

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

March 6, 2006

1:34 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Gary Wilken, Vice Chair
Senator Lyda Green
Senator Kim Elton
Senator Donny Olson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 109(FIN)

"An Act relating to establishing a screening, tracking, and intervention program related to the hearing ability of newborns and infants; providing an exemption to licensure as an audiologist for certain persons performing hearing screening; relating to insurance coverage for newborn and infant hearing screening; and providing for an effective date."

MOVED CSHB 109(FIN) OUT OF COMMITTEE

SENATE BILL NO. 8

"An Act relating to a student loan repayment program for nurses, and amending the duties of the Board of Nursing that relate to this program; and providing for an effective date."

HEARD AND HELD

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 184

"An Act relating to mental health patient rights and to a hospital's duty to provide same sex staff for providing care to a mental health patient."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 109

SHORT TITLE: SCREENING NEWBORN FOR HEARING/AUDIOLOGIST

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

01/26/05 (H) READ THE FIRST TIME - REFERRALS

01/26/05 (H) L&C, HES, FIN
 02/04/05 (H) L&C AT 3:15 PM CAPITOL 17
 02/04/05 (H) Heard & Held
 02/04/05 (H) MINUTE(L&C)
 02/07/05 (H) L&C AT 3:15 PM CAPITOL 17
 02/07/05 (H) Moved CSHB 109(L&C) Out of Committee
 02/07/05 (H) MINUTE(L&C)
 02/09/05 (H) L&C RPT CS(L&C) NT 5DP 1NR
 02/09/05 (H) DP: LYNN, LEDOUX, GUTTENBERG, CRAWFORD,
 ANDERSON;
 02/09/05 (H) NR: ROKEBERG
 02/17/05 (H) HES AT 3:00 PM CAPITOL 106
 02/17/05 (H) Moved CSHB 109(L&C) Out of Committee
 02/17/05 (H) MINUTE(HES)
 02/18/05 (H) HES RPT CS(L&C) NT 5DP 2NR
 02/18/05 (H) DP: CISSNA, ANDERSON, MCGUIRE, SEATON,
 WILSON;
 02/18/05 (H) NR: GARDNER, KOHRING
 04/11/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/11/05 (H) Heard & Held
 04/11/05 (H) MINUTE(FIN)
 04/12/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/12/05 (H) Moved CSHB 109(FIN) Out of Committee
 04/12/05 (H) MINUTE(FIN)
 04/14/05 (H) FIN RPT CS(FIN) NT 5DP 4NR
 04/14/05 (H) DP: STOLTZE, KELLY, FOSTER, MEYER,
 CHENAULT;
 04/14/05 (H) NR: HAWKER, HOLM, WEYHRAUCH, MOSES
 04/21/05 (H) TRANSMITTED TO (S)
 04/21/05 (H) VERSION: CSHB 109(FIN)
 04/22/05 (S) READ THE FIRST TIME - REFERRALS
 04/22/05 (S) HES, FIN
 03/06/06 (S) HES AT 1:30 PM BUTROVICH 205

BILL: SB 8

SHORT TITLE: NURSE EDUC LOAN REPAYMENT PROGRAM

SPONSOR(s): SENATOR(s) FRENCH

01/11/05 (S) PREFILE RELEASED 12/30/04
 01/11/05 (S) READ THE FIRST TIME - REFERRALS
 01/11/05 (S) HES, STA, FIN
 03/06/06 (S) HES AT 1:30 PM BUTROVICH 205

BILL: SB 184

SHORT TITLE: MENTAL HEALTH PATIENT RIGHTS:STAFF GENDER

SPONSOR(s): SENATOR(s) DAVIS

04/21/05 (S) READ THE FIRST TIME - REFERRALS
04/21/05 (S) HES, FIN
02/08/06 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/08/06 (S) HES, L&C
03/06/06 (S) HES AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

Representative Jay Ramras
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 109.

Jane Pierson, Legislative Aide
Staff to Representative Ramras
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced HB 109.

Stephanie Burch, Section Chief
Women's, Children's, and Family Health
Division of Public Health
Department of Health & Social Services
PO Box 110601
Juneau, AK 99801-0601
POSITION STATEMENT: Provided information on HB 109.

Leena Ongley, Audiologist
Barrow, AK 99723
POSITION STATEMENT: Testified in support of HB 109.

Kerry Pippin, Speech Therapist
Fairbanks, AK 99701
POSITION STATEMENT: Testified in support of HB 109.

Pamela Mueller-Guy
Juneau, AK 99801
POSITION STATEMENT: Testified in support of HB 109.

Suzanne Rust
Anchorage, AK 99801
POSITION STATEMENT: Testified in support of HB 109.

Jodi Rumph
Juneau, AK 99801
POSITION STATEMENT: Testified in support of HB 109.

Lisa Owens
Anchorage, AK 99501
POSITION STATEMENT: Testified in support of HB 109.

Sandy Fricky, Nurse
Bartlett Regional Hospital
3260 Hospital Drive
Juneau, AK 99801
POSITION STATEMENT: Testified in support of HB 109.

Martin Beals, Chapter Champion
Alaska Chapter
American Academy of Pediatrics
Anchorage, AK 99507-6017
POSITION STATEMENT: Testified in support of HB 109.

Catherine Price-Carter, Nurse
Bartlett Regional Hospital
3260 Hospital Drive
Juneau, AK 99801
ACTION NARRATIVE: Testified in support of HB 109.

Mark Butler, Public Information Officer
Department of Health and Human Services
Municipality of Anchorage
825 L Street
Anchorage, AK 99501
POSITION STATEMENT: Testified in support of HB 109.

Marie Darlin, Coordinator
American Association of Retired Persons
Mountain View Senior Center
Juneau, AK 99801-1565
POSITION STATEMENT: Testified in support of SB 109.

Susan Walker
Anchorage, AK 99501
POSITION STATEMENT: Testified in support of HB 109.

Debbie Golden, Director
Program Services
March of Dimes
255 East Fireweed, Suite 102
Anchorage, AK 99503
POSITION STATEMENT: Testified in support of HB 109.

Senator Hollis French

Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of SB 8.

Patricia Senner, Executive Director
Alaska Nurses Association
3701 E. Tudor Road, Suite 208
Anchorage, AK 99507
POSITION STATEMENT: Testified in support of SB 8.

Virginia Werthwein, Nurse
Homer, AK 99603
POSITION STATEMENT: Testified in support of SB 8.

Laura Wilkie, Nurse
Anchorage, AK 99501
POSITION STATEMENT: Testified in support of SB 8.

Senator Bettye Davis
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of SB 184.

Richard Benavides, Legislative Aide
Staff to Senator Davis
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced SB 184.

Andrea Schmook, Co-chair
Alaska Mental Health Board
431 N. Franklin Street, Suite 200
Juneau, AK 99801-1121
POSITION STATEMENT: Testified in support of SB 184.

Dorrance Collins, Mental Health Advocate
Anchorage, AK 99501
POSITION STATEMENT: Testified in support of SB 184.

Ron Adler, CEO
Alaska Psychiatric Institute (API)
2900 Providence Drive
Anchorage, AK 99508-4677
POSITION STATEMENT: Testified in opposition to SB 184.

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:34:47 PM](#). Present were Senators Donny Olson, Kim Elton, Lyda Green, Gary Wilken and Chair Fred Dyson.

^#HB109

CSHB 109(FIN)-SCREENING NEWBORN FOR HEARING/AUDIOLOGIST

[1:35:29 PM](#)

CHAIR DYSON announced CSHB 109(FIN) to be up for consideration.

REPRESENTATIVE JAY RAMRAS, sponsor of HB 109, informed the committee that every year 30 to 40 children are born with congenital hearing impairment in Alaska. The impairments are often not detected until the affected children are two to three years old and have experienced significant delays in cognitive and speech development as a result of the condition. While the cost of administering a hearing exam at birth is almost negligible, the state's education system incurs great expenses while accommodating a student with a speech or cognitive deficiency.

[1:40:14 PM](#)

JANE PIERSON, staff to Representative Jay Ramras, offered to answer questions.

SENATOR LYDA GREEN remarked that the hearing test is only a small part of the bill and asked the reason for requiring the state to assume the responsibility of defining, tracking, and treating cases of hearing impairment.

MS. PIERSON responded that the bill would create a standardized procedure to track the progress of a child diagnosed with a hearing impairment and it would direct the parents to resources available within their community.

SENATOR GREEN asked whether participation in the program would be terminated once the child reaches three years of age.

MS. PIERSON replied yes. She added that many parents of children with hearing impairments do not have a system to guide them through the various treatment programs that are available.

SENATOR GREEN expressed concern that the bill would give the state far too much oversight over what should be a family decision.

MS. PIERSON responded that the bill allows families to exit the program at any time.

SENATOR GARY WILKEN asked how the legislation would enhance the state's existing response to the problem.

MS. PIERSON replied it would establish a standardized program to track the progress of children with hearing impairments. It would also establish a procedure to direct the parents of a hearing impaired child to resources available within their community.

[1:44:37 PM](#)

SENATOR WILKEN asked whether the bill would add another layer of bureaucracy upon a network of programs that is already working effectively.

MS. PIERSON answered it would only establish standardized procedures for programs that already exist throughout the state.

[1:46:06 PM](#)

CHAIR DYSON asked the reason that the fiscal note is so low.

MS. PIERSON replied it was due to the fact that the actual hearing test machinery was already in place throughout the state.

CHAIR DYSON questioned whether implementing the standards in the bill would only cost the state \$64,000 as is stated in the fiscal note.

MS. PIERSON responded that the amount is appropriate so long as the state continues to receive the same amount of federal grant funding to address the problem.

SENATOR GREEN asked whether the Department of Health and Social Services (DHSS) could send brochures on hearing impairment to the birthing centers and hospitals in the state.

[1:49:45 PM](#)

STEPHANIE BURCH, Section Chief, Women's, Children's, and Family Health, Division of Public Health, (DHSS), replied that the department currently distributes a series of brochures on hearing impairment and screening to all the hospitals and birthing centers throughout the state.

[1:51:33 PM](#)

CHAIR DYSON remarked that the director of the Division of Public Health is in favor of extending the screening program to all infants in the state. He asked how the screening of infants was related to other screening tests performed on newborns.

[1:53:49 PM](#)

MS. BURCH replied that most newborns are screened for a hearing impairment when they are given the newborn metabolic screening test. She added that while the metabolic test is required by statute, the hearing test is not, and some children born at home or in hospitals with high staff turnover are missed. Her organization would like to see statutory requirements for hearing screening and tracking similar to those for the metabolic test.

CHAIR DYSON asked whether the bill would simply add one more condition to an existing screening and tracking program.

MS. BURCH replied that is correct. She said that the purpose of the legislation was to help affected families enroll hearing impaired children in early intervention programs before they enter the school system.

[1:57:29 PM](#)

CHAIR DYSON asked whether the passage of the bill would provide additional remedial services to children with hearing impairments.

MS. BURCH replied that the fiscal note provides for a possible expansion of the services currently offered by hearing resource consultants. Funding for the expansion would be allocated only if the number of hearing impaired children in the state increases.

SENATOR DONNY OLSON asked how rural hospitals have responded to the proposed legislation.

MS. BURCH replied they have received an outstanding response from the rural hospitals.

SENATOR OLSON asked whether there were penalties for not complying with the mandate.

MS. PIERSON replied no.

[2:00:37 PM](#)

CHAIR DYSON asked what would happen to medical providers that don't comply.

MS. BURCH replied that physicians and hospital managers generally comply with recommendations from the American Academy of Pediatrics and nearly 100 percent of physicians comply with the program today.

SENATOR GREEN suggested that programs for diagnosis usually generate pressure to establish programs for treatment. She expressed concern that many communities would not be able to provide services for hearing-impaired children and there would almost certainly be requests for travel funding from affected families. She asked the witness whether that was a pertinent concern.

[2:05:15 PM](#)

MS. BURCH acknowledged Senator Green's concern and informed the committee that there are several pediatric audiologists in the Native health care system who travel to villages to perform screening and follow up. She added that while some travel is necessary within the program, her organization has been fairly successful in keeping travel costs in line.

LEENA ONGLEY testified in support of HB 109. She emphasized that early diagnosis of hearing impairment is crucial. While statistical analysis predicts that there will be 30 children born in Alaska with some degree of hearing impairment in a given year, other children develop hearing impairment later in childhood as a result of frequent ear infections. She said that the screening of newborns provides audiologists with an important baseline by which to diagnose the later form of hearing impairment.

MS. ONGLEY added that in her experience, about half of the children living in the villages of the North Slope have chronic

ear pathology accompanied by moderate hearing loss by the time they turn one year old. Hearing loss is an oft-undiagnosed cause of delayed language acquisition, which is a major problem in North Slope school districts.

[2:09:18 PM](#)

KERRY PIPPIN, Speech Therapist, testified in support of HB 109. She said the bill was important in that it would maintain the priority of the program throughout the state. She said it is particularly important for rural areas where the program is often overlooked due to the high turnover rate among hospital staff.

[2:13:47 PM](#)

PAMELA MUELLER-GUY, Anchorage, testified in support of HB 109.

SUZANNE RUST, Anchorage, testified in support of HB 109. She said that her daughter benefited tremendously from early treatment for hearing loss. She relayed her difficult experience seeking appropriate treatment due to a lack of information and remarked that the bill would do much to help families in similar situations. She added that hearing impairment is the most common birth defect in the United States and many states have already implemented similar legislation.

[2:21:43 PM](#)

JODI RUMPH, Juneau, testified in support of HB 109. She said that her son was born with a correctable hearing impairment that was not detected for years because there were no hearing machines available in the communities in which they lived. Her son's first hearing test was inconclusive because the results could not be compared to any baseline from previous tests and his condition was not properly diagnosed until he started showing significant delays in his speech development. She urged the committee to pass HB 109 to prevent similar cases from occurring.

[2:23:56 PM](#)

SENATOR GREEN asked the witness whether she believed that she would have been covered under HB 109.

MS. RUMPH replied that it was her understanding that her son's condition would have been diagnosed earlier if his baseline were established at birth.

SENATOR GREEN said she understood the bill to be limited in scope and suggested that it might not apply to home births.

MS. RUMPH responded the bill would standardize the requirements for hearing screening. It would require public health nurses who travel to small communities to test children in the communities for hearing impairment. She expressed concern that the state's excellent hearing program may fall apart as the equipment ages and rural hospital staff changes.

[2:25:50 PM](#)

SENATOR OLSON commended the witness on her testimony. He asked how much a rural family not covered by Medicaid could expect to spend while seeking therapy for a hearing impaired child.

MS. RUMPH replied such families incur enormous traveling expenses while traveling to larger cities for testing and therapy.

[2:31:27 PM](#)

LISA OWENS, Anchorage resident, testified in support of HB 109.

SANDY FRICKY, nurse, Bartlett Regional Hospital, testified in support of HB 109. She said it was not difficult for the staff at Bartlett Regional Hospital to incorporate hearing screening into their standard metabolic tests.

[2:34:28 PM](#)

CHAIR DYSON asked Ms. Fricky whether HB 109 would change any of the activities that she performs at the hospital.

MS. FRICKY replied no.

SENATOR ELTON asked whether the hospital performs hearing screening for babies born at home.

MS. FRICKY replied that the hospital performs screening on children born at home only if a home birth attendant requests it.

MARTIN BEALS, Representative of the Alaskan Chapter of the American Academy of Pediatrics (AAP), testified in support of HB 109. He emphasized that the screening is not a simple positive/negative test and it often yields false-positive results. Establishing standard procedures for follow up and tracking would simplify the administration of the test and increase the efficiency of the treatment of affected children.

[2:39:25 PM](#)

CATHERINE PRICE-CARTER, nurse, Bartlett Regional Hospital, testified in support of HB 109. She said that the bill would lend greater legitimacy to Bartlett's existing program.

MARK BUTLER, Public Information Officer, Department of Health and Human Services, Municipality of Anchorage, testified in support of HB 109.

MARIE DARLIN, AARP Coordinator, Capitol City Task Force, testified in support of HB 109.

SUSAN WALKER, Anchorage resident, testified in support of HB 109.

[2:44:42 PM](#)

DEBBIE GOLDEN, Director, Program Services, March of Dimes, Alaska Chapter, testified in support of HB 109.

[2:48:24 PM](#)

SENATOR OLSON asked Ms. Golden whether hearing tests performed by nurses and audiologists yield different rates of false positive results.

MS. GOLDEN replied no.

CHAIR DYSON recognized no further witnesses and closed public testimony.

[2:52:29 PM](#)

SENATOR ELTON moved to report CSHB 109(FIN) from committee with individual recommendations and attached fiscal notes. There being no objection, it was so ordered.

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^#SB8

SB 8-NURSE EDUC LOAN REPAYMENT PROGRAM

CHAIR DYSON announced SB 8 to be up for consideration.

[2:53:32 PM](#)

SENATOR HOLLIS FRENCH, sponsor of SB 8, said SB 8 was designed to help stem the shortage of nurses in the State of Alaska by establishing a tuition loan reimbursement program. Under the program, nurses who work in the State of Alaska would receive \$2,000 per year from the state to devote towards their outstanding student loans.

SENATOR FRENCH informed the committee that there was an estimated shortage of 9,000 to 11,000 nurses in the state at the present time. The Alaska Department of Commerce expects the shortage to continue to grow until the year 2010. He remarked that providing incentives for nurses to work in the state is particularly important because there is a nationwide shortage.

CHAIR DYSON asked Senator French whether he had reviewed the fiscal note for the bill.

SENATOR FRENCH replied that he had and added that it is a small price to pay to have well-staffed hospitals and clinics throughout Alaska. He added that it is possible to reduce the size of the proposed program.

CHAIR DYSON asked whether the fiscal note was based on a worst-case scenario.

SENATOR FRENCH deferred the question to the author of the fiscal note. He added that he took issue with the assumption in the fiscal note that the state would grow at the rate of three percent a year since that was low in comparison to the predictions of the Department of Commerce.

[2:57:55 PM](#)

SENATOR OLSON asked Senator French whether the state would incur greater costs if it does not address the nursing shortage.

SENATOR FRENCH replied that he could not offer a numerical comparison, but added that the state would incur significant

expenses related to travel and overtime if it does not address the shortage.

SENATOR OLSON commented that Nome incurred significant expenses when its hospital was shut down due to a nursing shortage and had to Med-evac patients to Anchorage.

SENATOR WILKEN remarked that while he appreciated the intent of the bill, he was wary of offering loan forgiveness programs due to their tendency to create excessive expenses for the state. He said the shortage could be addressed in more cost effective ways such as offering low-interest housing.

[3:02:00 PM](#)

PATRICIA SENNER, Executive Director, Alaska Nurses Association, testified in support of the bill. She said she believes that the fiscal note is overstated because it is unlikely that 70 percent of the graduating nursing students would be in debt. She remarked that the bill was not a mandate because it grants awards based on the amount of money available from interest on state student loans.

[3:04:17 PM](#)

CHAIR DYSON questioned whether a \$2,000 per-year incentive would effectively entice nurses to come to the state.

MS. SENNER replied that the bill would give the Nursing Board some flexibility to focus the program's funds as an incentive to place nurses in areas where they are under-represented.

[3:07:02 PM](#)

VIRGINIA WERTHWEIN, Nurse, testified in support of SB 8. She said the hospital where she works often couldn't staff the ICU, ER, or labor delivery unit when one of the nurses called in sick. She said that the nursing workforce is aging and the shortage will worsen if the state does not attract more young nurses.

LAURA WILKE testified in support of SB 8. She remarked that nursing journals regularly feature ads for recruitment that offer far more than nurses are able to make in Alaska. She remarked that although \$2,000 per year seems insignificant, passing the bill would send a message that the Legislature appreciates the services that nurses are able to provide.

CHAIR DYSON held the bill in committee.

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^#SB184

SB 184-MENTAL HEALTH PATIENT RIGHTS:STAFF GENDER

CHAIR DYSON announced SB 184 to be up for consideration.

[3:14:00 PM](#)

CHAIR DYSON clarified that the committee was using version F as the working document.

RICHARD BENAVIDES, Staff to Senator Davis, described the changes made within the sponsor substitute. He said the title was changed from "Hospital's Duty to Provide Same Sex Staff" to "Right to Choose the Sex of Hospital Staff Providing Intimate Care."

Mr. Benavides added that the phrase "same sex staff" on line 6, page 1 of SB 184 was changed to "right to select staff" in the sponsor substitute. The sponsor substitute also includes a provision on page 2 requiring documentation of any incident in which a patient was assigned a care provider opposite of the sex that was requested.

A provision was also added on line 19 of the sponsor substitute that exempts a hospital from compliance with the bill if a psychiatrist determines that compliance would adversely affect the treatment of the patient. The psychiatrist would have to document the decision. He advised the committee that there were a few other minor things inadvertently removed from the original bill that were included back into the sponsor substitute.

[3:17:09 PM](#)

ANDREA SCHMOOK, Co-chair, Alaska Mental Health Board, testified in support SB 184. She said that an investigative report conducted in the mid 1990s revealed that the condition of several children seeking psychiatric treatment for sexual abuse was made significantly worse after they were subjected to restraint by medical staff of the opposite sex.

[3:20:06 PM](#)

DORRANCE COLLINS, Mental Health Advocate, testified in support SB 184. He said that many of the major patient rights organizations across the nation support similar legislation. He remarked that the Disability Law Center has issued an opinion saying that patients have a legal right to gender choice.

[3:22:57 PM](#)

RON ADLER, CEO, Alaska Psychiatric Institute (API), DHSS, stated that the Department opposes SB 184. He said API believes that such issues are best resolved in policy and procedure rather than legislation.

He said that DHSS and the Department of Law (DOL) would not support any legislation that mandates the inclusion of non-medical information in a patient's medical record. He said that such a requirement provides a clear pathway for potential litigants to sue for non-adherence to a non-clinical issue.

SENATOR DAVIS asked the witness to give her a written statement of his testimony.

CHAIR DYSON held the bill in committee.

There being no further business to come before the committee, Chair Dyson adjourned the meeting at [3:25:03 PM](#).

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