

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

March 21, 2007

3:04 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mark Neuman, Vice Chair
Representative Carl Gatto
Representative Gabrielle LeDoux
Representative Jay Ramras
Representative Robert L. "Bob" Buch
Representative Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 168

"An Act authorizing two exchanges of land between the Alaska Railroad Corporation and the Department of Transportation and Public Facilities; and providing for an effective date."

- MOVED HB 168 OUT OF COMMITTEE

HOUSE BILL NO. 28

"An Act requiring retail suppliers of electricity to disclose sources of electricity to consumers."

- MOVED CSHB 28(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 71

"An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 168

SHORT TITLE: LAND TRANSFERS ALASKA RR & DOTPF

SPONSOR(S): TRANSPORTATION

02/28/07 (H) READ THE FIRST TIME - REFERRALS
02/28/07 (H) TRA, L&C, FIN
03/01/07 (H) TRA AT 1:30 PM CAPITOL 17
03/01/07 (H) -- MEETING CANCELED --
03/06/07 (H) TRA AT 1:30 PM CAPITOL 17
03/06/07 (H) Moved Out of Committee
03/06/07 (H) MINUTE(TRA)
03/07/07 (H) TRA RPT 5DP
03/07/07 (H) DP: FAIRCLOUGH, JOHNSON, SALMON,
DOOGAN, JOHANSEN
03/21/07 (H) L&C AT 3:00 PM CAPITOL 17

BILL: HB 28

SHORT TITLE: POWER SOURCE DISCLOSURE
SPONSOR(s): REPRESENTATIVE(s) RAMRAS

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) L&C, FIN
02/19/07 (H) L&C AT 3:00 PM CAPITOL 17
02/19/07 (H) Heard & Held
02/19/07 (H) MINUTE(L&C)
03/16/07 (H) L&C AT 3:00 PM CAPITOL 17
03/16/07 (H) -- MEETING CANCELED --
03/21/07 (H) L&C AT 3:00 PM CAPITOL 17

BILL: HB 71

SHORT TITLE: LICENSING RADIOLOGIC TECHNICIANS
SPONSOR(s): REPRESENTATIVE(s) KAWASAKI

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) L&C, FIN
03/21/07 (H) L&C AT 3:00 PM CAPITOL 17

WITNESS REGISTER

DAVID SCOTT, Staff
to Representative Kyle Johansen
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 168 on behalf of
Representative Johansen, sponsor.

FRANCES ZIMMERMAN, Right of Way Agent
Right of Way Section
Central Region

Department of Transportation & Public Facilities (DOTPF)
POSITION STATEMENT: Answered questions during hearing on HB
168.

BARBARA COTTING, Staff
to Representative Ramras
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented HB 28 on behalf of Representative
Ramras, sponsor.

JAMES KEEN, Chief/Engineering
Regulatory Commission of Alaska (RCA)
Department of Commerce, Community, & Economic Development
(DCCED)
Anchorage, Alaska
POSITION STATEMENT: Testified during hearing on HB 28.

REPRESENTATIVE SCOTT KAWASAKI
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented HB 71.

CLYDE PEARCE, Radiological Health Specialist (RHS);
Chief
Radiological Health Program
Laboratories Section
Division of Public Health
Department of Health and Social Services (DHSS)
Anchorage, Alaska
POSITION STATEMENT: Testified during hearing on HB 71.

DONNA ROFSHOLM, Radiologic Technician;
Chair
Legislative Committee
Alaska Society of Radiological Technologists (AKSRT)
Homer, Alaska
POSITION STATEMENT: Testified during hearing on HB 71.

RICK URION, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, & Economic Development
(DCCED)
Juneau, Alaska
POSITION STATEMENT: Testified during hearing on HB 71.

ACTION NARRATIVE

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at [3:04:57 PM](#). Representatives Gatto, Buch, Gardner, and Olson were present at the call to order. Representatives LeDoux, Ramras, and Neuman arrived as the meeting was in progress.

HB 168-LAND TRANSFERS ALASKA RR & DOTPF

[3:05:17 PM](#)

CHAIR OLSON announced that the first order of business would be HOUSE BILL NO. 168, "An Act authorizing two exchanges of land between the Alaska Railroad Corporation and the Department of Transportation and Public Facilities; and providing for an effective date."

DAVID SCOTT, Staff to Representative Kyle Johansen, Alaska State Legislature, sponsor, explained that HB 168 authorizes two exchanges of land between the Alaska Railroad Corporation (ARRC) and the Department of Transportation & Public Facilities (DOTPF). This would accommodate two DOTPF projects: the Parks Highway Improvement Project and the Fairbanks International Airport Heavy Aircraft Cargo Apron. Section 1 of HB 168 applies to the Parks Highway Improvement Project, while Section 2 applies to the Fairbanks International Airport Heavy Aircraft Cargo Apron. He explained that AS 42.40.285 requires legislative approval for the ARRC to "exchange, donate, sell, or otherwise convey its entire interest in land". He noted that representatives from the AARC and the DOTPF would be available to answer any questions.

[3:07:08 PM](#)

REPRESENTATIVE GARDNER commented that the bill seems straightforward and asked whether there has been any objection.

MR. SCOTT replied no.

[3:08:22 PM](#)

REPRESENTATIVE GARDNER moved to report HB 168 out of committee with individual recommendations and the accompanying fiscal notes.

[3:08:33 PM](#)

REPRESENTATIVE GATTO objected for discussion purposes. He asked if the railroad in Wasilla was previously relocated.

MR. SCOTT replied yes.

REPRESENTATIVE GATTO asked for clarification as to what HB 168 would do.

[3:09:19 PM](#)

FRANCES ZIMMERMAN, Right of Way Agent, Right of Way Section, Central Region, Department of Transportation & Public Facilities (DOTPF), agreed that the tracks were relocated as a part of the Parks Highway Improvement Project. She explained that HB 168 is a title transfer, which the ARRC is unable to do without legislative action. In response to an additional question, she stated that the DOTPF normally enters into temporary construction permits in order to move forward with the construction of the projects. Timelines rarely allow for the required legislation to pass prior to commencing the project.

REPRESENTATIVE GATTO removed his objection.

CHAIR OLSON noted that there was no further objection. Therefore, HB 168 was reported from the House Labor and Commerce Standing Committee.

The committee took an at-ease from 3:11 PM to 3:12 PM.

HB 28-POWER SOURCE DISCLOSURE

[3:12:57 PM](#)

CHAIR OLSON announced that the next order of business would be HOUSE BILL NO. 28, "An Act requiring retail suppliers of electricity to disclose sources of electricity to consumers."

[3:13:10 PM](#)

REPRESENTATIVE NEUMAN made a motion to adopt CSHB 28, Version 25-LS0189\E, Kane, 2/26/07, as the working document. There being no objection, Version E was before the committee.

[3:13:30 PM](#)

BARBARA COTTING, Staff to Representative Ramras, Alaska State Legislature, sponsor, explained that Version E addresses several

concerns brought up during the previous committee hearing. Version E removes Section 2, which Legislative Legal and Research Services found to be unnecessary, as this was covered in other sections of the bill. Additionally, Section 5 was removed, which allows utilities grossing less-than \$50,000 per year to remain exempt from the reporting requirements.

REPRESENTATIVE GARDNER asked if the Regulatory Commission of Alaska (RCA) holds a position on HB 168.

[3:15:04 PM](#)

JAMES KEEN, Chief/Engineering, Regulatory Commission of Alaska (RCA), Department of Commerce, Community, & Economic Development (DCCED), replied that the RCA does not have a position, but is happy with the changes made by Version E. He stated that Section 5 of the original bill would have been difficult to enforce; however, the remainder of the bill can be implemented through regulations.

REPRESENTATIVE NEUMAN asked whether utility companies approached the sponsor to request this legislation.

[3:15:58 PM](#)

REPRESENTATIVE RAMRAS explained that he received his monthly statement from a rental unit he owns in California, which included a power disclosure form. He felt this would be of interest to Alaskans. He went on to say that in Fairbanks, consumers have the option of purchasing renewable energy at a higher rate per kilowatt. He opined that this is an inexpensive way for consumers to increase awareness of the energy source. He stated that he was not approached by any utilities. He pointed out that the only resistance was from Golden Valley Electric Association (GVEA). The GVEA was under the impression that the disclosure would be monthly; however, since it is a yearly disclosure, this resistance has dissipated. In response to a question from Representative Gatto, he clarified that GVEA offers a program for consumers to choose alternative energy sources. The power disclosure statement is offered in California. Both of these programs resulted in the introduction of HB 168.

[3:19:27 PM](#)

REPRESENTATIVE LEDOUX inquired as to what the disclosure statement would cost the utilities.

REPRESENTATIVE RAMRAS replied that he receives many enclosures each year from GVEA. When questioned, GVEA stated that this would not be a high cost to the company. He opined that this would not be any different from the enclosures currently sent out.

REPRESENTATIVE NEUMAN noted that the bill does not specify how this information should be disclosed. He opined that most utilities are proud of the alternative energy programs offered.

REPRESENTATIVE RAMRAS agreed. He pointed out that this information could be included in the utility's annual report, although many individuals do not read this. He opined that including this information in a monthly statement would encourage consumers to take a closer look.

REPRESENTATIVE NEUMAN opined that this would not be a significant cost to the utility, and therefore should not be an issue.

REPRESENTATIVE GARDNER stated that this is an intriguing idea, and "potentially very powerful." She said that the lack of testimony from the utilities suggests that this is not an issue. She stated that this information may simply be printed on a bill, and thus may not require an additional piece of paper. She then stated that this is "pretty simple," adding that she is ready to support HB 28.

[3:23:12 PM](#)

REPRESENTATIVE NEUMAN moved to report CSHB 28, Version 25-LS0189\E, Kane, 2/26/07, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 28(L&C) was reported from the House Labor and Commerce Standing Committee.

The committee took an at-ease from 3:23 PM to 3:25 PM.

HB 71-LICENSING RADIOLOGIC TECHNICIANS

[3:25:49 PM](#)

CHAIR OLSON announced that the final order of business would be HOUSE BILL NO. 71, "An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and

nuclear medicine technology; and providing for an effective date."

REPRESENTATIVE SCOTT KAWASAKI, Alaska State Legislature, sponsor, explained that currently, radiologic technologists are not required to be licensed. He noted that House Bill 150 was introduced during a previous legislative session to address this issue. Several changes were made to the aforementioned bill, resulting in HB 71. This bill would license occupations relating to radiologic technologists, radiation therapy, and nuclear medicine technology. He stated that medical patients in Juneau have received radiation high above normal levels, and the state is currently investigating Bartlett Regional Hospital for issues involving radiologic technologists and routine exposure to patients. This information will be included in a report. He shared his hope that the members would be able to view this "as further reason for licensing [radiologic technologists] in the state of Alaska." He stated that this investigation will also reveal that radiologic technologists fail to properly protect themselves and patients when administering radioactive materials. He explained that HB 71 ensures that a certain level of expertise is maintained by radiologic technologists. This will allow the public to be confident regarding the competency of the radiologic technologist. Regarding small clinics, he stated that the Alaska State Hospital and Nursing Home Association (ASHNA) and Southeast Alaska Regional Health Consortium (SEARHC) have both stated support for HB 71. Referring to a program offered in Fairbanks, he stated that many radiologic technologists are graduating with credentials and living in rural areas. He noted that HB 71 contains exemptions for individuals such as nurse practitioners, physician's assistants, and medical doctors. He shared his belief that HB 71 will address concerns regarding radiologic technologists and protect the public.

[3:29:58 PM](#)

CLYDE PEARCE, Radiological Health Specialist (RHS); Chief, Radiological Health Program, Laboratories Section, Division of Public Health, Department of Health and Social Services (DHSS), began by explaining that he conducts radiation safety inspections throughout the state for both the State of Alaska and for the federal government. He said that the DHSS does support HB 71. The size of the problem is not known, as there is no registration requirement for individuals operating the equipment. However, the DHSS is aware of those who have received formal training and are nationally certified. Based on

inspections around the state, the department believes that a similar number of individuals are operating the equipment without formal training. This number is estimated to be 600-700. The DHSS is also concerned with meeting the needs of areas with limited resources. He expressed hope that the legislature can strike a balance between better protection and not overburdening the small providers.

[3:32:26 PM](#)

REPRESENTATIVE GARDNER referring to a letter from Mr. Pearce dated January 22, 2007, noted that there are concerns involving inappropriate use of equipment, in addition to malfunctioning equipment. She inquired as to whether the proposed licensing procedure would address these types of problems.

MR. PEARCE replied that the bill would address a large proportion of the concerns. During his inspections, he has found few instances of machine malfunction. Most problems involve how the machine is used. He pointed out that individuals are required to be licensed prior to driving an automobile; however, over 40,000 people die in automobile accidents each year. While there are many restrictions on the materials used to make automobiles, the way the vehicle is used may result in deaths. In regard to radiologic equipment, he stated that it is not usually a problem with the machine, but rather how it is used. He opined that this can be addressed through proper education of those individuals operating the equipment.

REPRESENTATIVE GARDNER stated that the aforementioned letter is included as backup material for the bill, which suggests that these issues are being addressed. She expressed concern that all issues included in the letter are not specifically addressed by the bill. She then referred to a case involving a facility in Fairbanks that was unaware of a gassy x-ray tube, and shared her understanding that HB 71 would not address this particular problem.

MR. PEARCE agreed that this particular problem would not be addressed. He reiterated that most of the problems he sees are related to the training and knowledge of how to use the equipment safely. There are some instances where the equipment has failed, this bill addresses the training of those individuals operating the equipment.

REPRESENTATIVE GARDNER asked whether there is a procedure used to routinely evaluate or test equipment, and whether Mr. Pearce was performing a routine evaluation when he discovered the aforementioned gassy x-ray tube.

MR. PEARCE replied yes.

[3:35:45 PM](#)

DONNA ROFSHOLM, Chair, Legislative Committee, Alaska Society of Radiological Technologists (AKSRT), stated that AKSRT was involved in drafting the language for HB 71. She explained that AKSRT drafted this legislation to address concerns regarding the radiation safety of patients, along with establishing educational guidelines for operators of radiation emitting equipment. These standards would ensure that all Alaskans receive quality care during an x-ray examination. There is no "safe dose" of radiation. Patients are not aware of the facts, and do not know how to evaluate the safety of the procedure being administered, and place all confidence in the healthcare worker performing the procedure. Without a licensure policy, anyone can take an x-ray with minimum or no training. Passage of HB 71 would establish standards for individuals performing the radiology exams. The DHSS has documented the misuse of radiation in the state. She opined that the public cannot blame the operators for errors made, as training is not required. Passage of HB 71 would ensure that the necessary education is received.

MS. ROFSHOLM went on to say that the expense to a facility to license an individual would be the same as the cost of one x-ray procedure. She opined that this is a small amount to pay to ensure patients safety. She explained that training programs sponsored by a medical facility, supervised, or instructed by a licensed practitioner would also qualify as education. The AKSRT wants to ensure that any individual performing a radiology procedure has a minimum of education. HB 71 would not alter the manner in which small and rural clinics operate, and recognizes that rural areas have different needs than urban areas. Provisions in the bill ensure that individuals currently performing x-ray procedures will be able to continue doing so. The training is available online, and may be completed at the operator's convenience. There are currently 37 individuals enrolled in the limited radiology program. She explained that these individuals are from rural areas of the state and have voluntarily enrolled to receive education in performing x-ray procedures. These individuals will receive an occupational

endorsement from the university after the completion of the program. The AKSRT feels that establishing guidelines will promote safety and provide quality care to all Alaskans.

3:40:09 PM

REPRESENTATIVE GATTO, in regard to the amount of radiation omitted, asked whether digital or film machines are preferable.

MR. PEARCE explained that the amount of radiation produced is determined by technique factors that are adjusted on the machine. Digital imaging is more sensitive than film, therefore less radiation may be required. However, there is concern regarding possible misuse of digital imaging, which can result in a higher level of exposure.

3:42:39 PM

RICK URION, Director, Division of Corporations, Business, and Professional Licensing ("the Division"), Department of Commerce, Community, & Economic Development (DCCED), stated that the Division is in support of HB 71. He agreed that public health is in jeopardy, and licensure is the first step in correcting the problem.

REPRESENTATIVE NEUMAN asked how many additional employees this would require.

MR. URION replied that the Division would hire one more employee. In response to additional questions, he explained that the Division licenses qualified individuals. If complaints are received, investigators look into this. The Division does not check to ensure that all individuals are licensed. He stated that this is not done in any profession licensed by the Division. In regard to the consequences of operating an x-ray machine without proper licensure, he pointed out that the bill contains several provisions addressing this, and the Division will abide by these.

REPRESENTATIVE NEUMAN explained that his concerns are a result of recently learning that businesses operating without a business license in the state were not subject to any type of citation. He shared his belief that doctors would want to ensure that radiological technologists are properly licensed.

REPRESENTATIVE KAWASAKI replied that some clinics do not have [certified] radiologic technologists, and opined that this is a

matter of cost versus health. This bill would ensure that there is a certain level of healthcare available across the state.

MR. URION, in response to a question from Representative Neuman, explained that the test to be used has been developed by the American Registry of Radiologic Technologists. The Division would check all information submitted, to ensure that the individual meets the requirements set forth by the legislature.

[3:48:05 PM](#)

REPRESENTATIVE KAWASAKI added that the bill does not create a board for this reason. The bill requires that national standards are met, and explained the process applicants would go through to become licensed. In response to an additional question, he explained that the bill is specific regarding what the commissioner can impose for the license, as this was previously considered by the legislature. He commented that some details regarding administrative duties have been left to the discretion of the commissioner.

REPRESENTATIVE LEDOUX inquired as to why dental assistants are not included.

REPRESENTATIVE KAWASAKI replied that the bill does not address dental practice, as it only addresses radiologic technologists.

REPRESENTATIVE LEDOUX asked if this is identical to [HB 150], which was considered by the House Labor and Commerce Standing Committee during a previous legislative session.

REPRESENTATIVE KAWASAKI replied yes. In response to additional questions, he agreed that the definition of "licensed practitioner" was included in the aforementioned bill.

REPRESENTATIVE LEDOUX, referring to a letter from Mr. Pearce dated January 22, 2007 which notes the misuse of equipment, inquired as to whether the equipment was misused by individuals that are exempt from HB 71, such as nurse practitioners or physicians assistants.

MR. PEARCE replied that the individuals responsible for the examples given are included in the bill.

REPRESENTATIVE GARDNER commented that a license would provide a tool for clinics to evaluate whether or not an individual is competent. She expressed concern with the problems mentioned by

Mr. Pearce that are not addressed by the bill, and opined that equipment should be examined by a person with knowledge of how it should work.

REPRESENTATIVE KAWASAKI replied that there are federal requirements regarding when the equipment should be evaluated.

REPRESENTATIVE GARDNER opined that this is not adequate, if one survey has revealed a number of problems within the state.

MR. URION shared his understanding that Mr. Pearce is the only equipment inspector in the state, adding that additional inspections may be needed.

CHAIR OLSON asked whether dental assistants were included in the previous versions of this bill.

REPRESENTATIVE KAWASAKI replied no. In response to an additional question, he explained that dental assistants are not included for a specific reason. He offered his understanding that the equipment used by dental assistants is not the same.

REPRESENTATIVE LEDOUX asked whether it would be worthwhile to consider regulating dental assistants in a future piece of legislation.

REPRESENTATIVE KAWASAKI replied that he would look into this.

REPRESENTATIVE GATTO surmised that "dental techs" might be covered under the regulations set forth by the American Dental Association (ADA). He pointed out that dental hygienists may already have certification and licensing. He commented that he has received radiation, and is "deeply troubled" that his technologist may have not known as much as he or she should. Referring to House Bill 150, he questioned why the bill had so much opposition.

REPRESENTATIVE KAWASAKI offered his understanding that the Alaska Native Tribal Health Consortium, along with the Division, was previously in opposition to the legislation.

MR. PEARCE, in response to a question from Representative Gardner, said that the Board of Dental Examiners inspects dental equipment.

REPRESENTATIVE KAWASAKI shared his belief that HB 71 enhances public health in Alaska, adding that if it did not, he would not propose this legislation.

REPRESENTATIVE LEDOUX commented that during the previous legislative session, she was under the impression that the bill addressed a problem that did not exist. However, she has been convinced that this issue does exist. She expressed concern regarding rural areas and whether "forcing the best" may result in "nothing at all." She opined that members should remain cognizant of this, and stated that she is unsure of whether she is in support of the bill, as she needs to find out how this will affect rural areas.

[4:02:04 PM](#)

CHAIR OLSON stated his intention to hold the bill to allow time for additional testimony.

REPRESENTATIVE NEUMAN asked about continuing education programs, and whether these will be available online.

REPRESENTATIVE KAWASAKI replied that individuals from the [Radiologic Technology Program at the University of Alaska, Anchorage (UAA)], can discuss continuing education at the next committee hearing.

MR. URION, in response to additional comments from Representative Neuman, stated that the Division would like to offer online renewals, although initial licensure will need to be examined by the Division. He then explained how continuing education units are dealt with in other professions.

[4:05:30 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at [4:05:32 PM](#).