

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

May 1, 2007

1:32 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Lyman Hoffman

COMMITTEE CALENDAR

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."

MOVED CSHB 121(L&C)am OUT OF COMMITTEE

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. 182(JUD)

"An Act making the offering of certain promotional checks an unfair or deceptive act or practice."

MOVED CSHB 182(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 136(FIN)(title am)

"An Act relating to the supervision of dental hygienists by dentists, establishing a restorative function license endorsement for dental hygienists and allowing collaborative agreements between licensed dentists and dental hygienists."

HEARD AND HELD

SENATE BILL NO. 155

"An Act relating to the exemption of water and wastewater utilities of a political subdivision."

BILL HEARING POSTPONED

PREVIOUS COMMITTEE ACTION

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
04/26/07 (S) Heard & Held
04/26/07 (S) MINUTE(L&C)
05/01/07 (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
04/26/07 (S) Heard & Held
04/26/07 (S) MINUTE(L&C)
05/01/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 182

SHORT TITLE: OFFERING PROMOTIONAL CHECKS

SPONSOR(s): REPRESENTATIVE(s) LYNN

03/07/07 (H) READ THE FIRST TIME - REFERRALS
03/07/07 (H) L&C, JUD
03/19/07 (H) L&C AT 3:00 PM CAPITOL 17
03/19/07 (H) Moved Out of Committee
03/19/07 (H) MINUTE(L&C)
03/21/07 (H) L&C RPT 7DP

03/21/07 (H) DP: GARDNER, LEDOUX, BUCH, NEUMAN,
GATTO, RAMRAS, OLSON
04/02/07 (H) JUD AT 1:00 PM CAPITOL 120
04/02/07 (H) Moved CSHB 182(JUD) Out of Committee
04/02/07 (H) MINUTE(JUD)
04/04/07 (H) JUD RPT CS(JUD) 6DP
04/04/07 (H) DP: GRUENBERG, LYNN, DAHLSTROM,
SAMUELS, HOLMES, RAMRAS
04/11/07 (H) TRANSMITTED TO (S)
04/11/07 (H) VERSION: CSHB 182(JUD)
04/13/07 (S) READ THE FIRST TIME - REFERRALS
04/13/07 (S) L&C, JUD
05/01/07 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 136

SHORT TITLE: DENTAL HYGIENISTS

SPONSOR(s): REPRESENTATIVE(s) STOLTZEE

02/14/07 (H) READ THE FIRST TIME - REFERRALS
02/14/07 (H) HES, L&C
03/06/07 (H) HES AT 3:00 PM CAPITOL 106
03/06/07 (H) Moved Out of Committee
03/06/07 (H) MINUTE(HES)
03/07/07 (H) HES RPT 5DP
03/07/07 (H) DP: CISSNA, FAIRCLOUGH, GARDNER, ROSES,
WILSON
03/07/07 (H) FIN REFERRAL ADDED AFTER L&C
03/19/07 (H) L&C AT 3:00 PM CAPITOL 17
03/19/07 (H) Moved Out of Committee
03/19/07 (H) MINUTE(L&C)
03/21/07 (H) L&C RPT 7DP
03/21/07 (H) DP: GARDNER, NEUMAN, BUCH, LEDOUX,
GATTO, RAMRAS, OLSON
03/27/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/27/07 (H) Moved CSHB 136(FIN) Out of Committee
03/27/07 (H) MINUTE(FIN)
03/28/07 (H) FIN RPT CS(FIN) 5DP 6NR
03/28/07 (H) DP: FOSTER, NELSON, STOLTZEE, KELLY,
MEYER
03/28/07 (H) NR: GARA, CRAWFORD, HAWKER, JOULE,
THOMAS, CHENAULT
04/11/07 (H) TRANSMITTED TO (S)
04/11/07 (H) VERSION: CSHB 136(FIN)(TITLE AM)
04/13/07 (S) READ THE FIRST TIME - REFERRALS
04/13/07 (S) HES, L&C, FIN
04/23/07 (S) HES AT 1:30 PM BUTROVICH 205
04/23/07 (S) Moved CSHB 136(FIN)am Out of Committee

04/23/07 (S) MINUTE(HES)
04/25/07 (S) HES RPT 3DP 2NR
04/25/07 (S) DP: DAVIS, ELTON, THOMAS
04/25/07 (S) NR: COWDERY, DYSON
05/01/07 (S) L&C AT 1:30 PM BELTZ 211

WITNESS REGISTER

REPRESENTATIVE PEGGY WILSON
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Sponsor of HB 121.

PAUL LISANKIE, Director
Division of Insurance
Department of Commerce, Community & Economic Development
Juneau AK

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

PAULA CADIENTE
Staff to Senator Elton
Alaska State Capitol
Juneau AK

POSITION STATEMENT: Commented on SB 118 for the sponsor.

HILDEGARD REGELE, Ph.D.
Affiliate Assistant Professor of Literature
University of Alaska Southeast
Turning the Tides
Juneau AK

POSITION STATEMENT: Supported SB 118.

RAYMOND PADDOCK III
Environmental Specialist
Tlingit Haida Central Counsel
Juneau AK

POSITION STATEMENT: Supported SB 118.

DR. CHRIS KRENZ
OCEANA

POSITION STATEMENT: Supported SB 118.

DAN STICKEL, Economist
Department of Revenue
Juneau, AK

POSITION STATEMENT: Available to answer questions on fiscal note to SB 118.

BOB SYLVESTER
Representing himself
Juneau AK
POSITION STATEMENT: Supported SB 118.

BILL ZENTER
Representing himself
Juneau AK
POSITION STATEMENT: Supported SB 118.

REPRESENTATIVE BOB LYNN
Alaska State Legislature
Juneau AK
POSITION STATEMENT: Sponsor of HB 182.

JULIA COSTER, Assistant Attorney General
Civil Division
Commercial Practices Section
Department of Law (DOL)
Juneau AK
POSITION STATEMENT: Answered questions on HB 182.

MARIE DARLIN, Coordinator
Capital City Task Force
Juneau AK
POSITION STATEMENT: Supported HB 182 and HB 136.

MIKE SICA
Staff to Representative Lynn
Alaska State Capitol
Juneau AK
POSITION STATEMENT: Commented on HB 182 for the sponsor.

BEN MULLIGAN
Staff to Representative Stoltze
Alaska State Capitol
Juneau AK
POSITION STATEMENT:

JIM TOWLE, Executive Director
Alaska Dental Society
Anchorage AK
POSITION STATEMENT: He supported the concept and intent of HB 136, but had two areas of concern.

STEVEN BERTRAND
Licensed Paramedic Firefighter
Anchorage AK
POSITION STATEMENT: Commented on HB 136.

ROYANNE ROYER, Dental Hygienist
Alaska
POSITION STATEMENT: Supported CSHB 136(FIN)(title am).

GLENN MARTIN, Director
Village Travel
Southcentral Foundation
Anchorage AK
POSITION STATEMENT: Supported CSHB 136(FIN)(title am).

MARY CERNEY
Dental Hygienist
Alaska
POSITION STATEMENT: CSHB 136(FIN)(title am).

RENA BOWER, Instructor
Dental Hygiene Program
University of Fairbanks Tanana Valley Campus
Fairbanks AK
POSITION STATEMENT: Supported CSHB 136(FIN)(title am).

DON CHILES
Alaska Native Medical Center
Anchorage AK
POSITION STATEMENT: CSHB 136(FIN)(title am).

ACTION NARRATIVE

CHAIR JOHNNY ELLIS called the Senate Labor and Commerce Standing Committee meeting to order at [1:32:41 PM](#). Present at the call to order were Senators Stevens, Bunde and Ellis. Senator Davis joined the committee at 1:34.

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

[1:34:26 PM](#)

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

SENATOR BETTYE DAVIS joined the committee.

REPRESENTATIVE PEGGY WILSON, sponsor of HB 121, said she sponsored this bill because identity theft is on the rise in Alaska and she has had complaints from constituents whose names and information have been given out through the Division of Workers' Compensation.

CHAIR ELLIS asked her to elaborate.

REPRESENTATIVE WILSON responded that one of her constituents was very upset when a company in the Lower 48 contacted her and she found out it got her name from the Division of Workers' Compensation in the State of Alaska. Right now, she explained except for a glitch saying that the Division of Workers' Compensation can release information, no other department in state government can. This bill tightens up that loophole giving Alaskans additional protection from identity theft.

[1:36:38 PM](#)

SENATOR BUNDE said the House decided addresses could still be released and he asked why those would need to be available to the public.

REPRESENTATIVE WILSON explained that testimony has indicated when someone has a workers' compensation claim, attorneys have access to that information anyway through a lawsuit.

SENATOR BUNDE asked if the attorney would be representing the opposition or possibly be a "bottom feeder."

REPRESENTATIVE WILSON replied that she wasn't sure, but the department would have more information.

SENATOR BUNDE asked if the committee determined that releasing the name and address was not in the best interest of individuals, would she object to that being removed.

REPRESENTATIVE WILSON replied she would be happy to have that happen.

[1:39:09 PM](#)

PAUL LISANKIE, Director, Division of Workers' Compensation, Department of Labor and Workforce Development (DOLWD), in response to Senator Bunde's question about the purpose behind soliciting names, explained that letters were being sent to people asking if they wanted to pursue a legal remedy other than workers' compensation, specifically some type of maritime remedy through the courts.

SENATOR BUNDE said it appears that the letters were sent by people out "shopping for business."

MR. LISANKIE replied that his understanding is that the people who sent those letters felt their recipients could use legal representation.

SENATOR BUNDE asked if the department felt a need for the State of Alaska to release this information.

MR. LISANKIE replied that the division would prefer to not release this information because people who have filed claims could be discriminated against in getting a new job.

[1:40:51 PM](#)

CHAIR ELLIS asked what the division does to inform injured workers of their rights when they file a claim.

MR. LISANKIE replied the forms designed to be filled out by the injured worker have instructions and information on their rights and responsibilities that end with a phone number. Injury reports generate a file and a brochure on the Workers' Compensation Act is sent to the potential claimant. The division also delivers information through its website. He has cut back on printed information, because it is more expensive, but he sends it out in writing upon request. He said the attorney seeking this information suggested there might be some alternative to workers' compensation - a maritime remedy.

[1:43:21 PM](#)

SENATOR STEVENS asked Mr. Lisankie what he meant by job discrimination.

MR. LISANKIE replied there have been concerns that firms would hold themselves out as job screeners. He gets inquiries from throughout the U.S. to please check if a person's name has ever filed an injury report for Workers' Compensation in Alaska. He just couldn't think of a good use for this information and he knows under Alaska statute, it is illegal to discriminate against someone for having filed a claim.

[1:45:14 PM](#)

SENATOR BUNDE said he thought the basic premise of our Workers' Compensation system is that both the company and worker give up the right for a private suit in return for workers' compensation. And people who were shopping were trying to

convince people to not use workers' compensation or if they were refused to go with a private attorney.

[1:45:47 PM](#)

MR. LISANKIE replied that was essentially correct. There is a bit of a gray legal area that has not been completely defined in Alaska. If someone has sufficient ties to Alaska, they could qualify for workers' compensation coverage and if the claims were sufficiently maritime in nature, they might also qualify for some maritime remedies. They are unique.

[1:46:43 PM](#)

CHAIR ELLIS said he is interested in injured workers knowing what their legal rights are whether they are under Workers' Compensation or maritime law and he wanted to balance all those interests. He anticipated a lengthy discussion somewhere in the process on removing the amendment that was made on the House floor that also brought on a \$292,000 fiscal note.

SENATOR BUNDE said he didn't think they should send the bill forward without addressing removal of names and addresses.

CHAIR ELLIS said that could be noted on the committee report.

[1:48:50 PM](#)

SENATOR STEVENS moved to pass CSHB 121(L&C)am with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

SENATOR STEVENS said he agreed with Senator Bunde that names and addresses should not be given out and asked if that could be sent to the next committee.

CHAIR ELLIS replied yes.

SB 118-PLASTIC BAG FEE; ESTABLISH LITTER FUND

[1:50:05 PM](#)

CHAIR ELLIS announced SB 118 to be up for consideration. PAULA CADIENTE, staff to Senator Elton, sponsor of SB 118, said they look forward to working with the committee over the interim on this issue.

[1:52:01 PM](#)

HILDEGARD REGELE, Ph.D., Affiliate Assistant Professor of Literature, University of Alaska Southeast, said she was representing "Turning the Tides." She said the Juneau Empire published a couple of letters to the editor regarding the

"idiocy" of SB 118. The arguments put forth circled around the question of paper or plastic, but they only proved the writers' thorough internalization of the stock phrase one hears in checking out of a grocery store - "Paper or plastic?"

Which one is better is not an either or question in terms of convenience and environmental impact, she said. SB 118 doesn't even mention paper. People have been conditioned to think in terms of paper or plastic, but there are other options like bringing your own canvas bag. The bill seeks to reduce the often mindless and wasteful use of plastic bags without condoning the often mindless wasteful use of paper bags, the manufacturing of which involves cutting down trees and polluting the environment.

MS. REGELE said plastic bags are not truly recyclable. According to the Algalita Marine Research Foundation, only 3 to 5 percent of plastic is currently recycled. Recycling plastic is different from recycling other products like glass or aluminum that can be made back into the products they were before. In the recycling process which involves heat, plastics molecular composition changes; its quality degrades and the range of its usefulness shrinks. In addition, virgin plastic is cheaper to use than recycled plastic; so most manufacturers opt for the virgin materials. Most recycled plastics become clothing or carpet that goes to the landfill once the second use is finished. Some of the lower quality plastic that has been recycled is actually shipped to Asia where it goes into landfills. She emphasized, "Non-biodegradable plastic bags are a persistent source of pollution and a danger to the environment in general and to marine animals in particular and an unjustifiable waste of resources."

MS. REGELE concluded her testimony saying the solution to this serious problem is to cut back on the use of the bags before they become lethal litter. A fee on plastic bags will help hinder further mindless and wasteful use of these bags and inspire us all to carry reusable cloth bags or other non-disposable containers into the store with us in which to carry home our still over-packaged grocery items.

RAYMOND PADDOCK III, Environmental Specialist, Tlingit Haida Central Counsel, supported SB 118. He said he manages a website called Solid Waste Alaska Network (SWAN) that is geared toward providing environmental information to Alaskans in all regions. The website has a page that shows tribes and communities how to create ordinances on banning plastic bags. Thirty communities have created have already created ordinances because of the environmental mess plastic bags create and to protect animal

habitat. Like most citizens, he said, he is not in favor of a tax, but he supported one that would encourage people to reduce the use of plastic bags.

DR. CHRIS KRENZ said he works for Oceana and is the North Pacific Project Manager. Oceana is an international organization that works to protect the world's oceans. He said he was testifying on behalf of Jim Ayers who could not be here today. Oceana strongly supports SB 118 and its concept that a fee will reduce the number of plastic bags that end up going into the oceans. The money generated from the fee could be used in the Marine Debris and Recycling Fund that could further reduce the pollution making our coasts more vibrant by making it a clean place to live.

Among the reasons to reduce the use of plastic bags is that they mimic jelly fish, which other animals eat - such as sea turtles whose numbers are seriously declining worldwide. Plastic bags also don't break down; instead they break up into smaller and smaller pieces thus allowing smaller animals to accidentally eat them. Plastics absorb and concentrate pollutants and they end up accumulating throughout the food chain down to the smallest organisms.

[1:59:19 PM](#)

DAN STICKEL, Economist, Department of Revenue, said he had prepared an overview of the fiscal note and would answer questions. There were no questions.

BOB SYLVESTER, representing himself, said he is from Juneau and strongly supported SB 118 for all the previously stated reasons and more.

BILL ZENTER, representing himself, said he has lived in Juneau since 1980 and is a diver, sailor and kayaker. He has seen many plastic bags floating on the surface of the ocean, littering the shore and drifting across the bottom. He agreed with previous testimony about how plastic breaks down, becomes toxic and gets consumed by all living creatures. He thought the sea lion decline could be attributed to plastic bags in the ocean. He mentioned that whales consume them also and that makes their population decline, too. This would affect our economic bases here in Juneau and Alaska. The tax will help educate people as to alternatives and provide cleanup funds.

CHAIR ELLIS said SB 118 would be held over.

SENATOR BUNDE suggested this should be a local issue since most of the written backup was from Juneau. If plastic bags are as

bad as people say, putting a tax on them is going to be an inconvenient nuisance. People still drive SUVs and are willing to pay the price. "If you really want to get rid of these, then you have to have a bill that bans them, not just taxes."

CSHB 182(JUD)-OFFERING PROMOTIONAL CHECKS

2:03:03 PM

CHAIR ELLIS announced CSHB 182(JUD) to be up for consideration.

REPRESENTATIVE BOB LYNN, sponsor of HB 182, explained that this bill is about small dollar checks that can cause big headaches for Alaska consumers. The checks may be for only \$3 or \$4 and according to the Department of Law, they are sent to thousands of businesses and individuals throughout Alaska. The good news is that the checks are legitimate, but the bad news is that in actually cashing one of them can amount to an unintended contract and hundreds of Alaskans cash these little checks only to find they are bound by contract for products and services they don't want and or need.

He explained that last year the Alaska Department of Law (DOL) announced the settlement of a case with the California based company that sent Alaskans what appeared to be rebates from local yellow page companies. But it wasn't so. Endorsement of a check for \$3.49 amounted to an unintended contract for \$179 in advertising services. Consumers did not see the very tiny fine print on the back of the check and they ended up getting billed and hounded by collection agencies. The Consumer Protection Division of the DOL considers these checks to be a classic example of deceptive acts and practices and said that prohibiting these checks is the only effective method of preventing these charges from occurring.

Under this bill, companies that violate this law are subject to a civil penalty of a minimum \$1,000 per violation and a maximum of \$25,000 per violation. This bill makes this an automatic violation under consumer protection laws.

2:05:46 PM

CHAIR ELLIS asked if this bill has anything to do with the blank checks contained in credit card bills that can be used for several purposes.

REPRESENTATIVE LYNN replied no; this is a very focused bill.

2:06:56 PM

SENATOR STEVENS said he has received these checks himself and asked if Alaskans had actually been stuck paying the \$180.

REPRESENTATIVE LYNN replied that it depends on the sophistication of the check, which is a contract. He said a lot of times one doesn't know when it happens.

2:09:20 PM

JULIA COSTER, Assistant Attorney General, Commercial Practices Section, Department of Law (DOL), said that Representative Lynn is absolutely correct. Sometimes the consumers don't know about the charges until some incident happens that brings it to their attention. Investigations have resulted in prosecutions and settlements. The most recent case involved 34 state attorneys general and resulted in a settlement. Rather than addressing the issue piecemeal, HB 182 makes this issue an automatic violation.

2:13:35 PM

SENATOR STEVENS asked if "Yellow Pages, Inc." is a real company.

MS. COSTER answered that it does sound confusing, but it is the settlement that Representative Lynn referred to. Yellow Pages, Inc. is a company based in Anaheim, California, but it is not the real yellow pages that put out the telephone book. It has an on-line Internet directory. It sent out promotional checks to consumers in Alaskans and all over the country who were billed \$179. The checks along with the marketing materials looked like they were from the local yellow page companies and indicated they were either a refund or a rebate. Collection agencies went after them and many people paid just to save their credit even though they didn't sign up for anything.

SENATOR STEVENS asked if the Attorney General's Office notifies the public with an announcement to watch out for Yellow Pages, Inc. when the company came to their attention.

MS. COSTER replied yes; press releases have been issued relating to the settlement.

MARIE DARLIN, Coordinator, Capital City Task Force, supported HB 182. She has been told that half of all the telemarketing fraud complaints that are received are from victims over 50 years of age.

MIKE SICA, staff to Representative Lynn, testified that Dale Layman from Alaska Pacific University who teaches students about warranties and other things was embarrassed to say that he

signed one of those checks, but thought it was a good lesson he could pass on to his students.

MR. SICA said that thousands of Alaskans have gotten these promotional checks; hundreds have signed them. A lot of people are embarrassed and others are intimidated into paying. Ms. Coster had the best example of why this law is needed. Other than a class action suit, the best way to deal with it is to put an enumerated unfair practice in the law and give the Department of Law a big hammer to whack them with.

[2:18:57 PM](#)

SENATOR DAVIS said she wanted to move the bill today.

CHAIR ELLIS said a committee member asked for more information.

[2:20:10 PM](#) at ease [2:20:53 PM](#)

SENATOR DAVIS informed them that the committee member received the information that he had asked for.

SENATOR STEVENS explained that he had asked for some real examples of the problem, but he heard those during the course of the testimony from the Department of Law. He moved to pass CSHB 182(JUD) from committee with individual recommendations and attached fiscal notes. There were no objections and it was so ordered.

CSHB 136(FIN)(title am)-DENTAL HYGIENISTS

[2:22:52 PM](#)

CHAIR ELLIS announced CSHB 136(FIN)(title am) to be up for consideration.

BEN MULLIGAN, staff to Representative Stoltzee, explained that this bill is meant to improve access to oral health care in Alaska by expanding the duties of dental hygienists. This entails establishing restorative function license endorsements, which translates into dental hygienists being able to replace filings and do contouring under the direct supervision of a dentist who would actually prepare the filling. The hygienist would place it and make sure it fit right and then the dentist would come back in a make sure everything was correct.

He said the second thing would be to allow dental hygienists to give local anesthesia under general supervision. Right now dental hygienists have the authority to do direct and indirect

deliverance of local anesthesia and have since 1981. Lastly, it would allow dentists and dental hygienists to enter into collaborative agreements with the additional requirement that they be approved by the Board of Dental Examiners.

MR. MULLIGAN said the bill lists criteria that a dentist and hygienist could agree that the hygienist could perform under the general supervision away from the setting of a dental facility. They can perform one of those or multiple variations of them. The bill has received many letters of support from dentists, anesthesiologists, hygienists, some primary care groups and some local municipality groups throughout the process.

[2:25:55 PM](#)

SENATOR BUNDE said that a controversial program began last year where technicians were trained in New Zealand to work in the bush and asked if this was a step in that direction.

MR. MULLIGAN replied that the University of Washington was developing a program involving going to New Zealand. He explained that the hygienists go to an accredited school and have to take tests, get an endorsement and are regulated.

SENATOR BUNDE asked how the procedures would differ for hygienists and technicians.

MR. MULLIGAN replied that he didn't think HB 136 allows dental hygienists to do procedures differently, but it was giving another option to consumers for that access to occur.

[2:26:29 PM](#)

SENATOR STEVENS said he is confused about the collaborative agreements. His district often has dental hygienists going to the small villages without a dentist and he asked if this allows them to do the work even though a dentist isn't in the building.

MR. MULLIGAN replied yes, if it is stipulated in the collaborative agreement.

[2:27:19 PM](#)

JIM TOWLE, Executive Director, Alaska Dental Society, said he supported the concept and intent of HB 136, but the society had two areas of concern. One deals with the administration of local anesthesia under general supervision. They support that concept with a collaborative agreement where it is balanced and allows hygienist working outside of the traditional dental office in rural areas to do that, but had reservations about general

supervision in all cases. Secondly, under the collaborative agreement, he wanted an amendment that would make sure the patient is seen within a year for a diagnosis and examination by a dentist.

He went back to Senator Bunde's question about the difference between a dental health aid therapist and hygienist and said there is a critical difference. Hygienists would not be in a position to actually prepare a cavity by taking a hand piece and drill and removing the decayed material. This simply allows the hygienist to "pack and carve" - place the filling material and put it in.

MARIE DARLIN, AARP Capital City Task Force, supported this bill because there is a need for a lot of these things that are now pertaining to all health care issues.

STEVEN BERTRAND said a dental hygienist friend of his, Vicki Haas, asked him to address the committee today. He is a Licensed Paramedic Firefighter in Anchorage and has also been certified at all levels of EMT. He has been working under standard protocols and medical operating orders since 1983. With regard to general orders, he is allowed to give everything to and including a paralytic to paralyze someone to incubate them in the field without any direct supervision of a doctor. Everything that he does is documented and certified on a biannual basis by the State of Alaska.

[2:32:02 PM](#)

ROYANNE ROYER said she had worked as a dental hygienist for 29 years in both private practice and public health; she has been an instructor for 20 years in the UAA dental program. She is a member of the State Oral Health Coalition that also supports this bill.

She wanted to address three things; the first being anesthesia. Dental hygienists have been giving local anesthesia in Alaska since 1981. For a hygienist to receive a license to administer local anesthesia requires a separate written and clinical examination by a national examining board after being educated separate from dental hygienist license in the State of Alaska.

Dental hygiene curriculum for local anesthesia is established and competency requirements are enforced by the American Dental Association. There has never been a disciplinary action against a dental hygienist for administration of local anesthesia under the current statute and, obviously, no fatalities. Forty states allow dental hygienists to administer local anesthesia; Idaho

and Oregon require local anesthesia under general supervision. Oregon has had this for over 20 years.

[2:34:22 PM](#)

The restorative procedures would be done under the direct supervision of a licensed dentist. The dental hygienist would not be prepping the filling, but only filling them. Dental hygienists would be educated and licensed to provide these additional services. The curriculum for examining and licensing for restorative function by dental hygienists have already been established in many states, such as Washington, which has had this expanded function for over three decades.

MS. ROYER said she was educated in Washington and worked there as a restorative dental hygienist for two years before coming to Alaska. That experience provided her knowledge of how effective and efficient this expanded function can be for increasing the number of services that can be done in one day.

[2:35:17 PM](#)

MS. ROYER said collaborative agreements have the biggest potential to provide the greatest impacts to Alaskan communities. It allows hygienists with experience to enter a written agreement with a dentist; this is not independent practice at all. It must be approved by the Board of Dental Examiners and the hygienist would be able to provide the services agreed upon prior to the dentist seeing the patient. Collaborative agreements could be used in rural areas, nursing homes, with disabled and homebound patients and many areas that are currently lacking access.

She said that all of these dental hygiene statute changes have been implemented in other states and they have been proven to be safe and effective. She summarized:

This is a team effort, not independent practice by dental hygienists. The goal for everyone here I hope is to provide quality access to care and I think we could do this right now, not five years from now, not a year, but right now if you would pass HB 136.

SENATOR STEVENS asked if she was saying that dental hygienists go out to a village and perform these services without direct supervision of a dentist and also without the patient seeing a dentist.

MR. ROYER replied no; she was saying prior to seeing a dentist. For instance, she would be able to take X-rays and do simple cleaning before a dentist would see the client. These are all things the hygienist would collaborate on with a dentist who was knowledgeable about his or her skill level.

GLENN MARTIN said he is a member of the American Dental Association and a fellow at the Academy of General Dentistry. He practiced in Bethel and Southeast Alaska from 1992 to 2001. He currently lives and works in Anchorage where he is director of Village Travel for Southcentral Foundation. He has traveled to 62 villages and has 128 weeks of experience practicing dentistry in rural Alaska. He supported HB 136. He said today there are 24 public health dentist vacancies in Alaska. If passed, this bill would greatly increase the number of patients he could provide health care to. Utilizing the collaborative agreement portion of the bill would increase efficiency. A dental hygienist could travel to the village prior to his scheduled trip and provide X-rays and oral screenings. He could use his time for restorative and emergent needs. Passing HB 136 makes a measurable impact on access to care.

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MARY CERNEY said she has been a practicing hygienist in Alaska for 32 years. She had just completed her second term on the Board of Dental Examiners and she is currently serving with the Western Regional Examining Board which administers licensing exams to dental hygienists with traditional hygiene duties restorative procedures and anesthesia.

She wanted to add that under the collaborative agreement, hygienists would be doing only the procedures they do day in and day out. The only difference is that they would be done in a slightly expanded setting, so dental hygienists can go out into a community health situation that isn't regularly staffed by a dentist and do a little bit of pre-treatment like taking X-rays, cleaning and getting education going so people have some knowledge of their oral health. It's not in any way in lieu of dental treatment.

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MS. CERNEY said that general supervision means that presently a dentist must be in the facility if a hygienist is giving local anesthesia to numb even a single tooth. The definition in Chapter 32 says that general supervision means "the dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan." So,

regardless of the situation, it means that the dentist has already looked at the medical history, doesn't have a problem with it and is also comfortable with that dental hygienist's ability to do the procedure. The dental hygienist is still employed by the dentist and would be working at his direction, be it private practice or in a collaborative agreement.

When there is a decision to do local anesthesia under general supervision that merely means that the dentist stepped out to lunch or if the dentist is away for a week or two the hygienist can continue seeing the same patients - because there are many patients who benefit from just a single tooth being numbed or a couple of teeth that are sensitive or doing deep scaling on it. "It just frees us up to do what we do every day and have been doing every day since 1981."

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RENA BOWER said she had served on the Board of Dental Examiners for seven years. She is currently an instructor at the new dental hygiene program at the University of Fairbanks Tanana Valley Campus and has been a certified dental assistant licensed in Alaska for 15 years and is able to give local anesthetic. She couldn't add anything to previous testimony other than HB 136 would greatly enhanced care and expedite the care that can be given into the rural areas and the underserved population. She emphasized that the dentist always has the authority, even after diagnosing and prescribing the treatment, to say he isn't comfortable with having his dental hygienist administer anesthetic or whatever.

DON CHILES, oral maxilla-facial surgeon, said he is currently employed at the Native Medical Center. He has practiced for 40 years in both Bush Alaska and in private practice. He supported HB 136. When he taught at Baylor, he taught both dental hygienist students and dental students the very same CPR course relative to emergencies and dental treatment. In private practice, he employed a dental hygienist who worked with him as a surgical assistant. He had first-hand knowledge of her training and he was in total support of having collaborative agreements for doing treatments in the bush. It would enhance treatment for patients and his experience is that dental hygienists do thorough exams.

CHAIR ELLIS noted that HB 136 would be held for another hearing in the near future.

There being no further business to come before the committee,
Chair Ellis adjourned the meeting at [2:48:20 PM](#).