform sections. While reform provisions are included in version I, they are not subject to sunset.
- It is replaced with a new Section 4 relating to efforts at fighting fraud or waste of Medicaid funds and reporting the results to the Legislature.
- Section 5 of SB 75, the section on managed care and a demonstration project using persons enrolled in Denali KidCare has been amended to be broader in scope in terms of both the types of actions the Commissioner can take and the population groups in Medicaid that can be included. This provides flexibility to the department to obtain the greatest possible coverage and savings.

- The rest of the sections in the CS are not substantively different than SB 74 or are related to implementation of the bill, Section 7 (Medicaid Choice Waiver); Section 8 (Transition Regulations); Section 9 (Conditional Effect), and Sections 6, 7, 8 have an immediate effective date.

[1:38:43 PM](#)

CHAIR STEDMAN withdrew his objection. There being no further objections, version I was adopted.

SENATOR GIESSEL requested clarification of Section 2 on telemedicine and the cooperation with Indian Health Service (IHS) providers. She understood that IHS has been using telemedicine for several years. She asked if the bill suggests providing private sector access to the IHS structure and if non-beneficiaries would be charged for the service.

MR. RUARO explained that the intent is more general than that. The IHS facilities have been building up telemedicine capacity over the years, whereas the state doesn't have it in some areas. The idea in Section 2 is to urge the department to work with IHS and take advantage of opportunities of sharing equipment and working together.

[1:40:41 PM](#)

SENATOR GIESSEL summarized that it is more of a philosophical statement of working together, rather than a contract.

MR. RUARO said that is correct; they anticipate that the department and IHS will work together.

SENATOR GIESSEL thought that was realistic. She appreciated not duplicating services and costs.

[1:41:57 PM](#)

SENATOR GIESSEL asked about new subsection (d) which includes a definition of telemedicine. She asked about other definitions of telemedicine in statute.

MR. RUARO did not know of any other definitions of telemedicine.

SENATOR GIESSEL said there are other definitions and she offered to compare them so they coincide.

CHAIR STEDMAN held SB 74 in committee.

SB 53-ADVANCED PRACTICE REGISTERED NURSES

[1:43:24 PM](#)

CHAIR STEDMAN announced the consideration of SB 53.

[1:43:51 PM](#)

SENATOR CATHY GIESSEL, sponsor of SB 53, explained that the bill updates Alaska's 34-year-old statutory title from "Advanced Nurse Practitioner" (ANP) and "Nurse Anesthetist" (NA) to now be called "Advanced Practice Registered Nurse" (APRN). She drew attention to a chart that identifies the various current titles for practicing nurses and the new titles proposed in the bill. She said the statutes have not kept up on the titles. Nationally, the titles are becoming more unified. The use of the APRN title will increase clarity of practice roles, insurance billing, Medicare, and Veterans Administration procedures, and interaction with agencies.

She concluded that nothing in the bill changes scope of practice, certification or licensing requirements, nor changes fee structures to the board.

[1:48:06 PM](#)

JANE CONWAY, Staff, Senator Cathy Giessel, Alaska State Legislature, presented the sectional analysis of SB 53. She read from the following:

Section 1 amends AS 08.02.010 and adds APRNs to the list of professions that are required to use their professional titles on stationery, signs, or other advertising.

Sections 2-4 are conforming amendments that change the statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 5 amends AS 08.68.100(a) by requiring that the Board of Nursing regulations pertaining to APRNs include the practices of APRNs who practice as certified registered nurse anesthetists, certified clinical nurse specialists, certified nurse practitioners, or certified nurse midwives and makes conforming amendments.

Section 6 amends AS 08.68.160 by adding advanced practice registered nursing to the licenses issued under AS 08.68 and changes the term "professional nursing" to "registered nursing."

Section 7 adds a new subsection to AS 08.68.170 that sets out the qualifications for an advanced practice registered nursing license.

Section 8 repeals and reenacts AS 08.68.190 concerning license examinations and adds an advanced practice registered nursing examination to the licensing examinations conducted under AS 08.68.

Section 9 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to advance practice registered nurse."

Section 10 amends AS 08.68 by adding a paragraph requiring the Department of Commerce, community and Economic Development to set fees related to advanced practice registered nursing and deletes "vocational" nursing.

Section 11 amends AS 08.68.230(a) by removing "licensed professional nurse" from the titles authorized for persons licensed under AS 08.68.

Section 12 amends AS 08.68.230 by adding new subsections authorizing the use of the titles "advanced practice registered nurse", "certified registered nurse anesthetist", "certified clinical nurse specialist", "certified nurse practitioner", or "certified nurse midwife" and associated initials.

Section 13 amends AS 08.65.265 to add advanced practice registered nurses to the persons authorized to supervise a practical nurse.

Section 14 adds impersonation of an advanced practice registered nurse as a grounds for denial, suspension, or revocation of a nursing license.

Section 15 requires institutions that are applying for accreditation of advanced practice registered nurse training to provide certain information to the Board of Nursing.

Section 16 adds impersonation of an advanced practice registered nurse as a grounds for denial, suspension,

or revocation of a certificate to practice as a nurse aide.

Sections 17-19 add advanced practice registered nursing to the licenses issued by the board, and change the term "professional nursing" to "registered nursing" in AS 08.68.360 - 08.68.390, which declare the unlicensed practice of nursing a public nuisance and provide for injunctive relief.

Section 20 adds advanced practice registered nurses to the licensees who may delegate certain nursing duties.

Section 21 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and makes a related technical change.

Section 22 defines the practice of advanced practice registered nursing.

Section 23-25 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and make other related technical amendments.

Section 26 adds advanced practice registered nurses to persons who are considered justified in conduct that would otherwise be considered the use of force when delivering emergency medical care.

Sections 27-28 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 29 adds advanced practice registered nurses to those licensees immune from civil liability for an act or omission in delivering patient care services while escorting an injured or sick person whose life is in danger in a conveyance that is not an ambulance.

Section 30 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 31 adds advanced practice registered nurses to those practitioners authorized to draw blood for tests of persons charged with sex offenses.

Sections 32-33 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurses."

Section 34 clarifies that nurse-midwives and direct entry midwives are certified.

Sections 35-38 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and make other related technical amendments.

Section 39 changes the term "registered professional nursing" to "registered nursing."

Section 40 clarifies that nurse-midwives must be certified to be a provider under AS 21.87.

Section 41 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Sections 42-43 clarifies that nurse-midwives are certified and makes other technical amendments.

Sections 44-46 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 47 adds advanced practice registered nurses to the definition of health care provider in statutory provisions concerning prisons.

Section 48 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 49 adds advanced practice registered nurses to licensees with particular training who may assess a child with respect to the waiver under a statutory provision concerning home and community based medical assistance.

Section 50 is a conforming amendment that changes a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse" and makes a related technical change.

Section 51 adds advanced practice registered nurses to practitioners who are not liable for providing information to the Department of Health and Social Services for the purpose of providing services to certain children and makes a related technical change.

Sections 52-54 add advanced practice registered nurses to practitioners who may under statutory provisions concerning mental health commitment, determine if a person may be administered psychotropic medication without the person's consent, and add advanced practice registered nurses with particular training to the definition of mental health professionals for those statutory provisions.

Section 55 adds advanced practice registered nurses to practitioners who may review a health care plan for an assisted living home resident.

Sections 56-59 are conforming amendments that change a statutory reference from "advanced nurse practitioner" to "advance practice registered nurse."

Section 60 repeals specific statutes.

Section 61 sets July 1, 2015 as the effective date for the bill.

[1:54:08 PM](#)

CHAIR STEDMAN opened public testimony.

DR. CARRIE DOYLE, Clinical Nurse Specialist, Alaska Clinical Nurse Specialist Association (ACNSA), testified in support of SB 53. She said she is also a member of the Alaska Advanced Practice Registered Nurses (APRN) Alliance, which is comprised of all four APRN specialties, University of Alaska - Anchorage, and the Board of Nursing. She related that nationwide, there are four types of APRN. This bill will bring Alaska into alignment with a national move called the APRN Consensus Model. She listed the types of nurse practitioners contained in the bill.

She related that the Consensus Model was developed by the National Council of State Boards of Nursing in conjunction with an APRN work group. The Consensus Model seeks uniformity in APRN licensure, accreditation, certification, and education.

[1:56:25 PM](#)

LAURA SARCONI, Co-Chair, Advanced Practice Registered Nurses (APRN) Alliance, testified in support of SB 53. She repeated much of the previous testimony. She said that eleven states are already in full compliance with the Consensus Model and another eleven states are three-quarters of the way to compliance. Alaska is half-way there and SB 53 "brings us over the finish line" by updating old titles. She thanked the sponsor and urged the passage of the bill.

CHAIR STEDMAN closed public testimony.

SENATOR GIESSEL stated that the fiscal note contains receipt services; three professional groups will pay for the expenses of enacting the bill.

CHAIR STEDMAN held SB 53 in committee.

SB 90-MEDICAID: USED DURABLE MEDICAL EQUIPMENT

[1:58:49 PM](#)

CHAIR STEDMAN announced the consideration of SB 90.

[1:59:31 PM](#)

BRANDON BREFCZYNSKI, Staff, Senator Bill Stoltze, Alaska State Legislature, presented SB 90 on behalf of the sponsor. He summarized that SB 90 will grant the Department of Health and Social Services (DHSS) the authority to use Medicaid funds for the purchase of durable medical equipment. Durable medical equipment includes things like wheel chairs, walkers, bed lifts, and shower curtains. Currently, the state Medicaid program does not allow for reimbursement of used durable medical equipment, even though it is allowed under federal law. Several other states have created durable medical equipment programs and have seen real cost savings. SB 90 will not cost the state anything.

[2:00:00 PM](#)

CHAIR STEDMAN opened public testimony.

[2:00:10 PM](#)

PATRICK REINHART, Director, Governor's Council on Disability & Special Education, testified in support of SB 90. He shared a

story about a visit to a durable medical equipment store. He said he would like to see this type of store in Alaska. He noted that the store's help were people with disabilities.

[2:02:59 PM](#)

JIM BECK, Executive Director, Access Alaska, testified in support of SB 90. He described the equipment that Access Alaska carries, how they operate, and how much equipment is lent out. He said there are substantial benefits to the state from SB 90.

[2:05:02 PM](#)

JOHN CANNON, President, Key Coalition of Alaska, testified in support of SB 90. He said that this bill is one of Key Coalition's top priorities. Currently, the state prohibits the purchase of used medical equipment. He noted other states' experiences of cost savings from their durable medical equipment reuse programs. He made a suggestion to offer re-ownership policies. He cautioned about the impact on durable medical equipment industry and providers. He urged passage of the bill.

[2:09:21 PM](#)

KIM CHAMPNEY, Chief of Services, REACH and Alaska Association on Developmental Disabilities, testified in support of SB 90. She shared a story about one of her clients, the process of working with an equipment vendor, and the difficulties and expenses involved. If Medicaid dollars are involved many issues will be solved. She concluded that Access Alaska has successfully developed and implemented a pilot program for used durable medical equipment.

CHAIR STEDMAN closed public testimony.

CHAIR STEDMAN held SB 90 in committee.

HB 4-AUTOMATED EXTERNAL DEFIBRILLATOR

[2:12:33 PM](#)

CHAIR STEDMAN announced the consideration of HB 4.

REPRESENTATIVE TAMMIE WILSON, Alaska State Legislature, sponsor of HB 4. She read the sponsor statement:

On behalf of the Alaska Fire Chiefs Association I am pleased to introduce HB 4. The purpose of this bill is to reduce impediments in state law to allow for more public access to Automated External Defibrillators (AEDs).

AEDs are automated medical devices that can be safely used by an untrained bystander to restore a normal cardiac rhythm in a person experiencing sudden cardiac arrest. The device provides both verbal and written instructions to the user.

The use of AEDs are currently covered by Alaska's Good Samaritan Law (AS 09.65.090), which is designed to encourage would-be rescuers to take action without fear of litigation. However, Alaska's Good Samaritan attaches conditions to building owners and institutions that provide AEDs (AS 09.65.087). These conditions include requirements to provide training, maintenance, a means to notify 911, and registering the device(s) with emergency medical services (EMS).

Large companies and institutions cannot confidently assure that each of the conditions can be reliably met; therefore, exposing them to liability and discouraging access to AEDs. Removing these conditions would encourage the increased availability of AEDs in our communities.

CHAIR STEDMAN opened public testimony.

2:14:30 PM

DOUG SCHRAGE, Chief, Alaska Fire Chiefs Association, testified in support of HB 4. He described how the automated external defibrillator (AED) works. He said the bill is not about discontinuing CPR and AED training and maintenance programs, nor is it about de-emphasizing device registration or emergency notification; it is only about making more AED's available to the public. He pointed out that the goal of Good Sam legislation, such as HB 4, is to offer liability protection to all AED program constituents and to encourage more organizations to provide AED's. It does not include program design or operational requirements and should not condition immunity upon compliance with such requirements.

He noted no opposition to the bill and the following support it: the American Red Cross and American Heart Association. The bill has no fiscal impact. He requested support for the bill.

2:17:42 PM

JIM FOSTER, Active Resuscitation Community Organizer, Loren Marshall Foundation, testified in support of HB 4. He agreed

with Chief Schrage's comments about the best practices. He noted the bill does not include training or maintenance of the AED. He opined that it does not belong in the bill. He said the intent is to help businesses and organizations to be comfortable with using AED's and to save lives.

[2:19:54 PM](#)

SENATOR ELLIS thanked the testifier for mentioning the Loren Marshall Foundation. He said he is happy his constituent's legacy lives on.

[2:21:02 PM](#)

CHAIR STEDMAN closed public testimony.

REPRESENTATIVE WILSON noted that there are AED's in the capital building.

CHAIR STEDMAN held HB 4 in committee.

[2:21:45 PM](#)

There being nothing further to come before the committee, Chair Stedman adjourned the Senate Health and Social Services Standing Committee at 2:21 p.m.