

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

March 18, 2008

3:08 p.m.

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Bob Roses, Vice Chair
Representative Wes Keller
Representative Paul Seaton
Representative Sharon Cissna
Representative Berta Gardner

MEMBERS ABSENT

Representative Anna Fairclough

OTHER MEMBERS PRESENT

Representative Jay Ramras

COMMITTEE CALENDAR

HOUSE BILL NO. 420

"An Act relating to the Uniform Anatomical Gift Act, to anatomical gifts, to donations to the anatomical gift awareness fund, to a registry of anatomical gifts, and to organizations that handle the procurement, distribution, or storage of all or a part of an individual's body."

- MOVED HB 420 OUT OF COMMITTEE

HOUSE BILL NO. 234

"An Act relating to the education loan repayment program and establishing the education loan repayment fund."

- HEARD AND HELD

HOUSE BILL NO. 306

"An Act relating to providing a pre-elementary program within a school district; and providing for the certification of early childhood education plans."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 358

"An Act relating to continuing the public education of a homeless student, to the purpose of certain laws as they relate to children, to the determination of costs of maintenance of certain children in foster care, and to the salaries and benefits of certain social workers employed by the state; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 420

SHORT TITLE: ANATOMICAL GIFTS

SPONSOR(s): HEALTH, EDUCATION & SOCIAL SERVICES

03/13/08 (H) READ THE FIRST TIME - REFERRALS
03/13/08 (H) HES, JUD
03/18/08 (H) HES AT 3:00 PM CAPITOL 106

BILL: HB 234

SHORT TITLE: EDUCATION LOAN REPAYMENT PROGRAM

SPONSOR(s): REPRESENTATIVE(s) JOHNSON

04/13/07 (H) READ THE FIRST TIME - REFERRALS
04/13/07 (H) HES, FIN
05/01/07 (H) HES AT 3:00 PM CAPITOL 106
05/01/07 (H) Heard & Held
05/01/07 (H) MINUTE(HES)
01/24/08 (H) HES AT 3:00 PM CAPITOL 106
01/24/08 (H) Heard & Held
01/24/08 (H) MINUTE(HES)
03/18/08 (H) HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

REBECCA ROONEY, Staff
to Representative Peggy Wilson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 420 on behalf of the House Health, Education and Social Services Standing Committee, sponsor by request, which is chaired by Representative Wilson.

DEBORAH BEHR, Chief Assistant Attorney General
Legislation & Regulations Section
Civil Division
Department of Law

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 420.

JAY BUTLER, M.D.

Chief Medical Officer
Office of the Commissioner
Department of Health & Social Services
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 420.

BRUCE ZALNERAITIS, Chief Executive Officer
Life Alaska Donor Services (LADS)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 420.

SHERRY BADILLO, Donor Mother
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 420.

KIM MCGEE, Organ Recipient
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 420.

JEANNE OSTNES, Staff
to Representative Craig Johnson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the committee substitute (CS) for HB 234, on behalf of Representative Johnson, sponsor.

BRYNN KEITH, Research & Analysis
Division of Administrative Services
Department of Labor & Workforce Development

POSITION STATEMENT: Answered questions during the hearing on HB 234.

DIANE BARRANS, Executive Director
Postsecondary Education Commission
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 234.

ACTION NARRATIVE

CHAIR PEGGY WILSON called the House Health, Education and Social Services Standing Committee meeting to order at [3:08:02 PM](#). Representatives Wilson, Gardner, Roses, Keller, and Cissna were present at the call to order. Representatives Seaton arrived as the meeting was in progress. Representative Ramras was also present.

HB 420-ANATOMICAL GIFTS

[3:08:49 PM](#)

CHAIR WILSON announced that the first order of business would be HOUSE BILL NO. 420, "An Act relating to the Uniform Anatomical Gift Act, to anatomical gifts, to donations to the anatomical gift awareness fund, to a registry of anatomical gifts, and to organizations that handle the procurement, distribution, or storage of all or a part of an individual's body."

[3:10:04 PM](#)

REBECCA ROONEY, staff to Representative Peggy Wilson, Alaska State Legislature, provided a sectional review, on behalf of the sponsor, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Although 24 pages in length, HB 420 is basically a cleanup bill that updates Alaska statutes regarding organ donation.

There is a piece of model legislation called the Uniform Anatomical Gift Act that serves to harmonize organ and tissue donation laws in all 50 states and the federal government. The UAGA has been doing this for over 40 years.

Alaskan statutes regarding organ donation are already based on the UAGA, but they are modeled after the last significant update, which was in 1987. HB 420 brings Alaskan statutes in line with the most recent version, the 2008 Revised UAGA.

The Department of Law, the Department of Health and Social Services, the State Medical Examiners Office, Life Alaska Donor Services, and representatives of the National Conference of Commissioners on Uniform State Laws were involved in the development of the bill

language to ensure a sound piece of legislation and so far everyone has been happy with the results.

Madam Chair, at this very moment, an estimated 180 Alaskans are in need of a life-saving transplant and waiting for a donated organ to become available. Hundreds more are waiting for tissue transplants.

Because the bill is basically a realignment of statutes with the 2008 Uniform Anatomical Gift Act language, I won't go through all the recommended changes. You have a sectional in front of you that attempts to explain them.

[3:12:32 PM](#)

MS. ROONEY then offered a panel of expert witnesses to answer questions.

The committee took an at-ease from [3:12:57 PM](#) to [3:15:04 PM](#).

[3:15:06 PM](#)

REPRESENTATIVE ROSES asked for clarification of the refusal language on page 6, beginning at line 18, of the bill.

[3:15:38 PM](#)

DEBORAH BEHR, Chief Assistant Attorney General, Legislation & Regulations Section, Civil Division, Department of Law, explained that a donation of an anatomical gift is a totally voluntary act and the refusal provision allows an individual to set out in a document one's decision to not donate an anatomical gift of their body.

[3:16:31 PM](#)

REPRESENTATIVE ROSES asked whether the bill creates a situation wherein the only way to prevent an anatomical gift is to make the provision to refuse.

[3:16:53 PM](#)

MS. BEHR explained that most provisions in Alaska are made by the approval on one's driver's license. However, in the case of an untimely death of a person who has not indicated a decision,

the family is left to decide. In fact, other provisions of HB 420 address that situation.

[3:18:07 PM](#)

CHAIR WILSON asked Ms. Behr to elaborate.

[3:18:15 PM](#)

MS. BEHR further explained that making a gift while you are still alive can be done by the driver's license. For someone dying in a hospital, instructions can be given to the doctors and nurses.

[3:18:51 PM](#)

REPRESENTATIVE GARDNER asked whether the current language in the bill differs in any way from the Uniform Anatomical Gift Act (UAGA).

[3:19:15 PM](#)

MS. BEHR responded that this bill contains some minor changes to deal with the operation of the medical examiner's office in Alaska.

[3:20:09 PM](#)

REPRESENTATIVE GARDNER surmised that in all other respects this bill would ensure that Alaska is in conformity.

MS. BEHR said yes. She added that, in a crisis situation, it is important that the doctors and emergency medical technicians (EMTs) know the law. Further, other states can be involved and the uniformity of the law is critical.

[3:20:48 PM](#)

JAY BUTLER, M.D., Chief Medical Officer, Office of the Commissioner, Department of Health & Social Services, stated that the bill institutionalizes procedures that the state medical examiner has been practicing in conjunction with the donor agencies.

[3:21:14 PM](#)

REPRESENTATIVE GARDNER expressed her interest in the material differences in the law that have to do with the individual's choices and family involvement.

[3:21:41 PM](#)

REPRESENTATIVE CISSNA asked whether the language in the bill would still allow Alaskans the freedom to express their wishes appropriately.

[3:23:05 PM](#)

MS. BEHR opined that the advantages of the UAGA is that it strengthens individual decision making by clearly stating what an individual's wishes are about giving an anatomical gift. If one's wishes have not been expressed, this bill incorporates a provision to direct how that situation would be addressed. For example, the majority opinion of children would prevail in a decision regarding a parent. Ms. Behr continued to explain that the statute recognizes the validity of donor registries, state issued identification cards, and electronic transmissions for the expression of will. She concluded that the improvements in this bill are endorsed by over twenty states and many medical associations.

[3:25:28 PM](#)

REPRESENTATIVE GARDNER asked whether there was access to the donor registry in the instance of a lost or misplaced identification card.

MS. BEHR indicated yes. In fact, the registry is available to EMTs in an emergency situation.

[3:26:12 PM](#)

REPRESENTATIVE ROSES called the committee's attention to page 14, line 10, of the bill and read:

A hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

REPRESENTATIVE ROSES then asked whether this was a new or an existing provision.

[3:26:59 PM](#)

BRUCE ZALNERAITIS, Chief Executive Officer, Life Alaska Donor Services (LADS), stated that for the last 15 years, Life Alaska Donor Services (LADS) has had signed agreements with all of Alaska's hospitals to allow for the process of donation and the recovery of organs and tissues for transplantation, research, and education. Mr. Zalneraitis paraphrased from a prepared statement, which read as follows [original punctuation provided]:

We, at Life Alaska Donor Services, would like to express our strong support for [HB 420, the companion bill to] SB 181, The Revised Uniform Anatomical Gift Act that will better facilitate the donation process in Alaska.

There are close to 100,000 people waiting for an organ transplant in the U.S. and around 180 patients waiting in Alaska. Eighteen people in the U.S. die each day while waiting for an organ transplant. It is important to simplify and clarify the process of becoming an organ and tissue donor.

[HB 420, the companion bill to] SB 181 will update Alaska's UAGA [Uniform Anatomical Gift Act] to the 2006 version from the 1987 version and will remove obstacles to organ and tissue donation by clarifying language on who can grant consent to organ donation. It also recognizes the benefits of donor registries. Alaska's first-person consent donor registry is now over 330,000 citizens and continues to grow at 800 people per week, mostly through DMV sign-ups. The revised UAGA version also prioritizes donation for transplantation over research.

[HB 420, the companion bill to] SB 181 also further improves the relationship between the donation organizations and the medical examiner's office. The medical examiner plays a key role in the donation process as most organ and tissue donations involve sudden, unexpected deaths which fall under the jurisdiction of the medical examiner.

[3:29:26 PM](#)

SHERRY BADILLO, donor mother, related the loss of her 17 year-old daughter due to a car accident. Her daughter had a signed donor card and became a skin, tissue, ligament, and bone donor, whose gift benefitted 48 people across the nation, from age 6 to 65 years of age. As a donor mother, she believes that her daughter's legacy lives on, and knowing this has helped her to cope with the loss of her daughter. Ms. Badillo urged everyone to carry a donor card and to make their wishes known. Recently, her father became a donor, in memory of his granddaughter, and lives on as well.

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CHAIR WILSON thanked Ms. Badillo for her testimony.

[3:32:41 PM](#)

REPRESENTATIVE ROSES praised Ms. Badillo for her positive influence on others.

[3:33:02 PM](#)

MS. BADILLO stressed the importance of the mission of Life Alaska Donor Services.

[3:33:20 PM](#)

CHAIR WILSON observed that it is great to know how many have benefited from the gift.

MS. BADILLO advised that, because of the Health Insurance Portability and Accountability Act (HIPAA), it is now up to the recipient to contact the donor or sponsor family after the receipt of an anatomical gift.

[3:34:43 PM](#)

KIM MCGEE, organ recipient, informed the committee that she is a two organ recipient and received a pancreas and a kidney transplant 20 months ago. She expressed her gratitude for the law and stated that recipients are aware of, and grateful for, the decisions made by donors and donor families. She shared her experience as a diabetic in poor health for 38 years prior to her transplant. Ms. Mcgee stated that her life completely changed when she received the transplant, and she stressed the importance of registering as organ donors. In response to a

question, Ms. Mcgee said that she takes good care of her health and protects her new organs.

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CHAIR WILSON closed public testimony.

[3:39:21 PM](#)

CHAIR WILSON said that the testimony from a donor parent and a recipient was meaningful.

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REPRESENTATIVE GARDNER asked whether there are transplant facilities in Alaska.

[3:39:59 PM](#)

DR. BUTLER indicated not; however, there are procedures addressed in the bill that can be performed in the state.

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REPRESENTATIVE GARDNER moved to report HB 420 out of committee with individual recommendations and the accompanying fiscal notes.

There being no objection, HB 420 was reported out of the House Health, Education and Social Services Standing Committee with individual recommendations and the accompanying zero fiscal note.

HB 234-EDUCATION LOAN REPAYMENT PROGRAM

[3:41:16 PM](#)

CHAIR WILSON announced that the next order of business would be HOUSE BILL NO. 234, "An Act relating to the education loan repayment program and establishing the education loan repayment fund."

[3:41:30 PM](#)

REPRESENTATIVE ROSES moved CSHB 234, Version 25-LS0772\K, Cook, 3/5/08, as a working document. [There being no objection, Version K was before the committee.]

[3:41:54 PM](#)

JEANNE OSTNES, staff to Representative Craig Johnson, Alaska State Legislature, explained that many of the questions regarding the original version of the bill were administrative in nature. In addition, the committee requested amendments to the bill that address "regional severe shortages." She shared that the Department of Labor & Workforce Development (DLWD) advised that it could not administer a regional aspect of the bill, although there is public support for a regional aspect. Furthermore, the Department of Health Social Services (DHSS) recommended that, instead of specifying a "shortage", a "turnover" or "vacancy" rate for each duty station would be more appropriate. Ms. Ostnes also stated that the Department of Administration's (DOA) Workgroup report regarding recruitment and retention disclosed that the removal of specific degree requirements or replacing a specific general degree with field specific credits was directed by Administrative Order #237.

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MS. OSTNES continued to explain that the sponsor's intent, that the bill would apply to a student who came to Alaska to work in a job identified with a severe shortage status, is not possible to legislate at this point. The DLWD is interested in finding a better way to identify how critical vacancies and shortages would be listed, perhaps on a regional basis, but the statute cited by the bill is not applicable at this time. She acknowledged that there are anecdotal reports of labor shortages and offered further testimony by a statistician from the DLWD.

[3:47:25 PM](#)

REPRESENTATIVE ROSES confirmed that the bill creates a situation whereby the DLWD can not determine who qualifies for the loan program.

MS. OSTNES concurred. She added that the statute has never been used and the research and analysis to generate the needed list is not available.

[3:48:35 PM](#)

REPRESENTATIVE ROSES pointed out that the critical need in the field of education has been identified by individual school

districts on a year-to-year basis; in fact, retired teachers have been re-hired by this procedure.

MS. OSTNES opined that the DLWD web site has two job posting systems; however, private employers do not have the capability to cite specific areas of need.

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CHAIR WILSON invited testimony by the representative from the DLWD.

[3:51:15 PM](#)

BRYNN KEITH, Research & Analysis, Division of Administrative Services, assumed that the lists the committee was familiar with are those that reflect the professions that the DLWD predicts will be in demand. In order to determine severe shortage occupations, both supply and demand would need to be calculated and the supply component is unknown.

[3:52:01 PM](#)

CHAIR WILSON suggested that the DLWD should determine how many workers are produced in Alaska.

MS. KEITH provided examples of the complexity of the statistics and the dynamics of Alaska's population. In response to a comment, Ms. Keith noted that the seasonal nature of the state's economy, the military, and other factors, contribute to the complexity.

[3:53:17 PM](#)

REPRESENTATIVE CISSNA recalled visiting approximately 50 clinics, many that have vacancies for positions that are funded. She asked whether the state could work to create a supply of workers.

MS. KEITH said, "We could get close to it." However, it would not be a definitive figure. She re-stated that there is no definitive measure to determine a shortage. A national unemployment rate by occupation and a vacancy survey are possible; nevertheless, a vacancy may not indicate a shortage of supply, as there are variables that create vacancies. Ms. Keith acknowledged the availability of anecdotal information; in fact, assessing shortages is a corroboration of anecdotal

information. However, it is possible for the DLWD to look at high demand occupations and study the impediments to filling those vacancies.

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CHAIR WILSON predicted continued vacancies as the pay scale in the Lower 48 states rises to meet the pay scale in Alaska.

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MS. KEITH advised that a recession in the Lower 48 states would increase the supply of workers to Alaska.

[3:57:53 PM](#)

REPRESENTATIVE GARDNER observed that shortages may go unfilled for a variety of reasons.

[3:58:30 PM](#)

REPRESENTATIVE CISSNA opined that the state endures changing conditions and the proposal in the bill would provide some certainty for solving this problem. She suggested funding a vacancy survey that would provide specific information and identify regional trends.

[4:00:18 PM](#)

MS. KEITH agreed that a vacancy survey provides a source of information; however, a survey would be very costly due to the seasonal nature of the Alaskan economy. Ms. Keith expressed her concern, based on the experience of other states, that three years of quarterly surveys may not provide adequate data.

[4:01:28 PM](#)

REPRESENTATIVE CISSNA made a further suggestion on how a survey might be conducted.

[4:02:36 PM](#)

MS. KEITH agreed that a collection of anecdotal information would be less expensive, but cautioned against making informed policy decisions based on anecdotal information.

[4:03:07 PM](#)

CHAIR WILSON observed that the teacher placement group has complete information on teacher shortages.

[4:03:32 PM](#)

REPRESENTATIVE ROSES conveyed that the educational area is more predictable due to school enrollments and trends. He pointed out that the private sector, for example, the construction field, is far more variable and dependent on economic factors.

[4:04:48 PM](#)

REPRESENTATIVE CISSNA drew a comparison to state funding for the field of health.

[4:05:55 PM](#)

REPRESENTATIVE ROSES asked how the Postsecondary Education Commission would implement the bill in its present form.

[4:06:26 PM](#)

DIANE BARRANS, Executive Director, Postsecondary Education Commission, Department of Education and Early Development, opined that to administer the bill her department would concentrate on the areas of the bill that are clearly defined. She listed the areas of shortage that are readily identified by a variety of sources. Her concern, as the program administrator, is the question of fairness between careers that require specific levels of higher education.

[4:07:50 PM](#)

REPRESENTATIVE ROSES referred to the testimony given during the hearing on a student grant bill and compared how the two bills approach the issue of attracting and retaining a workforce for Alaska. He requested further clarification prior to moving this bill.

[4:09:05 PM](#)

CHAIR WILSON stated that she intends to hold the bill.

[4:09:16 PM](#)

MS. OSTNES stated that the sponsor is aware of the need for this bill to be held.

[4:10:00 PM](#)

REPRESENTATIVE GARDNER stated that this bill creates a reward for behavior that has already happened. She opined that, to fill anticipated future needs in the state, the legislature should provide incentives to high school graduates that encourage them in a certain direction. Representative Gardner then referred to page 3, line 1, of the bill, and read:

In awarding education loan repayment benefits, the commission shall give priority to an eligible individual who was awarded a benefit for a prior year.

REPRESENTATIVE GARDNER questioned why an additional benefit would be paid to one individual for two years.

[4:11:19 PM](#)

MS. OSTNES explained that, once the program is enacted, a beneficiary would have the expectation that up to 50 percent of their total loan would be repaid.

[4:11:58 PM](#)

REPRESENTATIVE GARDNER clarified that this program is for an individual that is working, has been out of school for a year, and acquired the student loans without the expectation of repayment.

[4:12:19 PM](#)

CHAIR WILSON pointed out that there would be an expectation once one is approved for the repayment.

[4:12:33 PM](#)

REPRESENTATIVE ROSES gave an example of a certified classroom teacher who earns a special education credential and thereby enters an occupation of severe shortage. He suggested that the bill should not exclude a person in this situation.

[4:13:50 PM](#)

MS. BARRANS affirmed that, by regulation, HB 234 would allow loan repayment for a person in this situation.

REPRESENTATIVE ROSES advised that the language of the bill should clearly define its purpose.

[4:14:52 PM](#)

MS. OSTNES added that special education teachers are needed in the state.

[4:15:05 PM](#)

[HB 234 was held in committee.]

ADJOURNMENT

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at 4:15 p.m.