

AALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

April 26, 2007

1:37 p.m.

MEMBERS PRESENT

Senator Johnny Ellis, Chair
Senator Gary Stevens, Vice Chair
Senator Bettye Davis

MEMBERS ABSENT

Senator Lyman Hoffman
Senator Con Bunde

COMMITTEE CALENDAR

SENATE BILL NO. 140

"An Act requiring paid leave from employment for bone marrow donation."

MOVED CSSB 140 (L&C) OUT OF COMMITTEE

SENATE BILL NO. 102

"An Act relating to mortgage lenders, mortgage brokers, mortgage originators, state agents who collect program administration fees, and other persons who engage in activities relating to mortgage lending; relating to mortgage loan activities; relating to an originator fund; relating to fees for mortgage loan transactions; and providing for an effective date."

MOVED CSSB 102(L&C) OUT OF COMMITTEE

SENATE BILL NO. 28

"An Act relating to limitations on mandatory overtime for registered nurses and licensed practical nurses in health care facilities; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 118

"An Act establishing a fee for disposable plastic bags distributed by retail sellers of goods or services to consumers to carry away or protect goods; and establishing the Alaska litter and marine debris reduction and recycling fund."

HEARD AND HELD

CS FOR HOUSE BILL NO. 121(L&C) am

"An Act relating to release of information in individual workers' compensation records; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 140

SHORT TITLE: LEAVE FOR BONE MARROW DONATIONS

SPONSOR(s): SENATOR(s) ELTON

03/28/07	(S)	READ THE FIRST TIME - REFERRALS
03/28/07	(S)	L&C, STA, FIN
04/19/07	(S)	L&C AT 1:30 PM BELTZ 211
04/19/07	(S)	Scheduled But Not Heard
04/24/07	(S)	L&C AT 1:30 PM BELTZ 211
04/24/07	(S)	Heard & Held
04/24/07	(S)	MINUTE(L&C)
04/26/07	(S)	L&C AT 1:30 PM BELTZ 211

BILL: SB 102

SHORT TITLE: MORTGAGE LENDING

SPONSOR(s): SENATOR(s) HUGGINS BY REQUEST

03/02/07	(S)	READ THE FIRST TIME - REFERRALS
03/02/07	(S)	L&C, FIN
04/17/07	(S)	L&C AT 1:30 PM BELTZ 211
04/17/07	(S)	Scheduled But Not Heard
04/19/07	(S)	L&C AT 1:30 PM BELTZ 211
04/19/07	(S)	Heard & Held
04/19/07	(S)	MINUTE(L&C)
04/24/07	(S)	L&C AT 1:30 PM BELTZ 211
04/24/07	(S)	Heard & Held
04/24/07	(S)	MINUTE(L&C)
04/26/07	(S)	L&C AT 1:30 PM BELTZ 211

BILL: SB 28

SHORT TITLE: LIMIT OVERTIME FOR REGISTERED NURSES

SPONSOR(s): SENATOR(s) DAVIS

01/16/07	(S)	PREFILE RELEASED 1/5/07
01/16/07	(S)	READ THE FIRST TIME - REFERRALS
01/16/07	(S)	HES, L&C, FIN
04/04/07	(S)	HES AT 2:45 PM BUTROVICH 205
04/04/07	(S)	Heard & Held
04/04/07	(S)	MINUTE(HES)
04/16/07	(S)	HES AT 1:30 PM BELTZ 211

04/16/07 (S) Moved CSSB 28(HES) Out of Committee
04/16/07 (S) MINUTE(HES)
04/18/07 (S) HES RPT CS 2DP 1NR 2AM SAME TITLE
04/18/07 (S) DP: DAVIS, ELTON
04/18/07 (S) NR: THOMAS
04/18/07 (S) AM: DYSON, COWDERY
04/24/07 (S) L&C AT 1:30 PM BELTZ 211
04/24/07 (S) <Bill Hearing Postponed until Thursday>
04/26/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 118

SHORT TITLE: PLASTIC BAG FEE; ESTABLISH LITTER FUND

SPONSOR(s): SENATOR(s) ELTON

03/14/07 (S) READ THE FIRST TIME - REFERRALS
03/14/07 (S) L&C, RES, FIN
04/26/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 121

SHORT TITLE: WORKERS' COMPENSATION RECORDS

SPONSOR(s): REPRESENTATIVE(s) WILSON

02/07/07 (H) READ THE FIRST TIME - REFERRALS
02/07/07 (H) L&C
02/21/07 (H) L&C AT 3:00 PM CAPITOL 17
02/21/07 (H) Moved CSHB 121(L&C) Out of Committee
02/21/07 (H) MINUTE(L&C)
02/22/07 (H) L&C RPT CS(L&C) 4DP 3DNP
02/22/07 (H) DP: BUCH, NEUMAN, RAMRAS, OLSON
02/22/07 (H) DNP: GARDNER, LEDOUX, GATTO
03/21/07 (H) RETURN TO SECOND FAILED Y20 N20
03/21/07 (H) TRANSMITTED TO (S)
03/21/07 (H) VERSION: CSHB 121(L&C) AM
03/23/07 (S) READ THE FIRST TIME - REFERRALS
03/23/07 (S) L&C, FIN
04/26/07 (S) L&C AT 1:30 PM BELTZ 211

WITNESS REGISTER

LYNEA OLSON, Vice President
CitiGroup

POSITION STATEMENT: Opposed CSSB 102(L&C).

SYMON KEYMER

State Government Affairs

American Financial Services Association (AFSA)

POSITION STATEMENT: Opposed CSSB 102(L&C).

PAULA CADIENTE

Staff to Senator Elton
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Explained SB 140 for the sponsor.

ANDREA QUINTO

Alaskan Resident

POSITION STATEMENT: Supported CSSB 140(L&C).

DIANNE O'CONNELL, Executive Director

Alaska Nurses Association

POSITION STATEMENT: Supported SB 28.

MARY STACKHOUSE, R.N.

Newborn Intensive Care Unit
Providence Alaska Medical Center
Anchorage AK

POSITION STATEMENT: Supported SB 28.

LAURIE HERMAN, Regional Director

Government Affairs

Providence Health System

Anchorage AK

POSITION STATEMENT: Opposed SB 28.

CAROL WIGMAN, RN

Alaska Psychiatric Institute (API)
Department of Health and Social Services (DHSS)
Anchorage AK

POSITION STATEMENT: Supported SB 28.

RON ADLER, Director

Alaska Psychiatric Institute (API)
Department of Health and Social Services (DHSS)
Anchorage AK

POSITION STATEMENT: Commented on SB 28.

PAT HIGGENS

North Star Hospital
Anchorage AK

POSITION STATEMENT: Did not state a position on SB 28.

PATTIE ARTHUR, LPN

North Star Hospital

Anchorage AK

POSITION STATEMENT: Wanted to exclude Baylor plans from SB 28.

JOHN BRINGHURST, CEO
Petersburg Medical Center
Petersburg AK

POSITION STATEMENT: Opposed SB 28.

SENATOR ELTON
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Sponsor of SB 118.

KRISTEN RYAN, Director
Division of Environmental Health
Department of Environmental Conservation (DEC)
Juneau AK

POSITION STATEMENT: Available to answer questions on SB 118.

DIXIE BELCHER
Turning the Tides
Juneau AK

POSITION STATEMENT: Supported SB 118.

CACHE GARRET
Representing humans
Juneau AK

POSITION STATEMENT: Supported SB 118.

DR. MARCUS ERICKSON, Director
Education and Research
Algalita Marine Research Foundation
California

POSITION STATEMENT: Supported SB 118.

CLIFF STONE
Staff to Representative Peggy Wilson
Alaska State Capitol
Juneau AK

POSITION STATEMENT: Commented on CSHB 121(L&C)am for the sponsor.

PAUL LISANKIE, Director
Division of Workers' Compensation
Department of Labor and Workforce Development (DOLWD)
Juneau AK

POSITION STATEMENT: Supported CSHB 121(L&C)am.

ACTION NARRATIVE

CHAIR JOHNNY ELLIS called the Senate Labor and Commerce Standing Committee meeting to order at [1:37:02 PM](#). Present at the call to order were Senators Davis and Ellis. Senator Stevens joined the committee at 1:40.

SB 140-LEAVE FOR BONE MARROW DONATIONS

[1:37:02 PM](#)

CHAIR ELLIS announced SB 140 to be up for consideration. He set it aside to wait for a quorum.

SB 102-MORTGAGE LENDING

[1:38:50 PM](#)

CHAIR ELLIS announced SB 102 to be up for consideration. The committee was working from version C committee substitute.

LYNEA OLSON, Vice President, CitiGroup, opposed SB 102 saying while CitiGroup supported regulation of the mortgage industry, corporate state licensure, and granting the department regulatory and enforcement powers over them, they oppose the current version of SB 102 because it would require them to license employees and exclusive agents of large national lenders. She said a majority of states have implemented a more reasonable licensing scheme where they allow an exemption for large national lenders including CitiGroup.

MS. OLSON said that corporate licensure would protect consumers and that CitiGroup would agree with the department to post a surety bond so an injured borrower could be made whole. She said the corporate licensure would make sure that its employees and exclusive agents are in compliance with Alaska law.

[1:40:51 PM](#)

SENATOR STEVENS joined the committee.

MS. OLSON also explained that CitiGroup has internal training procedures, supervision, audits, and surveillance and compliance procedures in place.

CHAIR ELLIS said he appreciated her testimony, but the issue is a balancing act between access to credit for Alaskan consumers and the consumer protection and responsibility of the various players in that market. He said that Senator Huggins, the sponsor, is willing to continue discussing the bill.

SYMON KEYMER, State Government Affairs, American Financial Services Association (AFSA), said AFSA is a national trade association based in Washington D.C. and its members are financial services companies that provide credit for consumers and small businesses including many mortgage lenders. He said that AFSA still opposes the current bill.

He said AFSA had submitted amendment language in the past and worked with the Division of Banking and Securities, but had not come to an agreement. He asked that the bill be held over to give them more time to address the legal and technical issues that must be addressed for effective regulation of the industry. If passed as it stands, SB 102, version C, will fly in the face of practices in over 40 other states. It will significantly increase the burden on Alaska's lenders, regulators and consumers and add costs to lenders that they will pass on to borrowers. It could also have a negative effect on compliance activities for regulators.

MR. KEYMER said the belief that reciprocal regulation with other states will do away with duplicative, onerous and expensive employee licensing is not a realistic option and he didn't know of any state that currently provides for originator licensing reciprocity. He said that regulators in other states have been willing to adopt exemptions for employees and exclusive agents of well-capitalized and highly regulated entities like AFSA members to conserve state resources. Regulators have realized that placing financial and supervisory responsibility squarely on corporate entities who have the financial stability, internal training programs, corporate supervision and the accountability of AFSA member companies allows them to devote more resources to greater oversight and accountability for those industry players who do not.

1:46:01 PM

MR. KEYMER said it is also difficult to pass regulations because each industry player is different. He explained:

State and federal lenders and independent mortgage brokers are regulated differently because they operate differently. Large mortgage lenders differ significantly from independent mortgage brokers. They typically operate as license entities in multiple states and have a large number of employees who interact with customers from many states on a daily basis. They are well-capitalized, carry huge

reputation risks associated with employee misconduct and may be affiliated with an entity regulated by the Federal Reserve Board.

Effective mortgage loan originator licensing must recognize these differences between large mortgage lenders and independent mortgage brokers and must recognize the difference between inter-state companies and large multi-state companies. Duplicative or overlapping licensing of large multi-state entities and individuals should be avoided.

As far as enforcement is concerned, nothing in the AFSA amendment would limit the supervisory and important powers of the department. As employees and exclusive agents of a licensed company, these individuals would only be subject to provisions of the acts applicable to their license. In addition to this, the bill grants broad authority to both the department and the attorney general to enforce the provisions of the act against any person as well as any licensee. This broad authority would allow the department to enforce these provisions of the act against AFSA member companies and their employees and exclusive agents.

There are other protections in the AFSA amendment. The amendment would require as part of the license that the company sign a binding written agreement with the department stating that they accept full responsibility for insuring that the employee acts in full compliance with this chapter. This agreement could include requirements such as employee background checks, continuing education, and other items deemed necessary by the department. The department would also have the ability to examine the company to insure compliance with the act and the department would have legal authority to review any loan made by a licensed company. The details of these requirements would be worked out in regulation.

The amendment also requires the company to maintain a bond in an amount required by the department to benefit the state or any person who suffers loss by the violation of this chapter. The licensed company would also have to make a one-time filing with the

department for an exemption from licensure for its employees or exclusive agents.

[1:48:32 PM](#)

In conclusion, we note that the Senate passed a bill, SB 272, last year that AFSA and its members were entirely comfortable with. This year we had enthusiastically agreed to corporate licensure and in good faith believed that we had agreed with the department to a concept whereby lenders themselves would be regulated, but the employees and exclusive agents of large multi-state mortgage lenders would not be licensed individually. This has now proved not to be the case. Nevertheless, we believe that such a concept is the best way to balance consumer protection with wide access to credit for the people of Alaska.

[1:49:05 PM](#)

CHAIR ELLIS thanked Mr. Keymer for his testimony. He noted that the committee has relied on Mark Davis, the director of the Division of Banking and Securities for his expertise and interpretation of the state interest in this legislation. He said that he feels caught short on the technical issues, but for this bill to pass this year with its considerable consumer protections, it needs to move on its way. The sponsor has said he will continue the conversation at the finance level and another bill is in motion in the other body.

[1:50:05 PM](#)

SENATOR STEVENS moved to pass CSSB 102(L&C) from committee with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

SB 140-LEAVE FOR BONE MARROW DONATIONS

CHAIR ELLIS announced SB 140 to be up again for consideration.

PAULA CADIENTE, staff to Senator Elton, sponsor, recapped that this bill would allow public and private employees to be given administrative leave for making bone marrow donations. Public employees would get a minimum of 40 hours a week and by regulation they would have a maximum amount and private employees would get between 40 hours and no more than 60 hours.

[1:52:21 PM](#)

SENATOR STEVENS moved to adopt CSSB 140(L&C), version M. There were no objections and it was so ordered.

[1:52:50 PM](#)

ANDREA QUINTO, Alaskan resident, explained that she had been working with the National Marrow Donor program for two years - mostly out of necessity in the beginning, but now for everybody else. She related how her nephew came down with leukemia, but he is now in remission and doing good. His donor is from New Mexico and the year her nephew came down with leukemia, only four others in this state needed a transplant - one of them was Susan Butcher.

Not everyone who gets a bone marrow transplant would be from this state, she explained. You don't know where a donor will come from. She asked Senator Elton to draft this bill that would help people who get the call and the opportunity to change someone's life, especially in villages, who can't afford to leave their jobs to get time off. In Alaska, it usually takes two days of traveling time one way to the donor center in Washington State - if the weather cooperates, plus recovery time and 24 hours of observation to make sure you're okay - and two days of traveling time back again.

MS. QUINTO said it is important to support this bill because it supports people who are trying save other people. She asked them to contemplate how they would feel if someone in their family might need a transplant next and that a donor was available, but couldn't leave work. She also stated that donor recipients are not allowed to offer money to get the donor to them. It's all voluntary. She said this legislation would only cover donors from Alaska.

[1:56:47 PM](#)

CHAIR ELLIS thanked her for her testimony and said he sensed good support for this bill. He said all the fiscal notes were zero.

SENATOR STEVENS moved to pass CSSB 140(L&C) from committee with individual recommendations and attached fiscal notes. There were no objections and it was so ordered.

SB 28-LIMIT OVERTIME FOR REGISTERED NURSES

[1:58:11 PM](#)

CHAIR ELLIS announced SB 28 to be up for consideration.

THOMAS OBERMEYER, staff to Senator Davis, said this bill was introduced because there is a shortage of 330,000 to 500,000

nurses in the country; they are being overworked and being asked to work mandatory overtime. Many states and the U.S. Congress are enacting legislation to try to control mandatory overtime. These are hours that are typically worked on demand when no other nurses are available. It has been determined that nurses have about three times as many errors after working for 12 hours putting patients safety at risk.

MR. OBERMEYER said CSSB 28(L&C), version L, essentially didn't make any substantive changes other than to change 12 consecutive hours off-duty to 10. He said the sanctions in this bill are fairly minimal compared to other states. This is not to be a money issue against the providers; but to provide some relief to the nurses who have been experiencing increasing difficult in work schedules - that has also resulted in fewer people applying to go to nursing schools.

He said that nurses are reluctant to come forward out of fear of reprisals that can be very subtle. This bill provides enforcement against reprisals and a reporting provision that requires the providers to list by individual - not by name but perhaps by i.d. number - the hours worked. He explained that this is significant because most providers would rather lump all the mandatory overtime hours available together and one couldn't determine which units are truly putting people at risk.

[2:03:26 PM](#)

SENATOR STEVENS asked if nurses will be able to continue to work overtime voluntarily.

MR. OBERMEYER replied that voluntary overtime has not been an issue. However, some nurses in critical care units are required to take an extra shift because there just aren't enough nurses in that area. Even their supervisors are busy with other administrative functions and can't relieve them for lunches or breaks.

SENATOR STEVENS asked how the bill protects nurses from being forced to agree to work.

MR. OBERMEYER replied the bill provides for an anonymous reporting procedure and hopefully the facility would recognize a problem and hire more people.

[2:05:49 PM](#)

DIANNE O'CONNELL, Executive Director, Alaska Nurses Association (ANA), said this is its top legislative priority. She said ANA

has about 1000 members and represent 4000 to 5000 more nurses in the state. She said that SB 28 attempts to address the dangers of mandatory overtime - the biggest dangers being fatigue and errors. She said they are referring to this as the Alaska Safe Nursing and Patient Care Act.

MS. O'CONNELL said a number of studies, two especially, indicate long hours pose some of the most serious threats to patient safety that they know. Prolonged periods of wakefulness can produce affects that are similar to effects of alcohol intoxication - decreases in reaction time and the speed of mental processes. Periods of wakefulness in excess of 16 hours can produce performance detriments equivalent to the blood alcohol of .05 percent.

The studies showed the likelihood of making an error increased with longer work hours and was three times higher when nurses worked shifts lasting 12.5 hours or more and working overtime increased the odds of making at least one error including being less alert to patients' changes, slower reaction times, and medication errors.

MS. O'CONNELL emphasized this is not a bargaining issue; it is a public safety issue. The public needs to know the nurse is properly rested and alert and a person who is registering in a hospital should not have to request a copy of the most recent collective bargaining agreement to see how successful negotiations on reasonable working conditions have been.

2:09:51 PM

She said that a lobbyist for Washington State Nursing Association (WSNA) said that Washington State passed a law in 2002 to prohibit mandatory overtime for nurses with the cooperation of the Washington State Nurses Association, other nursing unions and the Washington Hospital Association. MS. O'CONNELL said the goal of this legislation is first to protect the safety and quality of patient care.

The Institute of Medicine Report estimates 44,000 to 98,000 hospital deaths can be attributed to medical errors each year. Mandatory overtime is a serious contributing factor to medical errors. The report's final recommendation was that all overtime, voluntarily and involuntarily, should be curtailed.

She showed them a slide indicating that 11 states have already banned or limited mandatory overtime. Fifteen states are lining

up to do the same. She concluded saying it's good public policy and would help recruit more nurses.

[2:13:16 PM](#)

ROD BEATTIE, President, Alaska State Hospital and Nursing Home Association (ASHNHA), said there are 37 facilities in the state that belong to the association. He did not believe the bill was necessary saying:

We're equally concerned about patient care and about the fair treatment of nurses and each of our facilities have policies that address that. We believe that those goals are being met currently and that this legislation would not improve on that situation.

[2:14:30 PM](#)

He said that a number of federal and state organizations inspect his facilities continuously and those all produce good reports and don't point to any problem with respect to nurse staffing and patient care. Also, he said there is a complaint investigation process through the Department of Health if someone believes they haven't gotten good care. However, he has seen no nursing issues come forward.

He reported that each of ASHNHA's members participate in both mandatory and optional reporting arrangements on quality indicators at the federal level. Alaska's facilities do very well in all of those areas and report at or above the national average among other facilities. The Department of Health can accept complaints about care.

[2:15:53 PM](#)

MR. BEATTIE said he did a survey to see where his facilities used mandatory overtime and it clearly showed they aren't using it. He said shortages and gaps are being filled with temporary nursing staff and the state's bigger facilities negotiate nursing hours in collective bargaining agreements. He has been told there are no issues that aren't agreeably worked through between nursing and management and that overtime is spelled out in those agreements. Most facilities allow 8, 10 and 12 hour shifts to meet the needs of their nursing staff.

He reported that he reviewed the facility personnel records and couldn't find any grievances filed by nurses around use of overtime. Additionally, the Department of Labor and Workforce Development confirmed that it hadn't received any formal wage complaints in the last 10 years. He believed the real issue here

is the ongoing shortage of nurses to fill critical positions in health care settings. ASHNHA has done what I can to address that on an individual nursing level as responsibly as one could expect. It has also contributed funds to the University of Alaska Nursing Program that is now graduating 200 nurses per year instead of 100.

MR. BEATTIE said it would be more helpful if the legislature focused on closing the nursing shortage gap faster for the years ahead.

CHAIR ELLIS said he was interested in actual documentation of this being an actual problem as opposed to a speculative or an anticipated problem - whether it's in private or public facilities - which facilities are using mandatory overtime and which ones aren't.

2:19:16 PM

MARY STACKHOUSE, Newborn Intensive Care Unit, Providence Alaska Medical Center, said she is the founding president of Providence Registered Nurses Union and has been a nurse for 33 years, mostly in critical care. During this time she has seen different ways mandatory overtime is used and the biggest time it comes into effect is when a facility is short staffed. She explained that mandatory on-call is mandatory overtime and Providence has that in its operating room.

The problem with instituting more mandatory overtime is that there is already a nursing shortage in general. When people call in sick because they work themselves to death there is even more shortage. When you have a bigger assignment, worse acutities, that's the time when you're not getting a break because staff is already short so even the charge nurse can't relieve you for a break. So, you end up working longer with no breaks and then at the end of the shift you're still trying to pick up the pieces of your shift and if mandatory time is allowed and there is a sick call you are mandated to stay. You don't have the chance to say you are tired.

She explained how in her unit some babies need to be rescued immediately. Within the last six months she had to rescue one after she had been working 13 hours with one 10-minute break. She said this unit has had almost 50 babies routinely for the last six months and no one had planned for the nursing shortage.

She warned that next time someone they love could be at risk because their nurse has been worked to death. No one wants to be

recruited by a facility that has mandatory overtime. Nursing is already a hard profession on family life and dangerous because a nurse can bring home diseases from the hospital.

[2:24:58 PM](#)

MS. STACKHOUSE related that she works with a mandatory call and the director of her unit took her aside at their last negotiation and said that they were going for mandatory overtime because it was the only way to make everyone work the overtime hours that are needed equitably. As a result, she said, nurses gave up wages and benefits at the bargaining table in order to keep mandatory overtime out of the contract.

SENATOR STEVENS asked if she sees a problem with using "voluntary" and "mandatory" in the bill.

MS. STACKHOUSE replied that "voluntary" allows her to make the decision of whether she is too tired to continue working or not.

[2:27:02 PM](#)

CHAIR ELLIS noted a number of amendments that would be considered at a future meeting.

[2:27:16 PM](#)

LAURIE HERMAN, Regional Director, Government Affairs, Providence Health System, opposed CSSB 102(L&C) saying the energy should be focused on getting more experienced nurses. She said Providence is forbidden from using mandatory overtime in its contract language and has a healthy working relationship with its nurses and their leaders. Its nurse retention rate is 85 to 90 percent and its vacancy rate is 7.5 percent - compared to 10 to 12 percent nationally.

[2:28:31 PM](#)

MS. HERMAN stated: "I can promise you that if any nurse at Providence went to their supervisor and said I'm too tired to work anymore, they would be told to go home and get some rest."

[2:28:56 PM](#)

She was told by her head of human resources that in the not too distant past, straight eight-hour shifts a day were put on the bargaining table and that was rejected.

[2:29:23 PM](#)

CAROL WIGMAN, RN, Alaska Psychiatric Institute (API), Department of Health and Social Services (DHSS), said nurses that work at API are subject to mandatory overtime. She has been mandated so

many times that she has lost count and she has even been asked to work mandatory overtime two consecutive days in a row. During these times she has administered medications for more than 20 to 30 patients. She stated that numerous medication, transcriptions and judgment errors are caused by this practice which is used to make up for the understaffing of hospitals. If she refuses to work a mandatory overtime, she will be subject to disciplinary actions or the loss of her job.

Mandatory overtime also causes stress on her family of two young children and a husband. Personally she would not want a nurse who has been forced to work a 16 shift to give her or her family medication or making critical nursing decisions. She added that a nurse who works a 16-hour shift is tired during that shift, but she is also tired at work the next day. This bill is crucial to patient safety.

[2:31:13 PM](#)

RON ADLER, Director, Alaska Psychiatric Institute (API), Department of Health and Social Services (DHSS), stated that API does use mandatory overtime and they tell perspective employees what the consequences of that are. They also have a nursing desk procedure which allows nurses to opt out of mandatory overtime. If a nurse came to the nursing shift supervisor and said she was too tired to go on, she would absolutely be relieved. Having said this, he emphasized there has been significant improvement in API's mandatory overtime after the last nursing salary adjustment in July.

[2:32:38 PM](#)

MR. ADLER said it was also important to understand that API has to take certain kinds of patients on involuntary civil commitment and doesn't have the ability to triage them to other hospitals. As a result those are the times it cannot fall under minimum staffing.

[2:33:01 PM](#)

PAT HIGGINS, North Star Hospital, said it has no mandatory overtime. They would expect any nurse or employee who felt impaired for any reason to get relieved.

[2:33:59 PM](#)

PATTIE ARTHUR, LPN, North Star Hospital, said she is testifying on behalf of six nurses that work under the original Baylor's plan and CSSB 102(L&C) would affect all of them. They work every single weekend - Saturdays and Sundays only - for 16 hours each

day for a total of 32 hours of actual patient care, but they get paid for 40 hours. She stated emphatically:

This is a conscientious choice that myself and the other five nurses have made when we signed our contract to North Star Hospital to work weekends only. For this we receive vacation time, emergency time off and benefits like insurance and 401K plans.

She said that working this schedule allows her to go to UAA full time to work on completing its RN program. If this bill passes, she would have to seek employment at another facility that offers another Baylor schedule. Some of them have been working these 16-hour shifts for over 4 years with no regrets. These hours suit their needs and lifestyles today and will tomorrow.

She related how Alaska has difficulty in filling its nursing positions anyhow and the nurses who graduate from UAA mostly leave the state. She suggested adding a (7) to section 18.20.400(c) that would exclude all Baylor plans.

CHAIR ELLIS said that was an important issue he would consider.

[2:37:36 PM](#)

JOHN BRINGHURST, CEO, Petersburg Medical Center, said he is also chairman of the Alaska State Hospital Association. Since Mr. Beattie already spoke on behalf of ASHA, he spoke wearing his hat as CEO in a small hospital in Alaska. He said the volumes of Medicare regulations covering hospitals are now so voluminous that the regulatory bodies enforcing them are often unable to answer his questions.

A study commissioned by the American Hospital Association found that America's nurses are so overloaded with paperwork that on average for every hour spent in direct patient care, home health nurses spend 48 minutes on paper work, skilled nurses spend 30 minutes on paperwork, acute care nurses spend 36 minutes on paperwork and emergency room nurses spend an additional hour. What began as appropriate and necessary record-keeping has been expanded upon by one regulatory measure after another. This represents an overall loss of productivity of 42 percent. SB 28 is unnecessary, he said; it is using a sledgehammer to squash a gnat as a State Hospital Association study found that only one facility in the state uses mandatory overtime.

MR. BRINGHURST said smaller hospitals such as his staff at minimum levels all the time and they do not have a large "float

pool" of nurses to draw from. Although he has never had to use mandatory overtime to staff his facility, should the need arise, he could be forced to staff a unit at less than minimums under SB 28. They would have to choose to violate the law or jeopardize patient safety. Also, he said without mandatory call, small hospitals would be forced to close their doors, because they cannot operate without it.

MR. BRINGHURST said Petersburg Medical Center would not take lightly the necessity at times to ask a nurse to work additional hours following a 12-hour shift. They fill their nursing vacancies with traveling nurses, not with overtime, and exhaust all other options before asking for back-to-back shifts. He said he uses 12-hour shifts at the request of his nursing staff and that has led them to voluntary cooperation with filling emergency situations when overtime is necessary.

[2:41:44 PM](#)

CHAIR ELLIS said SB 28 has generated a lot of interest and will be back before the committee.

SB 118-PLASTIC BAG FEE; ESTABLISH LITTER FUND

[2:43:24 PM](#)

CHAIR ELLIS announced SB 118 to be up for consideration.

SENATOR ELTON, sponsor of SB 118, said the issue in this bill is plastic pollution. He offered to share a compelling nine-minute video with anyone on the committee about it. He stated that this bill imposes a tax to change consumers' behavior. There are two ways of dealing with plastic bag pollution and this tax is one. The other choice is just banning their use. Bans are not unusual; about 30 Alaskan communities have banned them.

[2:44:53 PM](#)

SENATOR ELTON called his approach the "Ireland approach" and explained they imposed a tax of 20 cents per plastic bag and this reduced their use by 90 percent - a significant diminishment of harm to the land and water in and around Ireland. He said that plastic bags never go away; they break up into tiny pieces.

[2:45:33 PM](#)

He said there are fiscal notes attached to this bill and said while it is easy to predict the cost of the program, it's hard to predict what revenues will be collected through the tax. Both he and Department of Environmental Conservation (DEC) are semi-

comfortable with the notion this tax will generate at least \$1.8 million and probably more according to the Department of Revenue (DOR).

SENATOR ELTON emphasized that his goal was not to raise revenues; it is rather to raise no revenues at all because that means no plastic bags are being used.

2:47:49 PM

KRISTEN RYAN, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), said she would be available for questions.

2:48:31 PM

DIXIE BELCHER, Turning the Tides, said this organization is devoted to raising awareness about the deteriorating health of the Pacific Ocean. She said the following are facts from the Algalita Marine Research Foundation (AMRF) and other scientific organizations that study the effects of plastics and plastic bags on the marine environment. They found that plastic bags do not biodegrade, they photo-degrade. This means they are broken down into smaller and smaller toxic bits less than the diameter of a human hair.

They contaminate ocean, air, soil and food. They contain PCBs and other toxic man-made chemicals now found throughout the food chain and shellfish to humans. These toxins are now in human breast milk and children and adults around the world. It is one reason cancer rates have arisen from 1 in 10 in 1975 to 1 in 2 today. Many marine animals contain so many of these toxins they can legally be classified as toxic dumps. There are 6 times more plankton-sized plastics than plankton in huge areas of the ocean. Birds, fish and marine animals ingest these thinking they are food and millions are dying. Their bodies biodegrade, but the plastic remains to be eaten by other birds and animals.

Plastic bags cover miles and miles of ocean floor. No one knows the extent. In some areas of the deep ocean, scientists have been unable to find the floor because it is so heavily layered with plastic bags. Half of all plastic in ocean sinks and under these bags the shellfish, worms and other tiny animals that help make up the bottom of the food chain are dead. Each year the United States consumes 100 billion plastic

shopping bags and throws away an estimated 8 billion pounds of these bags. The world uses 1 million plastic bags per minute. It is estimate to take up to 1,000 years for plastic bags to degrade in a warm landfill, longer in a cold ocean environment.

We don't need plastic bags. We are killing the oceans, ourselves and our descendents for short-term convenience. The ocean is 71 percent of the earth's surface and supplies up to 85 percent of the world's oxygen and nitrogen. No human, animal or plant can live without the ocean. Its health is rapidly deteriorating and we must find a way to reverse this trend. Stopping the use of plastic bags is something everybody can do.

2:50:59 PM

CACHE GARRET, representing humans, said she is a senior at UAS, and that she believes human life is in great danger due to the use of plastics bags. They are accumulating in landfills, which is a problem for Juneau with its "garbage mountain" and it's a growing problem because we have gotten rid of our incinerator. Plastic bags going into the landfill are suffocating it and not allowing for natural biodegradation. She said all plastics break apart; they don't biodegrade. Once plastics are created they are on earth forever.

MS. GARRET said she could support the use of the plastics for medical reasons, but not for plastic bags for convenience. She implored them "to get rid of them in Alaska and be a leader in the nation for sustainability."

2:53:20 PM

DR. MARCUS ERICKSON, Director of Education and Research, Algalita Marine Research Foundation, said the foundation basically studies plastic degrading in the marine environment. He said the largest landfill in the United States is about 1,200 miles southwest of Juneau, Alaska, in what they call the eastern garbage patch of the North Pacific Ocean. His foundation has traveled out there five years in a row and has found the mass of plastic floating in the ocean is roughly six times greater than the mass of all marine life on the ocean's surface. The combined weight of all that plastic comes to about 3.5 million tons.

DR. ERICKSON said this problem did not exist 50 years ago. "So in half a century, we've turned our coast into America's largest landfill." He said the small pieces of plastic act like sponges

for many kinds of organic pollutants like PCBs and DDTs from the incomplete burning of fossil fuels from combustion engines. These pollutants stick to plastics. For example one small piece of light plastic will turn a dingy orange brown over a couple of years and can have up to a million times higher concentration of pollution than an equal volume of a drop of seawater.

He said these pieces are being ingested by marine organisms - filter feeders and even baleen whales. In fact, nearly half of all seabirds are found with plastics in their stomachs. Over 26 cetacean species have plastics in their bodies and all marine turtles. It is a global problem. PCBs are found in animal and marine mammal tissues, which many people consume causing these toxins to migrate into human bodies.

[2:56:04 PM](#)

DR. ERICKSON said there is an urgent need to change and reduce our culture's use of all these plastics, especially plastic bags. He described the "Low Dose Effect" which is from the chemicals in plastics - these things in studies of mice and rats have been shown to cause tumors in mammary glands, prostate cancer and insulin inhibitors resulting in diabetes - effects that are happening in human populations now.

CHAIR ELLIS thanked everyone for testifying on SB 118 and that it would be heard another time.

CSHB 121(L&C)am-WORKERS' COMPENSATION RECORDS

[2:58:45 PM](#)

CHAIR ELLIS announced CSHB 121(L&C)am to be up for consideration.

CLIFF STONE, staff to Representative Peggy Wilson, sponsor of CSHB 121(L&C)am, said this bill is important because it protects private information that anyone can now call up the Division and Workers' Compensation and get - names, addresses, social security numbers, Email numbers and phone numbers.

[3:01:27 PM](#)

CHAIR ELLIS asked Mr. Lisankie to relate how the state lost a court case and why that inspired this legislation.

PAUL LISANKIE, Director, Division of Workers' Compensation, Department of Labor and Workforce Development (DOLWD), replied that about two years ago due to concerns about information being requested from the division, legislation was passed indicating

one could get workers' compensation information for purposes of determining liabilities and rights under the act, but not for commercial purposes unrelated to the Workers' Compensation Act. Some requests for information were denied and the division was sued under Public Records Act by a law firm from Detroit, Michigan. It was heard by the Superior Court in Juneau and the division lost. Existing language became restricted in scope by the court order, which was not appealed.

[3:03:55 PM](#)

CHAIR ELLIS asked if someone could speak to the \$292,000 fiscal note.

[3:04:31 PM](#)

MR. LISANKIE replied that he could and explained that originally all the personally identifying information in his records was going to be banned from disclosure. He decided that he would not require additional staff, but now with the amendment they would have to go through and manually black out certain information like social security numbers on a case by case basis. That would require extra staff.

CHAIR ELLIS asked if he was talking about hard copy as opposed to electronic information.

[3:05:30 PM](#)

MR. LISANKIE replied there are both paper and electronic records. He gets many requests for hard copies.

CHAIR ELLIS wanted to know what was real and what was speculative in information requests. There is the issue of a law firm requesting records to presumably contact people in the industry over a workers' compensation claim and employers in Alaska asking for this information to possibly use against or blackball a perspective employee based on past findings of workers' compensation claims.

[3:07:12 PM](#)

MR. LISANKIE replied that he often gets requests (frequently from out-of-state) from employee screening companies wanting to know if a Mr. Jones, for instance, has reported any injuries in the state of Alaska. They bundle this information to either sell or to help a company with its hiring process. He said in Alaska it is illegal to discriminate against someone for filing or receiving workers' compensation. The remedy, though, is a damage suit in civil court. He added that the requests also include information about employers and when their insurance policies

ran out. So he thought that information was for insurance companies.

CHAIR ELLIS thanked Mr. Lisankie and said HB 121 would be held over.

There being no further business to come before the committee, Chair Ellis adjourned the meeting at [3:10:14 PM](#).