

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

May 5, 2006

2:02 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**

Overview Presentation: U.S. Ambassador to Mongolia, Pamela J. Slutz - "A Broader Partnership with Mongolia"

See 1:33 p.m. joint Senate Community and Regional Affairs Standing Committee and Senate Health, Education and Social Services Standing Committee minutes for this date

CS FOR HOUSE JOINT RESOLUTION NO. 36(HES)

Urging the United States Congress to support the granting of official Observer Status to the Republic of China at the World Health Assembly Annual Conference to be held at Geneva, Switzerland, in May 2006.

MOVED CSHJR 36(HES) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 467(HES) am

"An Act relating to the administration of prescribed remedies and dietary supplements by a nurse."

MOVED CSHB 467(HES) am OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 482(JUD)

"An Act relating to harassment, intimidation, and bullying in schools."

MOVED CSHB 482(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 36

SHORT TITLE: TAIWAN: WORLD HEALTH ASSEMBLY

SPONSOR(s): HEALTH, EDUCATION & SOCIAL SERVICES

04/10/06 (H) READ THE FIRST TIME - REFERRALS  
 04/10/06 (H) HES  
 04/20/06 (H) HES AT 3:00 PM CAPITOL 106  
 04/20/06 (H) Moved CSHJR 36(HES) Out of Committee  
 04/20/06 (H) MINUTE(HES)  
 04/21/06 (H) HES RPT CS(HES) 5DP  
 04/21/06 (H) DP: CISSNA, GARDNER, KOHRING, GATTO,  
 WILSON  
 04/26/06 (H) TRANSMITTED TO (S)  
 04/26/06 (H) VERSION: CSHJR 36(HES)  
 04/27/06 (S) READ THE FIRST TIME - REFERRALS  
 04/27/06 (S) HES  
 05/05/06 (S) HES AT 1:30 PM BUTROVICH 205

BILL: HB 467

SHORT TITLE: ADMINISTRATION OF MEDICATION BY A NURSE

SPONSOR(S): REPRESENTATIVE(S) KELLY

02/13/06 (H) READ THE FIRST TIME - REFERRALS  
 02/13/06 (H) HES, FIN  
 03/28/06 (H) HES AT 3:00 PM CAPITOL 106  
 03/28/06 (H) <Bill Hearing Postponed to 03/30/06>  
 03/30/06 (H) HES AT 3:00 PM CAPITOL 106  
 03/30/06 (H) -- Meeting Canceled --  
 04/04/06 (H) HES AT 3:00 PM CAPITOL 106  
 04/04/06 (H) <Bill Hearing Postponed to 04/06/06>  
 04/06/06 (H) HES AT 3:00 PM CAPITOL 106  
 04/06/06 (H) -- Rescheduled from 04/04/06 --  
 04/11/06 (H) HES AT 3:00 PM CAPITOL 106  
 04/11/06 (H) Moved CSHB 467(HES) Out of Committee  
 04/11/06 (H) MINUTE(HES)  
 04/12/06 (H) HES RPT CS(HES) 1DP 2DNP 2AM  
 04/12/06 (H) DP: ANDERSON;  
 04/12/06 (H) DNP: GARDNER, GATTO;  
 04/12/06 (H) AM: CISSNA, WILSON  
 04/13/06 (H) FIN REFERRAL WAIVED  
 04/24/06 (H) BEFORE THE HOUSE  
 04/24/06 (H) TRANSMITTED TO (S)  
 04/24/06 (H) VERSION: CSHB 467(HES) AM  
 04/25/06 (S) READ THE FIRST TIME - REFERRALS  
 04/25/06 (S) HES  
 05/01/06 (S) HES AT 1:30 PM BUTROVICH 205  
 05/01/06 (S) Heard & Held  
 05/01/06 (S) MINUTE(HES)  
 05/05/06 (S) HES AT 1:30 PM BUTROVICH 205

BILL: HB 482

SHORT TITLE: SCHOOL:BULLYING/HARASSMENT/INTIMIDATION

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

02/13/06 (H) READ THE FIRST TIME - REFERRALS  
02/13/06 (H) EDU, HES, JUD  
03/16/06 (H) EDU AT 11:00 AM CAPITOL 106  
03/16/06 (H) Moved CSHB 482(EDU) Out of Committee  
03/16/06 (H) MINUTE(EDU)  
03/20/06 (H) EDU RPT CS(EDU) 1DNP 3NR 1AM  
03/20/06 (H) DNP: LYNN;  
03/20/06 (H) NR: GARA, THOMAS, NEUMAN;  
03/20/06 (H) AM: GATTO  
04/03/06 (H) FIN REFERRAL ADDED AFTER JUD  
04/04/06 (H) HES AT 3:00 PM CAPITOL 106  
04/04/06 (H) <Bill Hearing Postponed to 04/06/06>  
04/06/06 (H) HES AT 3:00 PM CAPITOL 106  
04/06/06 (H) -- Rescheduled from 04/04/06 --  
04/10/06 (H) JUD AT 1:00 PM CAPITOL 120  
04/10/06 (H) <Bill Hearing Postponed to 04/12/06>  
04/11/06 (H) HES AT 3:00 PM CAPITOL 106  
04/11/06 (H) Moved CSHB 482(HES) Out of Committee  
04/11/06 (H) MINUTE(HES)  
04/12/06 (H) HES RPT CS(HES) 4DP 1DNP 1AM  
04/12/06 (H) DP: CISSNA, GARDNER, ANDERSON, SEATON;  
04/12/06 (H) DNP: GATTO;  
04/12/06 (H) AM: WILSON  
04/12/06 (H) JUD AT 1:00 PM CAPITOL 120  
04/12/06 (H) Moved CSHB 482(JUD) Out of Committee  
04/12/06 (H) MINUTE(JUD)  
04/14/06 (H) JUD RPT CS(JUD) 5DP 1NR  
04/14/06 (H) DP: GARA, KOTT, WILSON, ANDERSON,  
MCGUIRE;  
04/14/06 (H) NR: COGHILL  
04/21/06 (H) FIN REFERRAL WAIVED  
04/24/06 (H) TRANSMITTED TO (S)  
04/24/06 (H) VERSION: CSHB 482(JUD)  
04/24/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
04/24/06 (H) <Bill Hearing Canceled>  
04/25/06 (S) READ THE FIRST TIME - REFERRALS  
04/25/06 (S) HES, JUD  
05/01/06 (S) HES AT 1:30 PM BUTROVICH 205  
05/01/06 (S) Scheduled But Not Heard  
05/05/06 (S) HES AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

REPRESENTATIVE PEGGY WILSON

Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor of HJR 36.

AARON DANIELSON, Intern  
Representative Peggy Wilson  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Presented HJR 36 on behalf of the sponsor.

DEREK MILLER, Staff  
Representative Mike Kelly  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Responded to questions on HB 467 on behalf of the sponsor.

PATRICIA SENNER, Chair  
Alaska Nurses Association  
Anchorage, AK  
**POSITION STATEMENT:** Opposed HB 467.

MARY WEYMILLER, LPN  
Board of Nursing  
Fairbanks, AK  
**POSITION STATEMENT:** Opposed HB 467.

SCOTT LUPER, Naturopathic Physician  
Fairbanks, AK  
**POSITION STATEMENT:** Supported HB 467.

GENA EDMISTON, Registered Nurse and Associate Administrator  
Denali Long-term Care Center  
Fairbanks, AK  
**POSITION STATEMENT:** Supported HB 467.

RICK SCHIKORA  
Fairbanks, AK  
**POSITION STATEMENT:** Supported HB 467.

VIRGINIA SMILEY, Director  
Division of Pioneer Homes  
Department of Health &  
Social Services  
PO Box 110601  
Juneau, AK 99801-0601  
**POSITION STATEMENT:** Supported HB 467.

MERRITT ANDRUSS, APN  
Juneau, AK

**POSITION STATEMENT:** Strongly supported HB 467.

CRYSTAL NOVOTNEY, Staff  
Representative Tom Anderson  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Presented HB 482 on behalf of the sponsor.

KATIE SINGLETON  
Bye-Bye Bullies  
Anchorage, AK

**POSITION STATEMENT:** Supported HB 482.

DENNIS MALONEY, Attorney  
Anchorage, AK

**POSITION STATEMENT:** Supported HB 482.

MARGIE KURZBARD  
Fairbanks, AK

**POSITION STATEMENT:** Supported HB 482.

#### **ACTION NARRATIVE**

**CHAIR FRED DYSON** called the Senate Health, Education and Social Services Standing Committee meeting to order at [2:02:02 PM](#). Present at the call to order were Senators Lyda Green, Kim Elton and Chair Fred Dyson; Senator Donny Olson arrived shortly thereafter. Senator Gary Wilken joined the meeting in progress.

#### **CSHJR 36(HES)-TAIWAN: WORLD HEALTH ASSEMBLY**

CHAIR FRED DYSON announced HJR 36 to be up for consideration. Before the committee was CSHJR 36(HES).

[2:02:16 PM](#)

REPRESENTATIVE PEGGY WILSON, sponsor of HJR 36, introduced her staff member, Aaron Danielson.

AARON DANIELSON, Intern to Representative Peggy Wilson, presented the resolution on behalf of the sponsor. He explained that HJR 36 urges Congress to support Taiwan in its effort to become an observer at the World Health Assembly. Taiwan has a population of 23 million and becoming a member would facilitate access to beneficial information networks.

MR. DANIELSON emphasized the importance of networking when he related that China did not allow officials from the World Health Organization (WHO) to enter Taiwan during the SARS outbreak. That really put Taiwan "out of the loop" with regard to world health issues, he said. Noting that avian influenza is a main focus in that region of the world this year, he said Taiwan wants to be involved in furthering information, identification, and prevention of such pandemic diseases.

SENATOR OLSON arrived at [2:03:21 PM](#).

MR. DANIELSON said the U.S. has traditionally been supportive of Taiwan becoming an observer even though it does not recognize Taiwan as a separate country. Observer status does not include the right to voice opinions or vote on issues; it would allow involvement in health networks as well as the opportunity to listen and gather information for distribution.

[2:04:46 PM](#)

CHAIR DYSON recalled that the legislature had passed similar resolutions several times before and that the effort had been ongoing for 15 or 20 years.

MR. DANIELSON said the effort to become an observer has been ongoing since the mid-1990s. Prior to that Taiwan wanted to become a member, but China is adamantly opposed to that.

SENATOR KIM ELTON noted the date today and asked how long the May 2006 conference would last.

MR. DANIELSON replied the Geneva meeting starts on May 14 or 15 and lasts about a week.

[2:05:28 PM](#)

SENATOR GREEN moved to report HJR 36 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSHJR 36(HES) was reported from the Senate Health, Education and Social Services Standing Committee.

**CSHB 467(HES) am -ADMINISTRATION OF MEDICATION BY A NURSE**

[2:05:46 PM](#)

CHAIR FRED DYSON announced HB 467 to be up for consideration. Before the committee was CSHB 467(HES) am.

DEREK MILLER, Staff to Representative Mike Kelly, said he presented HB 467 at the previous hearing and now he would answer questions.

CHAIR DYSON reminded Mr. Miller that he was asked to get more information at the previous hearing and questioned whether he had been successful.

MR. MILLER reported that Senator Olson was given the information he requested and the State Medical Board was asked to issue a formal letter or opinion on the bill. Board members were polled and made the decision to maintain a neutral position on the bill.

SENATOR DONNY OLSON said he assumes that was the chair, Dr. Head.

MR. MILLER replied he wasn't sure; he contacted the legislative liaison with the Department of Commerce, Community & Economic Development.

CHAIR DYSON opened public testimony.

[2:08:12 PM](#)

PATRICIA SENNER, Chair, Alaska Nurses Association (ANA), Fairbanks, said HB 467 brings up two issues that require discussion. The first, which is the basis for the ANA opposition, relates to whether or not policies set by the Board of Nursing can be overruled by legislative process. The second issue relates to the safety of administering herbal remedies. She advised that the ANA Professional Practices Committee researched the issue and would present its recommendations to the Board of Nursing during the June 2006 meeting. She clarified she was not speaking to those findings today.

MS. SENNER said the grounds for ANA opposition to the bill relate to the issue of how decisions are made about providing health care and the best practices for providing health care. She said the nursing community works very hard and conscientiously to base its practice on what has basis in medical research. Therefore it is dismaying that research and careful thought can be overruled by a legislative process that doesn't appear to be based on research of any kind of medical fact.

The big issue of the safety of dietary supplements is based on quality control over production. As quality control improves the

issue will go away, but currently there is a question of whether or not knowledgeable adults are making the decision to take supplements. Also there is the question of contaminates and whether the quantities on the label match the quantities in the bottle. If a nurse is required to administer medication to a patient it often means that the patient isn't capable of making the decision of whether or not to take the risk of taking the supplement.

SENATOR WILKEN arrived at [2:11:53 PM](#).

MS. SENNER expressed the hope that the committee would not pass the bill such that the Board of Nursing would be allowed to address the issue at its June meeting.

[2:12:30 PM](#)

CHAIR DYSON said the current version of HB 467 provides a registered nurse with the option so he questioned whether she was speaking to a different version.

MS. SENNER said no, but the difficulty arises for nurses working inside facilities. In some instances, particularly at the Pioneer Homes, nurses have been forced to quit because they did not agree with agency policies.

CHAIR DYSON asked if it's fair to infer that the nurses cannot trust the prescribing physician's judgment.

MS. SENNER responded, "the subscribing physician may write a prescription for a certain dietary substance at a certain quantity and he might do that in good faith. The nurse always has the obligation to independently evaluate the safety of that order." If the nurse is concerned about where the product came from or whether it was safely produced, then the nurse ought to have the right to raise the question.

[2:14:42 PM](#)

MARY WEYMILLER, Licensed Practical Nurse (LPN), Board of Nursing, Fairbanks, said Ms. Senner did a good job of articulating the nurses' concern. She noted that there has been emphasis on the fact that the substances are being prescribed, but she would add that there is no guarantee that the particular substance is really safe. For that reason she said it doesn't add a level of safety. Safety is not increased when a physician prescribes an unknown and has a nurse administer that unknown. She related a hypothetical situation that might occur during a busy nurse's shift to demonstrate her point.

[2:16:50 PM](#)

SENATOR WILKEN asked if the proposed amendment would address the concerns Ms. Weymiller articulated.

MR. MILLER responded the amendment has not been distributed.

CHAIR DYSON asked for confirmation that the amendment removes the fiscal note.

MR. MILLER said that is correct.

CHAIR DYSON asked if that would take it to regulation instead of policy.

MR. MILLER said the amendment removes the requirement for the board to adopt regulations and inserts the permissive language about administering a prescribed dietary supplement. It allows the Board of Nursing to decide how to permit administration of prescribed dietary supplements.

SENATOR WILKEN asked if the amendment is to address the issues just articulated or is it for other reason.

MR. MILLER replied the amendment is for some other reason.

[2:18:24 PM](#)

SCOTT LUPER, Naturopathic Physician, Fairbanks, spoke in favor of HB 467 because it adds a level of safety to the administration of supplements. It is appropriate that a nurse is able to administer supplements because it's better to have another educated, health-care trained person involved. This increases safety and convenience, he said.

SENATOR ELTON said he is assuming that he can prescribe.

DR. LUPER replied he cannot prescribe drugs, but he can prescribe supplements.

SENATOR ELTON remarked the nurse could be the control point in that he or she might be the only person who understands what other medicines are being administered. Given that, it seems as though the bar is being lowered for that medical professional, he said.

DR. LUPER said the way the system should work is that the physician elicits a medical history and takes that into

consideration before prescribing. If someone doesn't reveal that they are using supplements, this legislation would increase safety because another health-care practitioner would be involved and could voice the concern to the physician.

[2:22:04 PM](#)

CHAIR DYSON asked if he listened to the earlier testimony.

DR. LUPER said yes.

CHAIR DYSON said it's clear that some nontraditional medicines are of value, but it's also clear that some "hucksterism" has been around as well. The nurses' concerns related to quality control and whether the supplement that was supposed to be administered actually was. He asked if quality control is a real issue now in this country.

DR. LUPER said yes it is of concern, but generally speaking quality is going up. There isn't a need to be overprotective, he said. It's a balancing act, and in this situation the pros outweigh the cons.

[2:24:13 PM](#)

GENA EDMISTON, Registered Nurse (RN), Associate Administrator, Denali Long-term Care Center, Fairbanks, stated support for HB 467. She said that although she has tremendous respect for the Alaska Board of Nursing, she does not believe that HB 467 compromises the protection that the board works to ensure for patients and nurses.

CHAIR DYSON said he assumes her belief is that nurses ought to be able to trust the prescribing physician's judgment.

MS EDMISTON said she would not word in that way. She would agree with the board and ANA that nurses have the responsibility to make independent judgments regarding prescriptions for any supplements or drugs. The benefit of that is tremendous, especially in long-term-care setting where nurses are serving as the "family" for residents.

CHAIR DYSON apologized that the committee is pressed for time.

MS. EDMISTON summarized she supports HB 467. At the Denali Long-term Care Center, supplements come from the pharmacy and the nurses retain the judgment to administer or not.

[2:27:29 PM](#)

RICK SCHIKORA reported that he sent a supporting statement to Mr. Miller for distribution. HB 467 mandates that the Board of Nursing adopt regulations such that nurses would not be required to administer non-FDA approved, but prescribed, dietary supplements. Although the board takes the position that patient safety is paramount, the stance it has taken on this legislation is contraindicative. He expressed the hope that the committee pass HB 467 and that the board adopt meaningful regulations so further legislative involvement is not necessary.

In conclusion he expressed the view that older residents need nurses to administer these prescribed non-FDA-approved remedies. He urged the committee to give the Board of Nursing the opportunity to address the issue properly.

[2:30:09 PM](#)

VIRGINIA SMILEY, Director, Division of Pioneer Homes, Department of Health and Social Services (DHSS), paraphrased from a written statement outlining the division policy relating to RN involvement in administering dietary supplements. [A copy may be found in the bill file.]

MS. SMILEY described the process for administering supplements, which includes a written order from the prescribing practitioner. When the supplements are privately purchased, a release form is signed and the Pioneer Home pharmacy is informed so that residents' medication profiles can be monitored. Additionally the division policy includes voluntary agreement by an RN to administer supplements on a case-by-case basis. If a nurse is unsure about an order, he or she has an obligation to contact the prescribing physician. Nurses are expected to know the residents and the risk/benefit of each medication that is administered. The division expects nurses to treat supplements in the same manner.

MS. SMILEY said if this legislation does not pass, Pioneer Home residents will continue to take supplements in an unsupervised manner. She emphasized that it is in the residents' best interest to have RN involvement. She urged the committee to pass HB 467.

[2:33:54 PM](#)

SENATOR ELTON asked if he could assume that no one with less than RN training would distribute prescribed supplements.

MS. SMILEY replied some certified nursing assistants complete a medication-administration training course so they are certified

to administer medications, including supplements, under RN oversight.

SENATOR ELTON asked if supplements are held and stored like other medications.

MS. SMILEY said yes.

[2:34:52 PM](#)

CHAIR DYSON said it sounds as though the process is responsible and he appreciates that.

[2:35:11 PM](#)

MERRITT ANDRUSS, Gerontology Nurse Practitioner, Juneau, said she strongly supports HB 467 for several reasons. First, she emphasized, this legislation is about glucosamine, cranberry chews, and viacitiv. These supplements are taken to address arthritis pain, painful urinary tract infections, and osteoporosis. Without these supplements older people would need more and stronger FDA-approved drugs that their systems can't always tolerate and expecting family members to visit and administer these supplements several times a day is a hardship and a burden.

Second, she said, nurses should advocate for patients. Just as they must have some understanding of the drugs they administer, they should have a similar understanding of the supplements they are asked to administer. If a nurse doesn't know about a supplement, information can be found in the natural medicines comprehensive database found online or in hard copy.

In conclusion she said nurses owe it to their patients and their patients' families to know the pros and cons of each supplement they administer and for a nurse to rigidly refuse to administer any supplement is wrong and irresponsible. She said she supports the bill because it allows nurses who feel differently to simply refrain from administering the supplement. The argument that they will be fired for refusing is not correct because all nurses have the ability to refuse to administer any treatment to a patient that they believe is harmful.

CHAIR DYSON called an at-ease from [2:40:57 PM](#) to [2:42:08 PM](#).

SENATOR LYDA GREEN referenced the amendment, which removes the requirement that the board adopt regulations, and asked if making regulations would default to the department.

MR. MILLER said the amendment removes the requirement that the board adopt regulations because the sponsor doesn't feel that a joint session of the medical, pharmaceutical, and nursing boards is required and that requirement has a \$30,000 fiscal note attached to it. The sponsor believes it can be done with the ANA providing recommendations and working collaboratively with the Board of Nursing.

SENATOR ELTON said he is more comfortable zeroing the fiscal note than removing the requirement. The amendment removes a recipe for guidance and he would prefer the alternative of zeroing the fiscal note.

MR. MILLER said he doesn't believe the sponsor would have a problem with that.

[2:44:16 PM](#)

CHAIR DYSON questioned whether the work could be done without some fiscal impact.

SENATOR ELTON said it sounds as though the work is already being done.

MR. MILLER said HB 467, in combination with the collaborative efforts of the ANA and BON, is the goal.

CHAIR DYSON asked whether the sponsor would prefer to zero the fiscal note or adopt the amendment.

MR. MILLER expressed a preference for zeroing the fiscal note.

SENATOR ELTON moved to zero out the fiscal note. There being no objection, it was so ordered.

[2:47:17 PM](#)

CHAIR DYSON announced that without objection CSHB 467(HES) am moves from the Senate Health, Education and Social Services Standing Committee.

#### **HB 482-SCHOOL:BULLYING/HARASSMENT/INTIMIDATION**

CHAIR FRED DYSON announced HB 482 to be up for consideration. Before the committee was CSHB 482(JUD).

[2:47:30 PM](#)

CRYSTAL NOVOTNEY, Staff to Representative Tom Anderson, paraphrased the following sponsor statement.

HB 482 addresses a growing problem in our schools that is often overlooked by teachers and administrators. Bullying has a truly negative effect on the social environment of schools and on the emotional and mental well being of our children, the students in these schools.

Recent studies suggest that bullying creates a climate of fear among students, inhibits their ability to learn, and leads to other anti-social behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. Sixty percent of the males studied who were bullies in grades six through nine were convicted of at least one crime as an adult. Thirty five to forty percent of these former bullies had three or more convictions by 24 years of age. Only 15 of the 53 school districts in Alaska have made an attempt to address the bullying issue. With the increase in students in Alaska today, there is a growing need to ensure the safety of our children's learning environment.

HB 482 requires school districts, city and borough offices of education, law enforcement agencies, and youth-serving agencies to develop and implement interagency strategies on bullying and harassment.

Currently 21 states have some sort of anti-bullying law, and another 24 states are in the process of adopting similar legislation.

You'll note in your packets endorsement letters by the National Education Association (NEA), Alaska Network on Domestic Violence & Sexual Assault, Boys and Girls Clubs, and Allan Morotti, Department Chair of University of Alaska Fairbanks School of Education.

Bullying is a problem everywhere, even in Alaska - and its causes and effects cannot be overlooked. This bill gives not only teachers and administration officials the tools to deal with such a growing issue, but also allows for input from parents, guardians, students and concerned members of the community in the development of a comprehensive bullying policy.

Successful programs to recognize, prevent, and effectively intervene in bullying behavior have improved safety and create a more inclusive learning environment. Some of the

possible programs may include in-service training programs and other activities to improve school attendance and reduce school crime and violence. HB 482 is targeted to reduce vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, teen relationship violence, and discrimination and all harassment, including sexual harassment, in grades K-12.

Representative Anderson urges your support of this important legislation.

[2:51:32 PM](#)

CHAIR DYSON asked whether it is the sponsor's and her position that some or many school districts are not addressing this issue.

MS. NOVOTNEY said yes, bullying is such an emotional and disturbing act that students don't feel they have the power to stand up unless they know for sure that they will be supported.

CHAIR DYSON restated his question.

MS. NOVOTNEY answered she believes the school districts are not adequately addressing the issue.

CHAIR DYSON referenced page 3, and asked if immunity from lawsuits is important.

MS. NOVOTNEY said yes. The 21 states that have passed anti-bullying legislation have included a provision for immunity from suit. It's necessary so that the people who have witnessed and reported bullying will not be sued.

CHAIR DYSON questioned whether the Good Samaritan laws aren't adequate.

MS. NOVOTNEY replied according to reading she has done, the Good Samaritan law has not been applied.

[2:54:52 PM](#)

SENATOR DONNY OLSON mentioned the spectrum of pecking order and bullying and asked if it isn't just a process of growing up.

MS. NOVOTNEY said certainly there is a pecking order, but there's a difference between getting picked on and being severely and pervasively bullied. It's a very different matter

when a child is scared to go to school because they're afraid for their life.

[2:56:58 PM](#)

SENATOR OLSON said everyone is bullied at some time or another and he doesn't necessarily believe that behavior problems in later life are the result. He expressed the view that people need to be able to cope with such problems.

MS. NOVOTNEY referenced the recent planned shooting at North Pole. One of the students explained the behavior by saying that students and teachers had picked on them. HB 482 is trying to prevent students getting to the point that they take up weapons as a way to retaliate.

SENATOR OLSON reiterated that everyone is picked on when they are growing up.

[2:58:59 PM](#)

CHAIR DYSON noted that several school districts don't favor the legislation, but don't want to testify. His sense is that they're afraid of lawsuits if this were to be in statute. He asked Ms. Novotney to comment.

MS. NOVOTNEY replied she understands the concern, but she hasn't heard any forthright opposition. She noted that lawsuits have been filed when schools didn't make an effort to stop bullying.

SENATOR GARY WILKEN mentioned the concept of local control and said this type of legislation is disturbing because it presumes that the legislature knows more than local school boards. This is one-size-fits-all legislation designed to fix a problem that may or may not exist in a particular school district. He expressed the view that the bill is well intentioned, but it may not do anything other than put in place an unwanted and unnecessary bureaucracy. Even if the school district believes it is necessary, it may want to address the issue in a different manner.

[3:02:38 PM](#)

CHAIR DYSON opened public testimony.

[3:02:49 PM](#)

KATIE SINGLETON, Bye-Bye Bullies, Anchorage, said HB 482 is important and should pass. The recent incident in North Pole demonstrates that bullying exists even in very small schools. She understands that the North Pole 7th graders who were

involved in the plot were "bully victims," which is a term for victims who became bullies themselves because they had no other coping skills. Experts on the issue have proven that children who are taught to deal with bullying can change a school's culture such that it is clear that bullying and harassment are not tolerated. In addition the new skills can serve the children well when they become adults. Just as Ms. Novotney said, bullying is negative for everyone. That includes victims, perpetrators, bystanders and teachers.

Schools should be held responsible for student safety, she said. Although many schools have anti-bullying policies, poor policies are useless to harmful if the victims are punished under the zero tolerance policies.

MS. SINGLETON said bullies do turn on their schools using vandalism and lethal violence, which is what happened in North Pole, Bethel, and Columbine.

North Pole recently adopted a well-known research-based anti-bullying program that appears to be working since it was a student-bystander who alerted officials of the violent plot. It has been proven that research-based programs do reduce school violence and dropout rates, which can save money in the long run. Teachers, students, and parents benefit in a culture that is intolerant of bullying.

[3:06:04 PM](#)

DENNIS MALONEY, Attorney, Anchorage, described litigation he was involved in regarding a bullying case in Anchorage. In that instance a bright young man was repeatedly and severely bullied up until he hanged himself. That is the end of the spectrum that most people don't hear about, he said. Certainly there will always be some teasing, but bullying is more than that. It's an attempt to gain power and ego enrichment by belittling another and it tends to spread. An Anchorage survey indicated that 10 percent of the middle school students are afraid to go to school. Anti-bullying programs have been shown to reduce school violence by 75 percent within three years of implementation, he said.

CHAIR DYSON asked him to address the way this bill will solve the problem.

MR. MALONEY said HB 482 is the first step in assessing how much bullying is going on. If administrators and others don't know what is going on, there is no hope for preventative action.

CHAIR DYSON told Mr. Maloney that the committee is time limited and he was preaching to the choir.

MR. MALONEY said that reporting and encouraging reporting would put these issues on the table. It will allow people to identify bullying behavior and give the community an understanding of what bullying really is. This will help save the egos and lives of many children.

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CHAIR DYSON mentioned the issue of reprisal and immunity and asked if people aren't adequately covered under existing state statute.

MR. MAHONEY said he didn't believe so. The Good Samaritan law helps in instances of injury, but it doesn't provide immunity from suits for slander, for instance.

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MARGIE KURZBARD, private citizen, Fairbanks, said she has been working as a trainer in the Fairbanks North Star Borough schools to help prevent bullying in schools. Currently 13 schools in the district have undergone training and have dedicated resources to make schools a safer place. However, a major problem, and the reason she supports the legislation is that teachers and others are afraid the administration won't be supportive. She described it as a top down phenomena and said it won't work if teachers don't have legal, social and administrative support.

MS. KURZBARD agreed with Senator Wilken that most schools are addressing bullying in some way, but it has to be done effectively. If the children who report and those who are victimized aren't adequately supported and protected they will stop reporting altogether. It's important that schools receive adequate administrative, social and legislative support when they address the issue of bullying so they can take good care of the kids.

CHAIR DYSON asked Ms. Kurzbard to let him know if she ever conducted training in Anchorage because he would like to attend.

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CHAIR DYSON closed the public hearing.

SENATOR KIM ELTON spoke in favor of the bill saying it offers the opportunity to have a structured environment to deal with

bullying or harassment complaints. Last year he helped his school deal with a difficult issue that was made more so because people didn't know how to start. Although administrators and teachers understood what was happening, a lot of time was wasted in deciding how to deal with the problem. That would have been avoided if there had been a structure, he said.

SENATOR ELTON suggested there's a larger problem here and one that's harder to diagnose, so the reporting requirements in the bill might be very helpful. Noting the high dropout rate in the local high school, he said it's correlated to a certain socio-economic strata and he would suspect that lots of students don't go to school because of behaviors exhibited toward them. He further speculated that a number of students are home schooled because families don't know how to deal with the issue even though they might not be the best type of family to provide home schooling. The decision to home school may be made because of fears the child has rather than for academic reasons.

Certainly this bill isn't the total solution, but it is a good idea and it will help those who are bullied and those who are bullies. To be pulled aside in a structured environment and informed of the result of a destructive behavior strengthens the culture of the school and makes it easier to educate children, he said.

SENATOR GREEN expressed concern that the bill had no fiscal note.

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MS. NOVATNEY explained that there was a fiscal note initially, but the language in Section 14.33.200(c) was changed to be permissive, which zeroed out the fiscal note. With regard to reporting incidents, she said school districts are already providing the information to the House and Senate.

SENATOR GREEN questioned why this is being put in statute.

MS. NOVATNEY explained that bullying is not specifically included in the section that addresses procedures for dealing with harassment or other events that result in suspension or expulsion.

CHAIR DYSON stated that he believes bullying is a huge problem and it seems as though something is going on in our culture that is desensitizing people to brutality and the impact it has on others.

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CHAIR DYSON asked whether there was any objection to moving the bill. There was no objection stated and CSHB 482(JUD) was reported from the Senate Health, Education and Social Services Standing Committee.

CHAIR DYSON announced he was recessing the Senate Health, Education and Social Services Standing Committee meeting to a call of the chair.