

**CS FOR HOUSE BILL NO. 312(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/24/06

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES WEYHRAUCH, Gardner

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to pregnant women; relating to training in fetal alcohol spectrum  
2 disorders for and to requiring certain documentation by licensed physicians, physician  
3 assistants, and nurses; requiring the Department of Health and Social Services to  
4 prepare information for distribution by hospitals, schools, service providers, and alcohol  
5 licensees and permittees about fetal alcohol spectrum disorders; clarifying that fetal  
6 alcohol spectrum disorders is a condition of public health importance; and establishing a  
7 diagnosis and treatment program, including contraceptives, for persons with a fetal  
8 alcohol spectrum disorder or alcohol dependency."

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 \* **Section 1.** AS 08.64.101 is amended to read:

11 **Sec. 08.64.101. Duties.** The board shall

12 (1) examine and issue licenses to applicants;

1 (2) develop written guidelines to ensure that licensing requirements are  
2 not unreasonably burdensome and the issuance of licenses is not unreasonably  
3 withheld or delayed;

4 (3) after a hearing, impose disciplinary sanctions on persons who  
5 violate this chapter or the regulations or orders of the board;

6 (4) adopt regulations ensuring that renewal of licenses is contingent  
7 upon proof of continued competency on the part of the licensee; [AND]

8 (5) under regulations adopted by the board, contract with private  
9 professional organizations to establish an impaired medical professionals program to  
10 identify, confront, evaluate, and treat persons licensed under this chapter who abuse  
11 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

12 **(6) adopt regulations that establish standards for training in the**  
13 **area of substance abuse during pregnancy, fetal alcohol spectrum disorders, and**  
14 **the importance of record keeping and history taking for these conditions for**  
15 **issuance of a license and renewal of a license issued to a physician and to a**  
16 **physician assistant under this chapter; and**

17 **(7) adopt regulations that require a person licensed under this**  
18 **chapter to document known substance abuse by a child's mother in the child's**  
19 **medical record if the child is being treated by the licensee.**

20 \* **Sec. 2.** AS 08.68.100(a) is amended by adding new paragraphs to read:

21 (11) adopt regulations that establish standards for training in the area  
22 of substance abuse during pregnancy, fetal alcohol spectrum disorders, and the  
23 importance of record keeping and history taking for these conditions for issuance and  
24 renewal of a license issued to a nurse practitioner under this chapter;

25 (12) adopt regulations that require a nurse licensed under this chapter  
26 to document known substance abuse by a child's mother in the child's medical record  
27 if the child is being treated by the licensee.

28 \* **Sec. 3.** AS 14.30 is amended by adding a new section to article 5 to read:

29 **Sec. 14.30.372. Distribution of information on fetal alcohol spectrum**  
30 **disorders.** For students in grades six through 12, a school shall maintain a system of  
31 distribution of information prepared and made available under AS 18.05.037 for the

1 prevention of fetal alcohol spectrum disorders.

2 \* **Sec. 4.** AS 14.45 is amended by adding a new section to read:

3 **Sec. 14.45.115. Distribution of information on fetal alcohol spectrum**  
 4 **disorders.** A religious or other private school that elects to comply with AS 14.45.100  
 5 - 14.45.130 shall, for students in grades six through 12, maintain a system of  
 6 distribution of information prepared and made available under AS 18.05.037 for the  
 7 prevention of fetal alcohol spectrum disorders.

8 \* **Sec. 5.** AS 18.05.037 is amended to read:

9 **Sec. 18.05.037. Fetal alcohol spectrum disorders [HEALTH EFFECTS]**  
 10 **information.** The department shall prepare, **in cooperation with the Department of**  
 11 **Education and Early Development,** or obtain distributable information **and**  
 12 **resource materials** on fetal alcohol **spectrum disorders and the** [EFFECTS AND  
 13 THE FETAL HEALTH] effects of chemical abuse and battering during pregnancy.  
 14 The department shall make this information available to public hospitals, clinics,  
 15 [AND] other health facilities in the state, **to licensed and permitted persons who are**  
 16 **engaged in selling or serving alcoholic beverages, and to service providers** for  
 17 distribution to their patients **or clients.**

18 \* **Sec. 6.** AS 18.05.037 is amended by adding a new subsection to read:

19 (b) In this section, "service providers" are persons involved in the care and  
 20 assistance of families in the state who are employed as health care providers, social  
 21 workers, substance abuse counselors, mental health counselors and clinicians,  
 22 residential care providers, correctional and public safety officers, attorneys and judges,  
 23 developmental disability providers, public assistance counselors, and vocational  
 24 rehabilitation workers.

25 \* **Sec. 7.** AS 18.05 is amended by adding a new section to read:

26 **Sec. 18.05.038. Documentation of fetal alcohol spectrum disorders.** The  
 27 department shall maintain a system of data analysis, including a registry, of persons  
 28 who have been prenatally exposed to alcohol. The system must include collection of  
 29 documentation in a medical record of a diagnosis of fetal alcohol spectrum disorders  
 30 in a person's record who is diagnosed with the disorder.

31 \* **Sec. 8.** AS 18.15.395(2) is amended to read:

1 (2) "condition of public health importance" means a disease,  
 2 syndrome, symptom, injury, or other threat to health that is identifiable on an  
 3 individual or community level and can reasonably be expected to lead to adverse  
 4 health effects in the community; **fetal alcohol spectrum disorders is a condition of**  
 5 **public health importance;**

6 \* **Sec. 9.** AS 18.20 is amended by adding a new section to read:

7 **Sec. 18.20.086. Distribution of information on fetal alcohol spectrum**  
 8 **disorders.** A hospital shall maintain a system of distribution of information prepared  
 9 and made available under AS 18.05.037 for the prevention of fetal alcohol spectrum  
 10 disorders.

11 \* **Sec. 10.** AS 47.20 is amended by adding a new section to read:

12 **Article 2. Fetal Alcohol Spectrum Disorders.**

13 **Sec. 47.20.300. Fetal alcohol spectrum disorders program.** (a) The  
 14 department shall establish a program for the diagnosis and treatment of persons with a  
 15 fetal alcohol spectrum disorder.

16 (b) The program must include

17 (1) a statewide system of diagnostic clinics and teams to adequately  
 18 meet the needs of and to encourage early diagnosis for persons affected by prenatal  
 19 exposure to alcohol;

20 (2) maintenance and development of current and relevant information  
 21 and training materials for health care providers working with persons diagnosed with a  
 22 fetal alcohol spectrum disorder and their families;

23 (3) early diagnosis and screening conducted in cooperation with  
 24 schools and service providers, as defined in AS 18.05.037;

25 (4) targeted prevention education for populations identified as being at  
 26 risk of fetal alcohol spectrum disorders;

27 (5) culturally sensitive materials and assistance; and

28 (6) provision of long-acting contraceptives to clients, on request, who  
 29 are receiving services at a community medical clinic, at a community mental health  
 30 clinic, or from a public health nurse and who have been diagnosed with a fetal alcohol  
 31 syndrome disorder or alcohol dependency.

1 (c) In this section,

2 (1) "department" means the Department of Health and Social Services;

3 (2) "treatment" has the meaning given in AS 47.37.270.

4 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 REVISOR'S INSTRUCTION. In AS 47.20.060 - 47.20.290, the revisor of statutes  
7 shall substitute "AS 47.20.060 - 47.20.290" for "this chapter."