

**ALASKA STATE LEGISLATURE  
CONFERENCE COMMITTEE SB 130**

May 10, 2005

4:23 p.m.

**MEMBERS PRESENT**

Senator Ben Stevens, Chair  
Senator Ralph Seekins  
Senator Gretchen Guess  
Representative John Harris  
Representative John Coghill  
Representative David Guttenberg

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 130(FIN) am  
"An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount

for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date."

HEARD AND HELD

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H  
"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 130

SHORT TITLE: WORKERS' COMPENSATION/ INSURANCE

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/03/05	(S)	READ THE FIRST TIME - REFERRALS
03/03/05	(S)	L&C, FIN
03/08/05	(S)	L&C AT 1:30 PM BELTZ 211
03/08/05	(S)	Heard & Held
03/08/05	(S)	MINUTE(L&C)
03/10/05	(S)	L&C AT 1:30 PM BELTZ 211
03/10/05	(S)	Heard & Held
03/10/05	(S)	MINUTE(L&C)
03/15/05	(S)	L&C AT 1:30 PM BELTZ 211
03/15/05	(S)	Heard & Held
03/15/05	(S)	MINUTE(L&C)
03/17/05	(S)	L&C AT 1:30 PM BELTZ 211
03/17/05	(S)	Heard & Held
03/17/05	(S)	MINUTE(L&C)
03/22/05	(S)	L&C AT 1:30 PM BELTZ 211

03/22/05 (S) Heard & Held  
 03/22/05 (S) MINUTE(L&C)  
 03/24/05 (S) L&C AT 2:00 PM BELTZ 211  
 03/24/05 (S) Heard & Held  
 03/24/05 (S) MINUTE(L&C)  
 03/29/05 (S) L&C AT 1:30 PM BELTZ 211  
 03/29/05 (S) -- Meeting Canceled --  
 03/31/05 (S) L&C AT 1:30 PM BELTZ 211  
 03/31/05 (S) Moved CSSB 130(L&C) Out of Committee  
 03/31/05 (S) MINUTE(L&C)  
 04/01/05 (S) L&C RPT CS 2DP 1NR 2AM NEW TITLE  
 04/01/05 (S) DP: BUNDE, STEVENS B  
 04/01/05 (S) NR: SEEKINS  
 04/01/05 (S) AM: DAVIS, ELLIS  
 04/01/05 (S) JUD REFERRAL ADDED AFTER L&C  
 04/05/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 04/05/05 (S) Heard & Held  
 04/05/05 (S) MINUTE(JUD)  
 04/06/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 04/06/05 (S) Heard & Held  
 04/06/05 (S) MINUTE(JUD)  
 04/07/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 04/07/05 (S) Heard & Held  
 04/07/05 (S) MINUTE(JUD)  
 04/08/05 (S) JUD RPT CS FORTHCOMING 1DP 4NR  
 04/08/05 (S) DP: SEEKINS  
 04/08/05 (S) NR: FRENCH, GUESS, THERRIAULT, HUGGINS  
 04/08/05 (H) JUD AT 8:00 AM CAPITOL 120  
 04/08/05 (S) Moved CSSB 130(JUD) Out of Committee  
 04/08/05 (S) MINUTE(JUD)  
 04/08/05 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/08/05 (S) <Pending Referral>  
 04/11/05 (S) FIN RPT CS 5DP 1NR 1AM NEW TITLE  
 04/11/05 (S) DP: GREEN, WILKEN, BUNDE, DYSON,  
 STEDMAN  
 04/11/05 (S) NR: HOFFMAN  
 04/11/05 (S) AM: OLSON  
 04/11/05 (S) JUD CS RECEIVED NEW TITLE  
 04/11/05 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/11/05 (S) Moved CSSB 130(FIN) Out of Committee  
 04/11/05 (S) MINUTE(FIN)  
 04/14/05 (S) TRANSMITTED TO (H)  
 04/14/05 (S) VERSION: CSSB 130(FIN) AM  
 04/15/05 (H) READ THE FIRST TIME - REFERRALS  
 04/15/05 (H) L&C, JUD, FIN  
 04/15/05 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/15/05 (S) Moved Out of Committee 4/11

04/15/05 (S) MINUTE(FIN)  
 05/04/05 (H) L&C RPT HCS(L&C) 2DP 3NR 2AM  
 (FORTHCOMING)  
 05/04/05 (H) DP: KOTT, LEDOUX;  
 05/04/05 (H) NR: CRAWFORD, LYNN, GUTTENBERG;  
 05/04/05 (H) AM: ROKEBERG, ANDERSON  
 05/04/05 (H) L&C AT 2:00 PM CAPITOL 17  
 05/04/05 (H) Moved HCS CSSB 130(L&C) Out of  
 Committee  
 05/04/05 (H) MINUTE(L&C)  
 05/05/05 (H) HCS(L&C) NT RECEIVED  
 05/05/05 (H) JUD AT 1:00 PM CAPITOL 120  
 05/05/05 (H) Failed To Move Out Of Committee  
 05/05/05 (H) MINUTE(JUD)  
 05/05/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 05/05/05 (H) <Pending Referral>  
 05/06/05 (H) JUD RPT HCS(JUD) NT 3DP 3NR 1AM  
 05/06/05 (H) DP: KOTT, COGHILL, GARA;  
 05/06/05 (H) NR: GRUENBERG, DAHLSTROM, MCGUIRE;  
 05/06/05 (H) AM: ANDERSON  
 05/06/05 (H) FIN RPT HCS(JUD) NT 9NR  
 05/06/05 (H) NR: HAWKER, HOLM, FOSTER, STOLTZE,  
 CROFT, WEYHRAUCH, JOULE, MOSES, MEYER  
 05/06/05 (H) JUD AT 1:00 PM CAPITOL 120  
 05/06/05 (H) Moved HCS CSSB 130(JUD) Out of  
 Committee  
 05/06/05 (H) MINUTE(JUD)  
 05/06/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 05/06/05 (H) <Pending Referral>  
 05/08/05 (H) BEFORE THE HOUSE  
 05/08/05 (H) VERSION: HCS CSSB 130(JUD) AM H  
 05/09/05 (S) CONCURRENCE MESSAGE READ AND HELD  
 05/09/05 (S) CONFERENCE COMMITTEE APPOINTED  
 05/09/05 (S) B. STEVENS (CHAIR), SEEKINS, GUESS  
 05/09/05 (H) RECEDE MESSAGE READ  
 05/09/05 (H) CONFERENCE COMMITTEE APPOINTED  
 05/09/05 (H) HARRIS, COGHILL, GUTTENBERG

**WITNESS REGISTER**

Paul Lisankie, Director  
 Division of Workers' Compensation  
 Department of Labor & Workforce Development  
 PO Box 21149  
 Juneau, AK 99802-1149

**POSITION STATEMENT:** Answered questions on SB 130

Linda Hall, Director  
Division of Insurance  
Department of Commerce, Community & Economic Development  
PO Box 110805  
Juneau, AK 99811-0805

**POSITION STATEMENT:** Answered questions on SB 130

**ACTION NARRATIVE**

**SB 130-WORKERS' COMPENSATION/ INSURANCE**

**CHAIR BEN STEVENS** called the Conference Committee meeting on SB 130 to order at [4:23:00 PM](#). [CSSB 130(FIN) AM and HCS CSSB 130(JUD) AM H were under consideration] Present were Representative Harris, Representative Coghill, Representative Guttenberg, Senator Guess, Senator Seekins, and Chair Ben Stevens.

SENATOR RALPH SEEKINS moved the committee accept the Senate version of SB 130.

REPRESENTATIVE JOHN HARRIS objected.

CHAIR BEN STEVENS called for a roll call vote.

The motion failed with Senator Seekins and Senator Ben Stevens voting yea and Senator Guess, Representative Guttenberg, Representative Coghill and Representative Harris voting nay.

SENATOR SEEKINS moved the committee accept the House version of SB 130.

SENATOR GRETCHEN GUESS objected.

CHAIR BEN STEVENS called for a roll call vote.

The motion failed with Representative Guttenberg and Representative Harris voting yea and Representative Coghill, Senator Guess, Senator Seekins and Senator Ben Stevens voting nay.

[4:25:16 PM](#)

SENATOR SEEKINS moved to accept the House version of Items 1, 2, and 3.

SENATOR GUESS objected to Item 2.

The committee adopted the House version of Items 1 and 3. Item 2 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Items 4 and 5.

REPRESENTATIVE HARRIS objected.

Items 4 and 5 remained open.

[4:26:34 PM](#)

SENATOR SEEKINS moved to accept the House version of Item 6.

Hearing no objection, House version of Item 6 was adopted.

SENATOR SEEKINS moved to accept the Senate versions of Items 7, 8, and 9.

There was objection; Items 7, 8, and 9 remained open.

[4:26:52 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Items 10 and 11.

Hearing no objection, the House version of Items 10 and 11 were adopted.

[4:27:47 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Items 12 and 13.

Hearing no objection, the House version of Items 12 and 13 were adopted.

SENATOR SEEKINS moved the committee accept the Senate version on Item 14.

SENATOR GUESS objected.

Item 14 remained open.

SENATOR SEEKINS moved the committee accept the House version of Items 15 and 16.

CHAIR BEN STEVENS objected.

Items 15 and 16 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 17.

Hearing no objection, the Senate version of Item 17 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Items 18, 19, 20, 21, and 22. Hearing no objection, the House version of Items 18, 19, 20, 21, and 22 were adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Items 23, 24, and 25.

REPRESENTATIVE HARRIS objected to Item 25.

The committee adopted the Senate version of Items 23 and 24. Item 25 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 26.

CHAIR BEN STEVENS objected.

Item 26 remained open.

[4:28:26 PM](#)

SENATOR SEEKINS moved the committee accept the Senate version of Item 27.

REPRESENTATIVE DAVID GUTTENBERG objected.

Item 27 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 28.

Hearing no objection, the House version of Item 28 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 29.

REPRESENTATIVE HARRIS objected.

Item 29 remained open.

[4:29:02 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 30.

Hearing no objection, the House version of Item 30 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 31.

CHAIR BEN STEVENS objected.

Item 31 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 32.

REPRESENTATIVE HARRIS objected.

Item 32 remained open.

[4:29:43 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 33.

Hearing no objection, the House version of Item 33 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 34 and 35.

REPRESENTATIVE HARRIS objected.

Items 34 and 35 remained open.

[4:29:59 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 36.

Hearing no objection, the House version of Item 36 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 37.

Hearing no objection, the House version of Item 37 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 38.

Hearing no objection, the House version of Item 38 was adopted.

[4:30:36 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 39.

Hearing no objection, the House version of Item 39 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 40.

CHAIR BEN STEVENS objected.

Item 40 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 41.

CHAIR BEN STEVENS objected.

Item 41 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 42.

Hearing no objection, the House version of Item 42 was adopted.

[4:31:02 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 43.

CHAIR BEN STEVENS objected.

Item 43 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 44.

Hearing no objection, the House version of Item 44 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 45.

Hearing no objection, the House version of Item 45 was adopted.

[4:31:30 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 46.

Hearing no objection, the House version of Item 46 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 47.

SENATOR GUESS objected.

Item 47 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 48.

Hearing no objection, the House version of Item 48 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 49.

REPRESENTATIVE HARRIS objected.

Item 49 remained open.

[4:32:02 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 50.

Hearing no objection, the House version of Item 50 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 51.

REPRESENTATIVE HARRIS objected.

Item 51 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 52.

SENATOR SEEKINS objected.

Item 52 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 53.

Hearing no objection, the House version of Item 53 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 54.

Hearing no objection, the House version of Item 54 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 55.

SENATOR GUESS objected.

Item 55 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 56.

Hearing no objection, the Senate version of Item 56 was adopted.

[4:33:21 PM](#)

SENATOR SEEKINS moved the committee accept the Senate version of Item 57.

Hearing no objection, the Senate version of Item 57 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 58.

SENATOR GUESS objected.

Item 58 remained open.

[4:33:41 PM](#)

SENATOR SEEKINS moved the committee accept the Senate version of Item 59.

SENATOR GUESS objected.

Item 59 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 60.

Hearing no objection, the House version of Item 60 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 61.

Hearing no objection, the House version of Item 61 was adopted.

[4:34:04 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 62.

Hearing no objection, the House version of Item 62 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 63.

CHAIR BEN STEVENS objected.

Item 63 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 64.

REPRESENTATIVE HARRIS objected.

Item 64 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 65.

SENATOR GUESS objected.

Item 65 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 66.

Hearing no objection, the motion carried.

[4:34:43 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 67.

CHAIR BEN STEVENS objected.

Item 67 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 68.

Hearing no objection, the House version of Item 68 was adopted.

SENATOR SEEKINS moved the committee accept the House version of Item 69.

Hearing no objection, the House version of Item 69 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 70.

Hearing no objection, the Senate version of Item 70 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 71.

[No objection was heard.]

[4:35:26 PM](#)

REPRESENTATIVE JOHN COGHILL asked that Item 70 remain open.

Item 70 remained open.

[4:36:35 PM](#)

REPRESENTATIVE HARRIS suggested that someone from the administration come forward to answer questions when the open items were considered.

CHAIR BEN STEVENS agreed.

REPRESENTATIVE HARRIS moved the committee accept the House version of Item 2.

SENATOR GUESS objected for discussion purposes. She asked Mr. Lisanki to go over the provision in the Senate version.

[4:37:07 PM](#)

MR. PAUL LISANKIE, Director, Division of Workers' Compensation, Department of Labor and Workforce Development, deferred the question to Ms. Linda Hall.

MS. LINDA HALL, Director, Division of Insurance, Department of Commerce, Community & Economic Development advised she asked that Item 2 be deleted from the bill. There are technical problems associated with it.

SENATOR GUESS removed her objection.

With no further objection, Item 2 from the House version was adopted.

REPRESENTATIVE HARRIS moved the committee accept the House version of Item 4.

CHAIR BEN STEVENS objected. He asked Mr. Lisanki to comment.

[4:38:45 PM](#)

MR. LISANKIE said Section 4 deals with intent language, most of which has already been adopted by the Legislature. This would be the first time it is codified.

SENATOR SEEKINS asserted it was common practice of the Senate Standing Judiciary Committee to have the findings section eliminated from the bills unless absolutely necessary.

CHAIR BEN STEVENS responded the difference is codified law.

[4:39:58 PM](#)

SENATOR SEEKINS agreed and said he had no objection to the intent being in the version as codified law.

MR. LISANKIE said he is not aware of any reason for the intent and findings to be codified.

REPRESENTATIVE COGHILL suggested the language is constructive in guiding the courts.

CHAIR BEN STEVENS said the language directs the body to be impartial and fair to all parties. It might be wise to have that codified.

REPRESENTATIVE COGHILL said that would be true of any panel. There should be no reason to vote the language in.

CHAIR BEN STEVENS maintained his objection. He said it should be codified that impartial action be taken.

REPRESENTATIVE GUTTENBERG said benefits would be decided on merits unless otherwise decided by statute. He asked where in statute it says that it not be on merits.

[4:43:25 PM](#)

MR. LISANKIE said he is not sure, but he believes it refers to the fact that there are presumptions that apply in favor of employees. No one wanted to get crosswise with the existing presumptions in favor of employees.

CHAIR BEN STEVENS observed that number 4 is the intent. Items 1-3 are already codified and Item 4 is the intent that it be impartial and fair. He maintained his objection.

SENATOR SEEKINS voiced his support.

CHAIR BEN STEVENS called for a roll call vote on the motion to adopt House version Item 4.

The motion failed with Senator Guess, Representative Harris, Representative Coghill, and Representative Guttenberg voting yea and Senator Seekins and Senator Ben Stevens voting nay.

REPRESENTATIVE HARRIS moved the committee accept the Senate version of Item 4.

Hearing no objection, the Senate version of Item 4 was adopted.

[4:46:25 PM](#)

CHAIR BEN STEVENS called a brief at ease.

[4:47:00 PM](#)

REPRESENTATIVE HARRIS moved the committee accept the Senate version of Item 5, but alter the panels to two.

CHAIR BEN STEVENS objected for discussion.

SENATOR SEEKINS explained until the committee received limited powers, they could make no changes.

REPRESENTATIVE HARRIS withdrew the motion.

Item 5 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 7.

REPRESENTATIVE COGHILL objected.

MR. LISANKIE explained the Department of Labor and Workforce Development (DOLWD) would not have the option to contract with a non-profit organization to work with injured workers who were unable to get private attorneys. The DOLWD has heard from many injured workers that are having trouble getting through the system due to the limited number of private attorneys available for representation. The DOLWD asked for funding to provide seed money to contract with a non-profit organization.

REPRESENTATIVE HARRIS asked Mr. Lisanki whether he agreed with the House version of Item 7.

MR. LISANKIE replied yes.

[4:50:05 PM](#)

SENATOR GUESS noted the House version does not have the provision allowing the DOLWD to contract with a non-profit agency to represent injured workers.

CHAIR BEN STEVENS clarified the Senate version would allow to contract with non-profit and the House version would not.

REPRESENTATIVE GUTTENBERG asked Mr. Lisanki the process when an injured worker does not get an attorney.

[4:52:01 PM](#)

MR. LISANKIE answered the contract would have to be figured in a way that had a limited amount of services available.

SENATOR SEEKINS clarified the provision would allow the department to contract with an agency that might help the injured worker.

MR. LISANKIE agreed. DOLWD can offer information but they cannot represent people.

SENATOR SEEKINS noted the provision is an assist to help people get representation at state expense.

[4:53:22 PM](#)

REPRESENTATIVE HARRIS asked Mr. Lisanki the reason DOLWD would contract with a non-profit.

MR. LISANKIE answered the intention was to try and come up with an inexpensive way to address a problem. That being that some people are unable to obtain a private attorney to represent them.

SENATOR SEEKINS withdrew his motion to accept the Senate version and moved to accept the House version of Item 7.

[4:55:00 PM](#)

SENATOR GUESS objected. She explained it is a needed service, which would help the system run more smoothly.

CHAIR BEN STEVENS called for a roll call vote. The motion failed with Senator Seekins, Representative Harris, Representative Coghill, and Representative Guttenberg voting yea and Senator Guess and Senator Ben Stevens voting nay.

Item 7 remained open.

[4:57:07 PM](#)

SENATOR SEEKINS moved the committee accept the Senate version of Item 8.

REPRESENTATIVE HARRIS objected.

Item 8 remained open.

SENATOR SEEKINS moved the committee accept the Senate version of Item 9.

REPRESENTATIVE HARRIS objected.

REPRESENTATIVE COGHILL explained it requires board approval, which is tied to Item 8.

[4:58:42 PM](#)

MR. LISANKIE explained the distinction between the two proposals. In the Senate bill if an attorney licensed in the State of Alaska represents someone, they can reach a settlement without having it approved by the current board unless they are a minor or have a mental incompetency. The House version requires board approval of any settlement.

[4:59:47 PM](#)

SENATOR SEEKINS aired the view that someone represented by an attorney should have the right to stipulate when they want to. He stated disinterest in establishing the requirement for board approval.

SENATOR GUESS countered the committee should keep it in because of the impact on all of the healthcare system. She maintained it contributed to the public good.

[5:02:08 PM](#)

Brief at ease.

Representative Harris removed his objection.

The committee adopted the Senate version of Item 9.

[5:03:17 PM](#)

SENATOR SEEKINS moved the committee accept the Senate version of Item 14.

SENATOR GUESS objected. She asked Mr. Lisanki whether a re-injured worker could receive a second relocation benefit.

[5:04:13 PM](#)

MR. LISANKIE explained a person who has qualified for reemployment benefits and goes back to work at the same type of employment and is injured again would not be eligible for reemployment benefits.

CHAIR STEVENS clarified after rehabilitation the person went back to the same job and was re-injured.

SENATOR GUESS remembered the intent was if an injured worker declined their benefits on a first injury and went back to the job and incurred a new injury, that person would not be excluded from a reemployment benefit.

MR. LISANKIE understood they would be excluded.

SENATOR GUESS clarified they would be permanently excluded.

[5:06:11 PM](#)

MR. LISANKIE said yes. He explained under the act Alaska has, if a person accepts retraining benefits, which are based on the expectation the person could not go back to the present job, and the person goes back and gets re-injured, that person would not be eligible for additional retraining benefits.

REPRESENTATIVE COGHILL voiced concern in an instance of a person who was injured, retrained, and ten years later found themselves in the same type of employment and was re-injured.

[5:09:55 PM](#)

MR. LISANKIE pointed out under the current authority the eligibility for the retraining benefit is based on the finding a person is permanently precluded from going back to that current type of work.

CHAIR BEN STEVENS noted Items 14 and 15 are linked together.

REPRESENTATIVE HARRIS asked Mr. Lisanki to explain the intent of Item 14.

MR. LISANKIE explained the concern with the additional eligibility requirement is that people not accept a benefit that is premised on need and later act in a way that is inconsistent with that need.

[5:14:48 PM](#)

SENATOR SEEKINS said the only penalty is the state won't retrain the injured worker a second time.

REPRESENTATIVE COGHILL agreed. He expressed a need for a medical determination that an employee can never do the job again.

REPRESENTATIVE GUTTENBERG voiced concern once a benefit is taken; there are lifetime denials for future benefits. If, 15 to 20 years later a person incurs the same injury they would be denied.

[5:18:45 PM](#)

MR. LISANKIE said Alaska current reemployment benefits are all keyed to physical abilities and physical demands of the job.

[5:20:18 PM](#)

SENATOR SEEKINS asked whether a person who accepts benefits would receive a permanent or partial impairment rating.

MR. LISANKIE advised they may or may not. Eligibility is conditioned on an expert opinion.

SENATOR SEEKINS asserted an injured worker would not unknowingly return to the same type of work they were injured at. A physician would tell the worker they were either partially or permanently disabled and should not do physical work.

MR. LISANKIE agreed someone would have to make that determination or the worker wouldn't even be eligible for benefits.

SENATOR SEEKINS asserted when someone knowingly goes back; the obligation of Alaska should cease.

[5:22:25 PM](#)

SENATOR GUESS expressed concern over the job dislocation benefit, which is a payout instead of retraining. There is no provision allowing someone who realizes they made a poor decision to go back and amend that decision.

[5:23:11 PM](#)

CHAIR BEN STEVENS asked for a roll call vote on adopting the Senate version of Item 14.

The motion failed with Senator Seekins and Senator Ben Stevens voting yea and Representative Harris, Representative Coghill, Representative Guttenberg and Senator Guess voting nay.

Item 14 remained open.

SENATOR SEEKINS moved the committee accept the House version of Item 15.

[5:24:38 PM](#)

CHAIR BEN STEVENS objected.

CHAIR BEN STEVENS asked for a roll call vote.

The motion failed with Representative Coghill, Representative Guttenberg, Senator Guess and Representative Harris voting yea and Senator Seekins and Senator Ben Stevens voting nay.

Item 15 remained open.

[5:25:23 PM](#)

Senator Seekins moved the committee accept the Senate version of Item 16.

Hearing no objection, the Senate version of Item 16 was adopted.

Senator Seekins moved the committee accept the Senate version of Item 25.

Representative Harris objected and stated the need for different powers in order to accept the Senate version.

Item 25 remained open.

[5:26:16 PM](#)

SENATOR SEEKINS moved the committee accept the House version of Item 26.

Hearing no objection, the House version of Item 26 was adopted.

SENATOR SEEKINS moved the committee accept the Senate version of Item 27.

REPRESENTATIVE GUTTENBERG objected. He expressed concern over the limit of palliative care.

SENATOR SEEKINS advised there was quite a debate on this in the Senate Standing Judiciary Committee. They established a limit unless it is needed to enable an employee to continue employment or participate in vocational rehabilitation or to treat chronic debilitating pain.

SENATOR GUESS remarked since there is a task force and a medical review committee assigned, the item should not be adopted.

[5:29:19 PM](#)

SENATOR SEEKINS stated the palliative care section is closely patterned after Oregon.

REPRESENTATIVE GUTTENBERG mentioned palliative care can become an argument between opposing attorneys and opposing doctors.

REPRESENTATIVE HARRIS asked if palliative care would it be covered if it were needed to keep a person on the job.

MR. LISANKIE answered yes it would fall under the qualification of enabling one to continue employment.

REPRESENTATIVE HARRIS asked whether fraud was covered in SB 130.

[5:32:12 PM](#)

MR. LISANKIE cautioned the committee about defining something as fraud. He said some healthcare modalities enable a person to make them feel well enough to keep work.

SENATOR SEEKINS expressed concern that people could convince their physicians of what treatments are necessary. He said he is trying to eliminate the "feel-good" treatments versus those necessary to treat the injury.

REPRESENTATIVE COGHILL said he is still struggling with the dueling doctors scenario.

[5:35:52 PM](#)

MR. LISANKIE said:

In that scenario, the challenge might come if someone was aware of your medical condition, say your

insurance company would be paying for your medical care, and if you had a condition that didn't in their minds correspond with chronic debilitating pain for most people, and I wouldn't want to get too much more specific than that, then under the act currently, they are entitled to ask you to go to an independent medical examination. Typically I would see them asking that independent medical examiner to confirm whether the condition is something that would cause chronic debilitating pain. That would be the kind of duel you could get into there.

SENATOR SEEKINS said under the statute, the injured person is allowed to have their choice of attending physician. The system provides a check and balance when the independent medical examination comes into play.

[5:38:26 PM](#)

REPRESENTATIVE GUTTENBERG asked what happens when there are differing opinions.

CHAIR STEVENS announced the committee would vote on the motion to adopt the Senate version of Item 27.

The motion failed with Senator Seekins and Senator Ben Stevens voting yea and Representative Harris, Representative Coghill, Representative Guttenberg and Senator Guess voting nay.

CHAIR STEVENS adjourned the meeting at [5:39:13 PM](#).