

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

May 2, 2007

1:29 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator John Cowdery
Senator Fred Dyson
Senator Joe Thomas, Vice Chair
Senator Kim Elton

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Anna Fairclough
Representative Bill Thomas

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 215(HES)

"An Act relating to the establishment of a task force to review the Council on Domestic Violence and Sexual Assault."

MOVED CSHB 215(HES) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 113(HES)

"An Act relating to the prescription and use of pharmaceutical agents, including controlled substances, by optometrists."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 215

SHORT TITLE: TASK FORCE RE: COUNCIL ON DOM. VIOL.

SPONSOR(s): REPRESENTATIVE(s) FAIRCLOUGH

03/21/07	(H)	READ THE FIRST TIME - REFERRALS
03/21/07	(H)	HES, FIN
04/10/07	(H)	HES AT 4:00 PM CAPITOL 106
04/10/07	(H)	Moved CSHB 215(HES) Out of Committee
04/10/07	(H)	MINUTE(HES)
04/11/07	(H)	HES RPT CS(HES) 6DP

04/11/07 (H) DP: CISSNA, FAIRCLOUGH, GARDNER,
SEATON, ROSES, WILSON
04/18/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/18/07 (H) <Bill Hearing Postponed to 4/20/07>
04/20/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/20/07 (H) Moved CSHB 215(HES) Out of Committee
04/20/07 (H) MINUTE(FIN)
04/23/07 (H) FIN RPT CS(HES) 5DP 1NR
04/23/07 (H) DP: GARA, CRAWFORD, THOMAS, HAWKER,
MEYER
04/23/07 (H) NR: KELLY
04/25/07 (H) TRANSMITTED TO (S)
04/25/07 (H) VERSION: CSHB 215(HES)
04/27/07 (S) READ THE FIRST TIME - REFERRALS
04/27/07 (S) HES, FIN

BILL: HB 113

SHORT TITLE: OPTOMETRISTS' USE OF PHARMACEUTICALS
SPONSOR(S): REPRESENTATIVE(S) SAMUELS

01/30/07 (H) READ THE FIRST TIME - REFERRALS
01/30/07 (H) HES, L&C
03/20/07 (H) HES AT 3:00 PM CAPITOL 106
03/20/07 (H) Heard & Held
03/20/07 (H) MINUTE(HES)
03/31/07 (H) HES AT 12:30 AM CAPITOL 106
03/31/07 (H) Moved CSHB 113(HES) Out of Committee
03/31/07 (H) MINUTE(HES)
04/02/07 (H) HES RPT CS(HES) 4DP 1NR 2AM
04/02/07 (H) DP: CISSNA, SEATON, NEUMAN, FAIRCLOUGH
04/02/07 (H) NR: GARDNER
04/02/07 (H) AM: ROSES, WILSON
04/11/07 (H) L&C AT 3:00 PM CAPITOL 17
04/11/07 (H) Moved CSHB 113(HES) Out of Committee
04/11/07 (H) MINUTE(L&C)
04/13/07 (H) L&C RPT CS(HES) 1DP 6NR
04/13/07 (H) DP: LEDOUX
04/13/07 (H) NR: GARDNER, BUCH, RAMRAS, NEUMAN,
GATTO, OLSON
04/19/07 (H) BEFORE THE HOUSE
04/20/07 (H) TRANSMITTED TO (S)
04/20/07 (H) VERSION: CSHB 113(HES)
04/23/07 (S) READ THE FIRST TIME - REFERRALS
04/23/07 (S) HES, L&C, FIN
05/02/07 (S) HES AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

Representative Fairclough
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 215

Chris Aschenbrenner, Interim Program Administrator
Council on Domestic Violence and Sexual Assault
POSITION STATEMENT: Available for questions on HB 215

Representative Samuels
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 113

Dr. Mike Bennett, President
Alaska Optometric Association
POSITION STATEMENT: In support of HB 113

Bob Losher, representing himself
POSITION STATEMENT: In opposition to HB 113

Carl Rosen, representing himself
POSITION STATEMENT: In opposition to HB 113

Cindy Bradford
American Family of Ophthalmology
POSITION STATEMENT: In opposition to HB 113

Jill Matheson, chair
Alaska Board of Examiners in Optometry
POSITION STATEMENT: In support of HB 113

Eric Colter, representing himself
POSITION STATEMENT: In opposition to HB 113

Peter Cavanaugh, representing himself
POSITION STATEMENT: In opposition to HB 113

ACTION NARRATIVE

CHAIR BETTYE DAVIS called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:29:40 PM](#). Present at the call to order were Senators Dyson, Cowdery and Chair Davis. Senators Elton and Thomas arrived soon thereafter.

CSHB 215(HES)-TASK FORCE RE: COUNCIL ON DOM. VIOL.

CHAIR BETTYE DAVIS announced CSHB 215(HES) to be up for consideration.

REPRESENTATIVE FAIRCLOUGH, sponsor of HB 215, said that the bill will create a task force to review the Council on Domestic Violence and Sexual Assault, which has been indicated to need improvement. The task force will help retool the functioning and mission of the council, specifically in the area of prevention. 20 out of the last 27 years, Alaska has had the highest per capita number of rapes in the nation.

[1:32:53 PM](#)

SENATOR COWDERY asked when the task force will present its report.

REPRESENTATIVE FAIRCLOUGH replied that the date was moved to February should the bill pass from both bodies, and the task force would be meeting during the interim.

[1:33:24 PM](#)

SENATOR DYSON said that little boys are assaulted at very high rates in Alaska as well, and shouldn't be ignored. Apparently prison rape rates are low in Alaska, but that's the only bright spot in the issue.

REPRESENTATIVE FAIRCLOUGH commented on how rapes often go unreported.

[1:34:34 PM](#)

CHAIR DAVIS said that she supports the bill, and asked if the money funding the council will come from the Department of Public Safety (DPS).

REPRESENTATIVE FAIRCLOUGH replied that it will, and said that there were members of that department available for questions. The council will pay for its members to travel, but the DPS will pay for others' travel.

[1:36:05 PM](#)

CHRIS ASCHENBRENNER, Interim Program Administrator for the Council on Domestic Violence and Sexual Assault, said she's in favor of the bill and that people who work with victims of

domestic violence welcome any measures to aid their cause. She added clarification of how travel expense for the task force will be paid for.

[1:37:56 PM](#)

SENATOR COWDERY moved to report CSHB 115(HES) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

CSHB 113(HES)-OPTOMETRISTS' USE OF PHARMACEUTICALS

[1:39:42 PM](#)

CHAIR BETTYE DAVIS announced CSHB 113(HES) to be up for consideration.

REPRESENTATIVE SAMUELS, sponsor of HB 113, said that the bill will allow optometrists to prescribe oral medications to patients; their prescriptive powers are currently limited to topical medications. Because of the remoteness of many parts of Alaska, better access to health care needs to be provided. The bill is trying to open access to care in an area with wide geographical dispersion and high costs. The rest of the country has implemented such bills safely, and Alaska should be able to do so as well.

[1:42:03 PM](#)

DR. MIKE BENNETT, president of the Alaska Optometric Association, said that the association supports the bill, while understanding that here may need to be an amendment regarding injectable drugs. The bill will increase access to high-quality health care for Alaskans.

He added that the chair of the Optometry Board of Alaska was present and could answer questions.

[1:43:45 PM](#)

SENATOR COWDERY asked for an explanation of additional required training.

DR. BENNETT replied that everything covered in the bill is included in current optometric education and has been for the last 25 years; in the state the privilege hasn't been available in the past so a requirement for refresher courses wouldn't be out of line.

SENATOR COWDERY asked if the bill would require any special training beyond what optometrists usually receive.

DR. BENNETT said that the bill does provide for additional training regarding injectable drugs and oral medications.

CHAIR DAVIS remarked that the committee substitute would be addressed after public testimony.

[1:45:28 PM](#)

SENATOR THOMAS asked if the suggested changes in the bill have been discussed with those in opposition of the bill.

DR. BENNETT replied that they haven't worked directly in conjunction.

SENATOR THOMAS said that there is reference to injection training courses in the bill, asked if it was in the committee substitute, and asked for comment; he opined that a seven-hour course may not be sufficient.

[1:47:12 PM](#)

DR. BENNETT replied that the injectables referred to in the bill wouldn't necessarily entail a whole new way of application. He clarified that there is specific prohibition against injection into the eyeball.

[1:48:19 PM](#)

BOB LOSHER, representing himself, related his work and health history, and said that he opposes the committee substitute. Eye health is important to bodily health and people need to be qualified to work with eyes. The expansion promoted in the bill isn't in the best interest of public health and safety. Training of optometrists isn't as intensive as that of ophthalmologists, who take other health matters into account; people should be careful to have comprehensively trained health providers, and eye medications can be very powerful. He concluded that the argument seems to be between two professional organizations, and very few lay-people are coming forward to speak out; the legislature needs to view the matter as one of public interest and ensure that quality medical services are available in Alaska.

[1:55:23 PM](#)

REPRESENTATIVE THOMAS, co-sponsor of the HB 113, said that it's a necessary tool for rural communities; it's expensive for people to fly to bigger cities to see ophthalmologists when an optometrist is already there and could prescribe needed medication. There are only 20 ophthalmologists in Alaska and they don't serve many of the state's smaller communities. The bill is very important and much-needed.

[1:57:54 PM](#)

CHAIR DAVIS commented that she doesn't see the bill as being a fight between two professional factions; people from both sides work well together.

[1:58:50 PM](#)

CARL ROSEN, representing himself, said that there's a reason it's difficult to get admission to medical school; the bar for medical training is high so that people can get the best possible care. He described his work history, and said that there are 40 ophthalmologists in the state, many of whom travel to rural communities. There has been no public outcry from people who may have suffered because of the lack of ophthalmologists. Telemedicine is helpful for treating people living in rural areas, and the technology will only get better.

He explained that the bill expands the scope of treatment dramatically; the bill would give Alaska the most liberal laws in the country, which would give optometrists more powers than ophthalmologists. A seven-hour course is not sufficient for learning how to inject drugs. People should get high quality health treatment no matter where they are; if an optometrist needs to give out a medication, there should be more policing by trainers and boards. Letting the optometric board decide on policy is not acceptable; a committee should be set up.

[2:07:33 PM](#)

CHAIR DAVIS said that there has already been opportunity for comment and suggestions on the bills, and she hoped Mr. Rosen would be willing to work on it.

[2:08:09 PM](#)

CINDY BRADFORD, representing the American Family of Ophthalmology, said that she is in opposition to HB 113. Allowing the application of drugs to other parts of the body besides the eye is dangerous; she voiced her uncertainties about the language of the bill as regards injections. Medication given in the eye has an effect on the entire body and could have negative ramifications. She gave examples of inherent medication risks, and said that optometrists do not have sufficient training or experience for the powers granted by the bill; patients deserve quality medical care. Rural or urban patients requiring more intensive treatment than topical drugs should be treated by a doctor. Diagnosis and treatment of eye diseases could be delayed by initial improper treatment by an optometrist.

[2:13:53 PM](#)

JILL MATHESON, chair of the Alaska Board of Examiners in Optometry, clarified that the board does know its job, which is to protect the public; it holds public meeting just like any other board and operates under the same rules as the state medical board. Optometrist are not trying to become ophthalmologists, and the bill prohibits them from treating cardiac or other issues; the medications they would be using are only for treating eye issues.

She said that to get an optometry license in the state, there's a licensing process after eight years of higher education; the additional education written in the bill would be specifically for oral medications. The seven-hour class isn't hands-on training; such training is already covered in standard optometric training.

She explained the classes that would be required by the legislation, which have been used by other states with the same laws.

[2:17:04 PM](#)

ERIC COLTER, representing himself, said that he opposes the bill but is open to changing the scope. There hasn't been an outcry about lack of eye care; it's important to know that optometrists can already prescribe a variety of medications, and there's no lack of care in Alaska that warrants such expanded powers. The bill represents a paradigm shift, and presents dangers to the public. To vote for the bill is to go against the reasoning of the state medical board, and might lead to inappropriate care.

The bill is too loosely structured; it would allow injections that are not related to optometry. It doesn't reflect an effort at community improvement but rather reveals special interest policy.

[2:23:23 PM](#)

CHAIR DAVIS commented that it's not too late for suggestions to be made on the bill, and asked if Mr. Colter had read the bill.

MR. COLTER replied that he had read what was available online.

CHAIR DAVIS said that she could provide him with the bill.

MR. COLTER replied that he has read it online, and repeated his opposition to the bill; it's possible that some compromise could be reached.

CHAIR DAVIS said that it's the responsibility of the state boards to keep up with the progress of the bill, and nobody had come forward up to that point.

MR. COLTER replied that he doesn't represent the board.

[2:25:50 PM](#)

PETER CAVANAUGH, representing himself, related his work history in ophthalmology, and said that he rarely has occasion to use the medicines covered in the bill and in fact let his license to do so lapse because he used them so rarely. If he can practice without doing so, optometrists should be able to do so as well.

[2:29:01 PM](#)

CHAIR DAVIS commented that optometrists have extensive training, and said she hoped Mr. Cavanaugh would help work to improve the bill.

MR. CAVANAUGH said that optometrists don't want to be regulated by a medical board, but by laypeople.

CHAIR DAVIS replied that the medical board was uninterested in having optometrists under their jurisdiction.

MR. CAVANAUGH replied that that was not true. He repeated his opinion that optometrists do not wish to be regulated by the medical profession.

CHAIR DAVIS held HB 113 for further work and, seeing no further business to come before the committee, adjourned the meeting at [2:31:35 PM](#).