

ALASKA STATE LEGISLATURE
SENATE JUDICIARY COMMITTEE

May 6, 2001
1:45 p.m.

MEMBERS PRESENT

Senator Robin Taylor, Chair
Senator John Cowdery
Senator Gene Therriault
Senator Johnny Ellis

MEMBERS ABSENT

Senator Dave Donley, Vice Chair

COMMITTEE CALENDAR

SENATE CS FOR CS FOR HOUSE BILL NO. 115(HES)

"An Act relating to the services of certain medical professionals in civil proceedings for the commitment of certain intoxicated persons; allowing a physician assistant or advanced nurse practitioner to certify the need for emergency treatment as a result of intoxication; and providing for an effective date."

MOVED SCS CSHB 115(HES) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 132(2d RLS)(efd am)

"An Act relating to the possession, distribution, importation, and transportation of alcohol in a local option area; requiring liquor license applicants to submit fingerprints for the purpose of conducting a criminal history background check, and relating to the use of criminal justice information by the Alcoholic Beverage Control Board; relating to the offenses of operating a motor vehicle, aircraft, or watercraft while intoxicated and refusal to take a breath test; relating to implied consent to take a chemical test; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date."

MOVED CSHB 132(2nd RLS) (efd am) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 106(L&C) am

"An Act relating to the authorizations for certain state financial institutions of certain powers and limitations; relating to confidential records of depositors and customers of certain financial institutions; relating to the examination of certain institutions subject to AS 06; relating to the Alaska Banking Code, Mutual Savings Bank Act, Alaska Small Loans Act,

and Alaska Credit Union Act; amending Rule 45, Alaska Rules of Civil Procedure, Rules 17 and 37, Alaska Rules of Criminal Procedure, and Rule 24, Alaska Bar Rules; and providing for an effective date."

MOVED SCS CSHB 106(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 152(RLS)

"An Act relating to brewpub licenses; and providing for an effective date."

SCHEDULED BUT NOT HEARD

CS FOR HOUSE BILL NO. 184(JUD) am

"An Act relating to insurance; amending Rule 402, Alaska Rules of Evidence; and providing for an effective date."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

HB 115 - See HESS minutes dated 4/27/01 and 5/5/01.

HB 132 - See Judiciary minutes dated 5/5/01.

HB 106 - See Judiciary minutes dated 5/2/01, 5/4/01 and 5/5/01.

HB 152 - See Labor and Commerce minutes dated 5/1/01 and
Judiciary minutes dated 5/5/01

HB 184 - See Judiciary minutes dated 5/4/01 and 5/5/01

WITNESS REGISTER

Senator Donny Olsen
Alaska State Capitol Room 510
Juneau, AK 99801-1182

Angela Tillery
Anchorage, AK 99515

POSITION STATEMENT: Testified against HB 115

Kathleen Wedermeyer
Fairbanks, AK 99701

POSITION STATEMENT: Testified against HB 115

Tom Swanson
Anchorage, AK 99508

POSITION STATEMENT: Testified on HB 115

Mr. Terry Elder, Director

Division of Banking, Securities and Corporations
Department of Community and Economic Development
P.O. Box 110807
Juneau, AK 998

ACTION NARRATIVE

TAPE 01-01-33, SIDE A

Number 001

CHAIRMAN ROBIN TAYLOR called the Senate Judiciary Committee meeting to order at 1:45 p.m. Chairman Taylor and Senators Cowdery and Therriault were present. Senator Ellis arrived at 1:47 p.m. Co-chairman Donley was absent. Chairman Taylor announced the first order of business was HB 115.

#HB 115

HB 115-EMERGENCY COMMITMENT ORDERS AND TREATMENT

SENATOR DONNY OLSON, cross sponsor for HB 115, testified that the problems associated with alcohol abuse in Alaska are well documented and this bill would make it possible for mid-level practitioners, advanced nurse practitioners and physician assistants (PA) in particular, to have the opportunity to commit those who chronically abuse the use of alcohol to a treatment facility.

When an intoxicated individual must be transported great distances to reach a hospital for examination by a physician before they can be admitted to a treatment program, enough time may have passed that the alcohol in their blood stream may have metabolized to the point that they do not look or act drunk and their blood alcohol level may be within acceptable limits. When this happens, individuals who may be in need of treatment might be turned away. HB 115 allows the first responders to admit intoxicated individuals to treatment programs.

CHAIRMAN TAYLOR said he had received some criticism of the bill stemming from the concern that mid level practitioners may not have the training, experience and background to make the necessary diagnosis for commitment.

Number 304

SENATOR OLSON responded that the concern is valid for those just out of training but he personally knows of many mid lever

practitioners, both physician assistants and nurse practitioners, who are as capable as and show better judgment than rookie medical doctors. Because physician assistants have collaborative agreements with medical doctors and any questionable decisions reflect on that doctor, such agreements would not be formed if the doctor did not have confidence in that health care provider.

CHAIRMAN TAYLOR then asked whether the bill had been modified in other committees.

SENATOR OLSON responded that the original bill allowed additional types of health care providers to make commitment decisions.

CHAIRMAN TAYLOR asked whether emergency medical technicians (EMT) were included originally.

SENATOR OLSON acknowledged that EMTs and marriage counselors were originally included and now the bill is limited to physician assistants and nurse practitioners.

SENATOR THERRIault asked if a judge makes the final decision after the written application for admission is made.

SENATOR OLSON said that was correct. Even a physician needs judicial agreement in cases of involuntary commitment. As a past member of the medical board, he knows that physician assistants who have recently finished school are not sent to rural Alaska immediately. Physician assistants are better trained than in previous years and are well controlled.

Number 609

ANGELA TILLERY testified via teleconference from Anchorage that she is opposed to involuntary commitment for any reason. Her beliefs are based on two separate cases that she went on to explain.

CHAIRMAN TAYLOR told the witness this bill is for involuntary commitment for intoxicated individuals and her case models were not applicable to the legislation.

MS. TILLERY said she understood that but she is opposed to involuntary commitment for any reason. The court or family should make the decision.

CHAIRMAN TAYLOR reminded her that the courts make the final decision in any case.

KATHLEEN WEDERMEYER, first stated that there should be more opportunity for public testimony. She thought the bill was still worded too generally. It allows PAs and nurse practitioners to sign off on commitment forms in urban areas where there is no shortage of medical doctors who could make the decision. Although supposedly intended for use in rural areas, this is stated nowhere in the bill.

Next she questioned whether there would be a judge available in a village that didn't even have a doctor. In her opinion, an advanced nurse practitioner or physician assistant should never have the authority to sign 30 day commitment forms.

CHAIRMAN TAYLOR replied that commitments are not made without a court hearing.

MS. WEDERMEYER responded that that is only for 30 day commitments. For 48 hour to 10 day commitments there is no hearing. Short term commitment papers are "rubber stamped"; a judge's signature is obtained via fax or over the telephone.

TOM SWANSON testified against HB 115 for the same reasons as those stated above. He wanted the steps for involuntary commitment outlined and asked whether the individual had any rights at all once they were committed.

CHAIRMAN TAYLOR said his concerns are addressed in current Alaska law. The conditions for commitment are carefully thought out and have met constitutional challenge. This legislation simply changes who may sign the initial application.

SENATOR THERRIAULT asked whether the court is involved in any commitment.

CHAIRMAN TAYLOR explained that the court is not involved on an emergency basis.

SENATOR OLSON disagreed with the accuracy of some of the previous testimony. He said that there are 72 hour holds that may be placed but a judge must agree. In his rural medical experience, there was not enough time to deal with intoxicated individuals when they were in an intoxicated state in addition to other emergencies.

CHAIRMAN TAYLOR called for further testimony and received no response. He asked for the pleasure of the committee.

SENATOR COWDERY moved SCS CSHB 115 (HES) from committee with

individual recommendations.

There being no objection, SCS CSHB 115 (HES) moved from committee with individual recommendations.

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HB132

HB 132-ALCOHOL:LOCAL OPTION/DWI/LICENSING

CHAIRMAN TAYLOR announced that there had been significant previous testimony on this bill commonly referred to as the bootleg bill.

He called for the pleasure of the committee.

SENATOR COWDERY moved HB 132 from committee with individual recommendations.

There being no objection, CSHB 132(2nd RLS) (efd am) moved from committee with individual recommendations.

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#HB 106

HB 106-FINANCIAL INSTITUTIONS

CHAIRMAN TAYLOR announced that there were two amendments in the committee packets. He asked for a motion on the first, which delays the effective date of the credit card implementation to July 1, 2002.

SENATOR COWDERY moved amendment 1 and it passed with no objection.

CHAIRMAN TAYLOR called for Mr. Elder to examine amendment 2.

MR. Terry ELDER examined amendment 2 and stated the division had no problem accepting the amendment.

CHAIRMAN TAYLOR called for additional discussion or objection to amendment 2. There being none, amendment 2 passed.

He asked for the pleasure of the committee.

SENATOR COWDERY moved HB 106 from committee with individual

recommendations.

There being no objection, SCS CSHB 106 (JUD) moved from committee with individual recommendations.

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CHAIRMAN TAYLOR announced HB 184 and HB 152 would be heard the following day.

The meeting was adjourned at 2:12 p.m.