

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 1, 2016

1:32 p.m.

MEMBERS PRESENT

Senator Bert Stedman, Chair
Senator Cathy Giessel, Vice Chair
Senator Bill Stoltze
Senator Johnny Ellis

MEMBERS ABSENT

Senator Pete Kelly

COMMITTEE CALENDAR

SENATE BILL NO. 72

"An Act relating to caregivers of patients after release or departure from a hospital; and providing for an effective date."

- MOVED CSSB 72(HSS) OUT OF COMMITTEE

SENATE BILL NO. 145

"An Act relating to the recovery of overpayments of day care assistance and child care grants; and providing for an effective date."

- MOVED SB 145 OUT OF COMMITTEE

SENATE BILL NO. 147

"An Act relating to eligibility requirements of the Alaska senior benefits payment program; and providing for an effective date."

- MOVED CSSB 147(HSS) OUT OF COMMITTEE

SENATE BILL NO. 98

"An Act relating to diagnosis, treatment, and prescription of drugs without a physical examination."

- MOVED CSSB 98(HSS) OUT OF COMMITTEE

SENATE BILL NO. 55

"An Act relating to the practice of optometry."

- MOVED SB 55 OUT OF COMMITTEE

SENATE BILL NO. 124

"An Act extending the termination date of the Alaska Commission on Aging; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 151

"An Act relating to criminal and civil history requirements for individuals and entities licensed or certified by the Department of Health and Social Services; relating to the centralized registry for certain individuals or entities that are licensed or certified by the Department of Health and Social Services or are eligible to receive payment from certain programs of the department; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 72

SHORT TITLE: DESIGNATED CAREGIVERS FOR PATIENTS

SPONSOR(s): SENATOR(s) GIESSEL

03/11/15	(S)	READ THE FIRST TIME - REFERRALS
03/11/15	(S)	HSS, L&C
04/10/15	(S)	HSS AT 1:30 PM BUTROVICH 205
04/10/15	(S)	Heard & Held
04/10/15	(S)	MINUTE(HSS)
02/01/16	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 147

SHORT TITLE: SENIOR BENEFITS PROG. ELIGIBILITY

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/19/16	(S)	READ THE FIRST TIME - REFERRALS
01/19/16	(S)	HSS, FIN
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205
01/27/16	(S)	Heard & Held
01/27/16	(S)	MINUTE(HSS)
02/01/16	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 145

SHORT TITLE: DAY CARE ASSISTANCE & CHILD CARE GRANTS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/19/16 (S) READ THE FIRST TIME - REFERRALS
01/19/16 (S) HSS, FIN
01/27/16 (S) HSS AT 1:30 PM BUTROVICH 205
01/27/16 (S) Heard & Held
01/27/16 (S) MINUTE(HSS)
02/01/16 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 98

SHORT TITLE: PRESCRIPTION WITHOUT PHYS. EXAM.

SPONSOR(s): MICCICHE

04/07/15 (S) READ THE FIRST TIME - REFERRALS
04/07/15 (S) HSS, L&C
04/13/15 (S) HSS AT 1:30 PM BUTROVICH 205
04/13/15 (S) Heard & Held
04/13/15 (S) MINUTE(HSS)
01/25/16 (S) HSS AT 1:30 PM BUTROVICH 205
01/25/16 (S) Scheduled but Not Heard
01/27/16 (S) HSS AT 1:30 PM BUTROVICH 205
01/27/16 (S) Heard & Held
01/27/16 (S) MINUTE(HSS)
02/01/16 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 55

SHORT TITLE: OPTOMETRY & OPTOMETRISTS

SPONSOR(s): GIESSEL BY REQUEST

02/18/15 (S) READ THE FIRST TIME - REFERRALS
02/18/15 (S) HSS, L&C
03/18/15 (S) HSS AT 1:30 PM BUTROVICH 205
03/18/15 (S) Heard & Held
03/18/15 (S) MINUTE(HSS)
02/01/16 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 124

SHORT TITLE: EXTEND SUNSET ON AK COMMISSION ON AGING

SPONSOR(s): STOLTZE BY REQUEST

01/19/16 (S) PREFILE RELEASED 1/8/16
01/19/16 (S) READ THE FIRST TIME - REFERRALS
01/19/16 (S) STA, HSS
01/21/16 (S) STA RPT 4DP
01/21/16 (S) DP: STOLTZE, COGHILL, HUGGINS,
WIELECHOWSKI
01/21/16 (S) FIN REFERRAL ADDED AFTER HSS
01/21/16 (S) STA AT 9:00 AM BUTROVICH 205
01/21/16 (S) Moved SB 124 Out of Committee

01/21/16 (S) MINUTE(STA)
02/01/16 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 151

SHORT TITLE: DHSS CENT. REGISTRY; LICNSE; BCKGROUND CHK
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/21/16 (S) READ THE FIRST TIME - REFERRALS
01/21/16 (S) HSS, JUD
02/01/16 (S) HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

SEAN O'BRIEN, Director
Division of Public Assistance
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 145 and SB 147.

CHUCK KOPP, Staff
Senator Peter Micciche
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed SB 98 on behalf of the sponsor.

RACHEL GREENBERG, Executive Director
Mat-Su Senior Services
Member
Alaska Commission on Aging
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 124.

DAVID LEVY, Senior Services Coordinator for Anchorage
Staff Support
Senior Advisory Commission
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 124.

MARIE DARLIN, Legislative Advocate - AARP
Member
Alaska Commission on Aging
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 124.

DENISE DANIELLO, Executive Director
Alaska Commission on Aging (ACOA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 124.

KRIS CURTIS, Legislative Auditor
Division of Legislative Audit
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding SB 124.

STACIE KRALY, Chief Assistant Attorney General
Human Services Section
Department of Law
Juneau, Alaska

POSITION STATEMENT: Provided information on SB 151.

ACTION NARRATIVE

[1:32:03 PM](#)

CHAIR BERT STEDMAN called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Stoltz, Giessel, Ellis, and Chair Stedman. He listed the bills to be heard today: under bills previously heard, SB 72, SB 145, SB 147, SB 55, and the first hearing of SB 124 and SB 151.

SB 72-DESIGNATED CAREGIVERS FOR PATIENTS

[1:33:15 PM](#)

CHAIR STEDMAN announced that the first order of business would be SB 72. He noted the bill was previously heard on April 10, 2015. He called on the sponsor to introduce the new committee substitute (CS) for SB 72.

[1:33:32 PM](#)

SENATOR GIESSEL, sponsor, presented SB 72, which would improve the coordination with designated caregivers for post-discharge health outcomes for patients by providing training in aftercare, enabling older or disabled Alaskans to stay safely in their homes for much longer. The CS (version F) is based on changes happening nationwide. Last year when the committee heard the bill, there were only four states that had enacted this legislation; today there are 14 states that have this provision. The federal government is about to enact rulings that would affect this issue. The bill will prepare hospitals for caregiver education.

[1:34:34 PM](#)

SENATOR GIESSEL moved to adopt the CS for SB 72, labeled 29-LS0047\F, as the working document before the committee.

CHAIR STEDMAN objected for discussion.

SENATOR GIESSEL explained that many caregivers report that they have little or no training to care for their loved ones upon discharge. She said SB 72 would outline training guidelines for hospitals. Version F is broader than last year's version of the bill and allows the patient to name a lay caregiver who is then notified of the patient's pending discharge. The hospital would provide training to the caregiver and maintain written discharge policies.

CHAIR STEDMAN withdrew his objection.

[1:35:59 PM](#)

SENATOR GIESSEL moved to report CSSB 72(HSS), labeled 29-LS0047\F, from committee with individual recommendations and attached zero fiscal note. There being no objection, the motion carried.

SB 145-DAY CARE ASSISTANCE & CHILD CARE GRANTS

[1:36:29 PM](#)

CHAIR STEDMAN noted the next bill would be SB 145. He said the bill was previously heard on January 27, 2016.

[1:37:01 PM](#)

SEAN O'BRIEN, Director, Division of Public Assistance, Department of Health and Social Services (DHSS), presented information on SB 145. He explained that SB 145 allows the Child Care Assistance Program to recover overpayment of day care assistance and child care grants through the garnishment of PFD's. This is consistent with the division's collection process.

[1:37:51 PM](#)

SENATOR GIESSEL moved to report SB 145, version A, from committee with individual recommendations and attached zero fiscal note. There being no objection, the motion carried.

SB 147-SENIOR BENEFITS PROG. ELIGIBILITY

[1:38:31 PM](#)

CHAIR STEDMAN announced that the next order of business would be SB 147, which was previously heard on January 27, 2016.

[1:39:02 PM](#)

SEAN O'BRIEN, Director, Division of Public Assistance, Department of Health and Social Services (DHSS), explained SB 147. He noted that the bill would allow the department to be compliant and consistent with the eligibility qualifications for the Senior Benefits Program. He pointed out an error in Section 1, line 10, of the bill that leaves out a federal citation. He said that U.S.C. 1613, which ties in with the five-year requirement, should also be included there.

CHAIR STEDMAN requested an amendment to that effect.

[1:40:44 PM](#)

SENATOR GIESSEL moved Conceptual Amendment 1: to add, on page 1, line 10, following U.S.C 1641, the words "and U.S.C. 1613."

CHAIR STEDMAN objected for discussion.

CHAIR STEDMAN withdrew his objection and Conceptual Amendment 1 was adopted.

[1:41:26 PM](#)

SENATOR GIESSEL moved to report SB 147, as amended, from committee with individual recommendations and attached fiscal note. There being no objection, CSSB 147(HSS) was reported from committee.

SB 98-PRESCRIPTION WITHOUT PHYS. EXAM.

[1:42:11 PM](#)

CHAIR STEDMAN announced the consideration of SB 98. He noted that the bill was previously heard on April 13, 2015, and January 27, 2016, when it was amended. Today, version W is before the committee.

[1:42:27 PM](#)

SENATOR GIESSEL, moved to adopt the CS for SB 98, version W.

CHAIR STEDMAN objected for discussion.

[1:43:02 PM](#)

CHUCK KOPP, Staff, Senator Peter Micciche, Alaska State Legislature, reviewed SB 98 on behalf of the sponsor. He explained that the CS draws in four boards to the practice of telehealth; Board of Professional Counseling, Board of Marital and Family Therapy, Board of Psychologist and Psychologist

Associates Examiners, and Board of Social Work Examiners. He said the bill sponsor supports the amended language in version W. He noted a recent letter of support from the Board of Marital and Family Therapy.

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

[1:44:12 PM](#)

SENATOR GIESSEL moved to report CSSB 98(HSS), labeled 29-LS0838\W, from committee with individual recommendations and attached fiscal note. There being no objection, the motion carried.

SB 55-OPTOMETRY & OPTOMETRISTS

[1:44:43 PM](#)

CHAIR STEDMAN announced the consideration of SB 55. He said the bill was previously heard on March 18, 2015.

[1:44:53 PM](#)

SENATOR GIESSEL, sponsor, explained that SB 55 modernizes and updates the Alaska optometry statutes, which are about forty years old. The bill moves the continuing education requirements back into regulations, but the hours and subjects will be determined by the Board of Optometry, as is done by other professions. It also allows the Board to determine prescription drug schedules, anticipating federal regulation changes and continues to prohibit invasive surgery.

[1:46:16 PM](#)

SENATOR STOLTZE noted the bill is a policy issue. He voiced concern about the labels associated with the bill. He concluded that it is an access bill for quality health care.

[1:48:10 PM](#)

SENATOR STOLTZE moved to report SB 55 from committee with individual recommendations and attached zero fiscal note. There being no objection, the motion carried.

SB 124-EXTEND SUNSET ON AK COMMISSION ON AGING

[1:48:50 PM](#)

CHAIR STEDMAN announced the consideration of SB 124.

[1:49:21 PM](#)

SENATOR STOLTZE, sponsor, reviewed SB 124, a sunset bill that would extend the Alaska Commission on Aging (ACOA) for eight years. He noted the bill is straightforward and has been around for years. It makes federal grants available for senior Alaskans. The recently completed audit found a few advocacy issues which are being addressed.

CHAIR STEDMAN said it is a simple extension of the Commission until June 30, 2024.

CHAIR STEDMAN opened public testimony.

[1:51:36 PM](#)

RACHEL GREENBERG, Executive Director, Mat-Su Senior Services, and Member, Alaska Commission on Aging, testified in support of SB 124. She said the bill allows the state to access funds through the Older Americans Act.

[1:52:37 PM](#)

DAVID LEVY, Senior Services Coordinator for Anchorage, and Staff Support, Senior Advisory Commission, testified in support of SB 124. He noted that Alaska has one of the fastest growing senior populations in the country and ACOA's role is critical in providing relevant and important information on senior issues.

[1:53:38 PM](#)

MARIE DARLIN, Legislative Advocate, AARP, and Member, Alaska Commission on Aging (ACOA), testified in support of SB 124. She said AARP supports the re-authorization of SB 124, noting that AARP works extensively with ACOA on many projects. It provides a great service to the state and is a requirement for receiving federal funds.

[1:55:14 PM](#)

DENISE DANIELLO, Executive Director, Alaska Commission on Aging (ACOA), testified in support of SB 124. She provided background on ACOA, which has been in place since 1981. The Commission strives to provide a voice to ensure the dignity and independence of all older Alaskans and works closely with the Division of Senior and Disabilities Services in assisting the Department of Health and Social Services (DHSS) to carry out its duties as the state agency on aging. The Division of Senior and Disabilities Services administers the federal and state funding for a variety of senior programs and services. The Commission takes responsibility for developing a comprehensive state plan, performing advocacy education, and outreach.

MS. DANIELLO reported that the senior population in Alaska has grown. Currently, there are 120,444 people aged 60 and older, a 4.2 percent increase from last year. She said the work of the Commission is more important than ever as that population continues to grow.

She explained how the Commission forms a comprehensive state plan for senior services. Since 2008, the Commission has completed three state plans. The purpose of the plan is to satisfy federal requirements. The Commission also prepares a senior snapshot that provides information about senior programs and demographics. The Commission also works closely with the Alaska Mental Health Trust Authority and last year published a road map to address Alzheimer's disease and dementia. They make recommendations to the governor and to the legislature regarding legislation, regulations, and appropriations for programs and services. The Commission advocated successfully for the creation of the Medicaid Adult Dental Program, the re-authorization of the Senior Benefits Program, and creation of the statewide Silver Alert System.

She concluded that the Commission has made efforts over the years in the area of brain health, senior housing, and senior fall prevention. She called attention to the fact that seniors represent a \$3 billion industry for the state. Alaska seniors appreciate the state programs that allow them to age in place in Alaska.

[2:00:56 PM](#)

KRIS CURTIS, Legislative Auditor, Division of Legislative Audit, Legislative Affairs Agency, answered questions regarding SB 124. She stated that the division conducted a sunset review of the Alaska Commission on Aging and concluded that the Commission is serving the public's interest. The division recommended extending the Commission for 8 more years. There were two small recommendations, one to improve public noticing of the meetings, and one to ensure a review of the legislation distribution list.

[2:02:21 PM](#)

CHAIR STEDMAN closed public testimony.

CHAIR STEDMAN held SB 124 in committee. He said he does not anticipate any negative feedback and will bring the bill back at the next meeting.

SB 151-DHSS CENT. REGISTRY; LICNSE; BCKGROUND CHK

[2:03:09 PM](#)

CHAIR STEDMAN announced the consideration of SB 151.

[2:03:54 PM](#)

STACIE KRALY, Chief Assistant Attorney General, Human Services Section, Department of Law, provided information on SB 151. She began with the historical context for SB 151 and why the statute was created. In 2005, the legislature debated and passed SB 125, the omnibus licensing bill which created AS 47.32. In addition to creating the centralized licensing statutes, the bill also established a new article under AS 47.05 related to criminal history and registry provisions. The initial impetus of adopting these statutes was to participate in a federal grant program related to background checks for persons providing long term care. Then, there was a desire to centralize and formalize the process by which DHSS conducted criminal background checks for entities and individuals who sought to be licensed providers or who are paid by DHSS. This would include persons who receive payment from Medicaid, foster parents, and assisted living home operators.

MS. KRALY explained that a second component of SB 125 was to create a centralized registry so DHSS could rely on certain civil findings to bar persons from owning, operating, and being an administrator of certain licensed facilities.

MS. KRALY related that over the past ten years, the system has worked well, but certain issues, gaps, and overlaps have been identified within the current statutes. These issues have come to the attention of the Department of Law through litigation, administrative hearings, and in providing day-to-day advice in how to interpret the statutes and apply them. She gave an example of Medicaid fraud being included under the central registry statute, when it should be governed by the criminal record check.

MS. KRALY concluded that in an effort to be efficient back in 2005, the department did not anticipate some of the issues that would arise in the operationalization of the statutes. The changes in SB 151 are proposed to streamline the system to improve the proper application and fairness under the system going forward.

CHAIR STEDMAN requested a sectional analysis.

[2:07:15 PM](#)

MS. KRALY said Section 1 (page 1) amends 44.62.330 to clarify that the Office of Administrative Hearings would be limited to variances and reconsideration.

SENATOR STOLTZE asked what "variance and reconsideration" means.

MS. KRALY explained that it is a process that allows the person who has a barring condition to petition the department for a variance or reconsideration in order to explain what happened. If the committee decides to grant a variance the person may be authorized to apply for a license. If the variance is denied there is an appeal process.

[2:08:29 PM](#)

MS. KRALY said Section 2 (pages 1-4) repeals and reenacts AS 47.05.310 to remove substantive references to the centralized registry under AS 47.05.330. This would alleviate confusion, inconsistencies, and redundancy between the two statutes. This section would further clarify that individuals, not entities, can seek a criminal background check and centralized registry check.

Section 3 (pages 3-6) adds a new statute AS 47.05.325 to mirror the criminal background check statute (AS 47.05.310), primarily clarifying that the same individuals who would be subject to review under the criminal history check would also be subject to review under the centralized registry. This statute would further clarify what types of civil findings would constitute a bar and would clearly provide that only those bars that have been subject to due process through an administrative or court hearing would apply. This section would also add a paragraph that would include substantiations by the Department of Health and Social Services, Office of Children's Services and Adult Protective Services (reference to AS 47.17.040 and AS 47.24) as a bar. This bill makes other various edits and revisions to make the statute much more readable and streamlined.

Section 4 (page 6) repeals and reenacts AS 47.05.330 to provide for the creation, by regulation, of the centralized registry. This registry would be the repository of both names and certain civil events and would be used to determine whether or not someone could be approved to own, operate, be employed of, or be paid by the State to provide services. This section separates out the actual registry from the substance and process set forth in section 3 of the bill.

[2:10:44 PM](#)

MS. KRALY said Section 5 (page 7) amends AS 47.05.350 to limit the use of information obtained by an entity or individual as well as provide for immunity under this chapter for relying upon information gathered under this chapter, AS 47.05.310 and AS 47.05.325.

Section 6 (page 7) Amends AS 47.05.360 to add a new section indicating how a person who gets a notice identifying a barring condition can request mistakes to be fixed, or to seek a variance or reconsideration.

Section 7 (page 7) Amends AS 47.05.390 to amend the definition of "entity" under this chapter.

Sections 8 (pages 7-8) Amends AS 47.17.040 to rename the registry used by the Office of Children's Services to avoid confusion. This section also clarifies that this registry will include substantiated findings of abuse or neglect established through the Department of Health and Social Services. This amendment further clarifies that this information can be used for licensing both in and out of this State and confirms the due process protections before placement on the central registry, which is a bar on the centralized registry under AS 47.05.330.

[2:12:47 PM](#)

MS. KRALY said Section 9 (page 8) mends AS 47.17.040 to ensure that notice and opportunities for appeal are afforded to persons prior to placement on the child protection registry. This section also provides additional definitions.

Section 10 (page 8) amends 47.32.070 to add a new subsection that allows licensing history to be considered in evaluating whether to license or place a condition on a license under AS 47.32.

Section 11 (page 8-9) amends AS 47.32.090 to allow the Department of Health and Social Services to investigate an employee, contractor, or volunteer of a licensed entity and, if conduct that did not comply with licensing standard is substantiated, place the employee, contractor, or volunteer on the centralized registry. Currently, state law only allows the Department to investigate and issue findings against the entity - not against individuals who work for the entity.

[2:14:06 PM](#)

MS. KRALY said Section 12 (page 9) amends AS 47.32.150(b) to allow a person who is issued a fine as part of an enforcement action to have the right to appeal the fine.

Section 13 (page 9) amends AS 47.32.180 to clarify that when there is a joint investigation of a licensed facility, the Department of Health and Social Services is allowed to share licensing information with a law enforcement agency, which may also be investigating a crime.

Section 14 (page 9) amends AS 47.32.190 to clarify that any division of the Department of Health and Social Services who is responsible for licensing may gather and share information in order to implement this statute. The current version of the law limits sharing and access to the Divisions of Public Health and Public Assistance, which were the divisions who were responsible for licensing when this law went into effect. At this point, due to changes in organization, licensing is done by the Office of Children's Services, Division of Health Care Services and Public Assistance. This amendment simply allows those divisions who are responsible for licensing to access and share information to implement this chapter without reference to specific divisions. This provides the Department of Health and Social Services with flexibility to implement the chapter when they make organizational changes in the future.

[2:15:41 PM](#)

MS. KRALY said Section 15 (page 10) repeals an unused definition in AS 47.05.390(1) and removes a plan of correction as an enforcement action from AS 47.32.140(d).

Section 16 (page 10) provides for an applicability section to ensure that the criminal or civil conduct occurred before, on, or after the effective date of the Act is covered by these changes.

Section 17 (page 10-11) adds instructions to the revisor of statutes to change headings in statute to conform to new language in the bill.

Section 18 (page 11) provides for an immediate effective date.

[2:16:32 PM](#)

SENATOR STOLTZE asked if the only a bar for licensure is if the person is convicted or adjudicated by reason of insanity.

MS. KRALY explained that the statute provides that if a person has been charged with a crime, a conviction is the evidence a bar is based upon.

SENATOR STOLTZE asked if it is based only on convictions, not on arrests, for example 20 arrests for domestic violence.

MS. KRALY replied that is correct for the barring condition, however, under the current regulatory scheme for day care and foster care providers, there is a good judgement standard that would allow decisions to be made based on arrest information.

SENATOR STOLTZE asked whether the fiscal note would be impacted by the passage of pending Court View legislation.

MS. KRALY responded that the impact of Court View legislation on DHSS remains to be seen. It could create an issue, but during the process of licensing and other purposes, the arrest charges would be identified, but are not a barring condition.

[2:20:18 PM](#)

CHAIR STEDMAN opened and then closed public testimony.

CHAIR STEDMAN held SB 151 in committee.

[2:21:18 PM](#)

There being no further business to come before the committee, Chair Stedman adjourned the Senate Health and Social Services Standing Committee at 2:21 p.m.