

ALASKA STATE LEGISLATURE  
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

March 22, 2005

1:00 p.m.

**DRAFT**

**MEMBERS PRESENT**

**MEMBERS ABSENT**

**COMMITTEE CALENDAR**

**PREVIOUS COMMITTEE ACTION**

**WITNESS REGISTER**

**ACTION NARRATIVE**

**CHAIR TOM ANDERSON** called the House Labor and Commerce Standing Committee meeting to order at [1:16:20 PM](#).

^#hb120

HB 120-HEALTH CARE EMPLOYEE PROTECTION

**DRAFT**

CHAIR ANDERSON announced that the first order of business would be HOUSE BILL NO. 120, "An Act relating to safety devices and sharp instruments for the prevention of the spread of bloodborne pathogens in health care employees; and providing for an effective date."

REPRESENTATIVE WILSON announced that this bill is basically bringing Alaska standards up to the level of the federal level of regulation.

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REPRESENTATIVE WILSON said that there were two reasons for this improvement. First, the effect would be disastrous to those already working in these offices and second, failure to comply jeopardizes eligibility for federal grants.

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CHAIR ANDERSON stated that this already went through House Health, Education and Social Services Standing Committee and the Department of Labor recommended it.

REPRESENTATIVE GUTTENBERG asked if there were any statistics on people who have been exposed to blood borne pathogens at dental offices, and if it was greater or less than regular medical offices.

REPRESENTATIVE WILSON answered that a number of years back there was a Representative that was in this legislative body who did not want the dental profession included.

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REPRESENTATIVE ROKEBERG continued by stating that she was concerned that in order to comply, there would have to be more than 25 employees so they exempted dentists.

REPRESENTATIVE WILSON recalled that former Representative Hugh Fate was concerned that in order to comply but not include dentists, the "fewer than 25" [employee] language was utilized because [most dentists had] fewer than 25 [employees].

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REPRESENTATIVE ROKEBERG referred to HB 120 as the "sharp needle" bill. He recalled that there was concern for all health care providers in small settings, not just dentists.

REPRESENTATIVE WILSON announced that almost all health care providers are very supportive of this bill.

GREY MITCHEL, Department of Labor, spoke in support of HB 120. He characterized it as a housekeeping measure. He explained that at the time this law was created, there were no federal standards for blood borne pathogens. In the year 2000, the federal employee protection law was created and special exemptions were created for small employer groups and dental groups.

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MR. MITCHEL then stated that in the following year, the federal government came out with comprehensive regulations for blood borne pathogen standards. However, these two professional exemptions were not included in the new regulations and thus the

state was at odds with the federal Occupational Safety and Health Administration (OSHA) program because the state had a less strict interpretation regarding when the protective regulations had to be in place for keeping workers safe. He noted that these regulations tend to protect customers at these facilities.

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MR. MITCHEL turned to the earlier questions regarding the number of incidences and the number of employees. Referring to a list he had that didn't detail employers with less than 25 employees, he guesstimated that 30 percent of these were employers with less than 25 employees. There is a total of 85 businesses that had incidences between October 2003 and September 2004, 12 of which were dental establishments and the other 73 were other health care related businesses. He then said that the other confusing element is that the state law, AS 18.60.030(6), established when the state was given jurisdiction over occupational safety and health issues required the state to maintain standards as effective as federal standards. Therefore, there is a conflict between statute and federal standards. The legislation simply intends to eliminate the conflict and clarifies the obligation of these health care businesses in protecting their employees and the public from blood borne pathogens.

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MR. MITCHEL characterized this matter as a common sense issue and the [department's] occupational safety and health industrial hygienist has found that all of the dentists are complying because they don't want to risk exposure and the potential huge costs of such.

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REPRESENTATIVE ROKEBERG, referring to AS 18.60.890(G), pointed out that this statute, which came out a couple of years ago, states that a employer that employs 10 or more front line health care workers, shall be required to establish an evaluation committee. He then asked what businesses are to do if they have very small practices and the exemption is eliminated.

MR. MITCHEL answered that right now the state law require the business take a look at the safety products on the market. If there are 10 employees or less, there has to be one person there

that is directly involved reviewing safety products. Regardless of the ratio of employees, 50 percent of the employees that do the review must have directly involvement with patient care or lab work. The intent here is to provide a way for the people that are using the products to have a say in evaluating the safety procedures in their clinic or lab.

REPRESENTATIVE ROKEBERG clarified that he is concerned with throwing away the provision. He then asked how you enforce this as a department and determine that the business however small had an evaluation committee.

MR. MITCHELL answered that this was essentially the case. There is a lot of common sense in the statutes that were devised earlier.

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MR. MITCHEL said that they allow for provisions that allow for individual analysis of each practitioners situation. If in the mind of the doctor, the use of the equipment would not provide any additional safety margin, then they do not bother purchasing the equipment. The dental community cannot use a lot of the equipment that is on the market so they do not have any consternation about the issue, as long as they comply as best they can and are in compliance with federal law.

PAT SENNER, nurse, Alaska Nurses Association, announced that she was in support of the bill and that was involved in getting the original Act in place. Since the federal act took place in 2001, there has been a 50 percent reduction in needle sticks. This, she said, is a good lead in for this question, since the infection of one person can cost the system over a million dollars in long-term care. The safety devices that are being discussed were originally very expensive and this is why the exemptions were put into place. This cost, she said, has gone down since then, and should not be an issue any longer. She ended by stating that she hoped that this bill would pass so that state law can be in compliance with federal law.

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CHAIR ROKEBERG asked if the Alaska State Medical Association had taken a position on this or any of the other parts of the bill concerning sharps and other devices. He noted that some of the smaller medical groups did not testify today and there is nothing in the packets.

CHAIR ANDERSON said that he did not think it was in the packet and then indicated that though the issue was debated in other committees, and that they did or did not give testimony to the issue, it probably meant that it was not something that reached "their radar".

CHAIR ROKEBERG indicated that there was testimony from the Dental Society and that this should be in the packet. He expressed concern about the teeth cleaning devices and whether they are covered as needle stick legislation as well.

CHAIR ANDERSON answered that this will be addressed by Representative Wilson before it goes to the floor.

REPRESENTATIVE LEDOUX moved to report HB 120 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, it was so ordered.

**DRAFT**

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[The remaining transcripts are forthcoming.]

#### **ADJOURNMENT**

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at [2:49:01 PM](#)