

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 2, 2011

1:32 p.m.

MEMBERS PRESENT

Senator Dennis Egan
Senator Johnny Ellis
Senator Kevin Meyer
Senator Fred Dyson

MEMBERS ABSENT

Senator Bettye Davis, Chair

OTHER LEGISLATORS PRESENT

Senator Cathy Giessel

COMMITTEE CALENDAR

SENATE BILL NO. 12

"An Act extending the termination date of the Board of Nursing;
and providing for an effective date."

- MOVED SB 12 OUT OF COMMITTEE

SENATE BILL NO. 21

"An Act extending senior benefits."

- HEARD AND HELD

HOUSE BILL NO. 16

"An Act extending senior benefits."

- MOVED HB 16 OUT OF COMMITTEE

Presentation: Denali Family Services

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 12

SHORT TITLE: EXTEND BOARD OF NURSING

SPONSOR(s): SENATOR(s) DAVIS

01/19/11 (S) PREFILE RELEASED 1/7/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) HSS, FIN
02/02/11 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: HB 16

SHORT TITLE: EXTEND SENIOR BENEFITS PAYMENT PROGRAM
SPONSOR(S): REPRESENTATIVE(S) HAWKER

01/18/11 (H) PREFILE RELEASED 1/7/11
01/18/11 (H) READ THE FIRST TIME - REFERRALS
01/18/11 (H) HSS, FIN
01/25/11 (H) HSS AT 3:00 PM CAPITOL 106
01/25/11 (H) Moved Out of Committee
01/25/11 (H) MINUTE(HSS)
01/26/11 (H) HSS RPT 6DP
01/26/11 (H) DP: MILLETT, DICK, SEATON, MILLER,
HERRON, KELLER
01/31/11 (H) FIN RPT 10DP
01/31/11 (H) DP: FAIRCLOUGH, T.WILSON, GUTTENBERG,
JOLE, COSTELLO, NEUMAN, EDGMON,
DOOGAN,
01/31/11 (H) STOLTZE, THOMAS
01/31/11 (H) TRANSMITTED TO (S)
01/31/11 (H) VERSION: HB 16
01/31/11 (H) FIN AT 9:00 AM HOUSE FINANCE 519
01/31/11 (H) Moved Out of Committee
01/31/11 (H) MINUTE(FIN)
02/02/11 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 21

SHORT TITLE: EXTEND SENIOR BENEFITS PAYMENT PROGRAM
SPONSOR(S): SENATOR(S) WIELECHOWSKI, KOOKESH, MEYER, PASKVAN,
MCGUIRE

01/19/11 (S) PREFILE RELEASED 1/7/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) HSS, FIN
02/02/11 (S) HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

CELESTE HODGE, Staff to Senator Davis
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 12 for the sponsor.

NANCY SANDERS, Executive Administrator
Alaska Board of Nursing
Anchorage, AK

POSITION STATEMENT: Answered questions about the Board of Nursing.

PAT DAVIDSON, Legislative Auditor
Division of Legislative Audit
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Testified in support of SB 12.

REPRESENTATIVE MIKE HAWKER
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of HB 16.

MARIE DARLIN, American Association of Retired Persons (AARP)
Capital City Task Force
Juneau, AK

POSITION STATEMENT: Testified in support of HB 16.

DENISE DANIELLO, Executive Director
Alaska Commission on Aging
Department of Health and Social Services (DHSS)
Anchorage, AK

POSITION STATEMENT: Testified in support of HB 16.

DIXIE HOOD, representing herself
Juneau, AK

POSITION STATEMENT: Requested changes to HB 16.

RON KREHER, Acting Director
Division of Public Assistance
Department of Health and Social Services
Anchorage, AK

POSITION STATEMENT: Testified in support of HB 16.

YVONNE CHASE PhD., Chief Executive Officer
Denali Family Services
Anchorage, AK

POSITION STATEMENT: Gave information about Little Steps Preschool.

KYLE GARDNER, Director
Little Steps Preschool

Anchorage, AK

POSITION STATEMENT: Gave presentation on Little Steps Preschool.

ACTION NARRATIVE

[1:32:41 PM](#)

SENATOR DENNIS EGAN, sitting in for Chair Davis, called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Egan, Myer, Dyson, and Ellis.

SB 12-EXTEND BOARD OF NURSING

[1:33:37 PM](#)

SENATOR EGAN announced the consideration of SB 12.

CELESTE HODGE, staff to Senator Davis, explained that SB 12 extends the termination date of the Alaska Board of Nursing (BON) for eight years to June 30, 2019, as recommended by the Legislative Budget and Audit Committee in its report of December 2010. The mission of the Alaska Board of Nursing is to actively promote and protect the health of the citizens of Alaska through the safe and effective practice of nursing as defined by law. The BON plays an important role in public health and safety.

NANCY SANDERS, Executive Administrator, Alaska Board of Nursing, stated she was available to answer questions.

SENATOR DYSON asked if the BON deals with licensing censure issues.

MS. SANDERS responded yes, if there is a complaint from the public or from another licensee, it is investigated, and if it is founded, the BON acts to discipline the person's license

[1:35:26 PM](#)

SENATOR DYSON said he was specifically referring to complaints having to do with poor medical practice, and asked in the last five years how many complaints have they heard per year, and what percentage of those resulted in disciplinary actions?

MS. SANDERS replied that she did not have specific numbers in front of her.

SENATOR DYSON asked if she could give him a general idea.

MS. SANDERS replied the board acts on several types of complaints, such as competency audits, inaccurate information on an application, and unprofessional conduct. If there was a violation of unprofessional conduct regulations, the person would be disciplined.

SENATOR DYSON asked if they see unprofessional conduct that affects patients.

MS. SANDERS said they do see those types of complaints, but they are not the majority; probably five to eight per quarterly board meeting.

SENATOR DYSON responded that he would like to see statistics for the last four or five years.

MS. SANDERS said the investigations unit would have the number of complaints, but she would only know the number that resulted in actions.

[1:39:52 PM](#)

SENATOR DYSON said there was no hurry to receive the statistics, and then asked which groups of nurses can write prescriptions.

MS. SANDERS said that nurse practitioners, certified nurse midwives, and certified nurse anesthetists can write prescriptions.

SENATOR DYSON asked if licensed nurses in Alaska are ever under any pressure to not report unprofessional conduct.

MS. SANDERS replied not that she was aware of.

[1:43:48 PM](#)

PAT DAVIDSON, Legislative Auditor, Division of Legislative Audit, Alaska State Legislature, said she performed the sunset review of the Board of Nursing (BON), and recommended that the termination date be extended until June 30, 2019. She noted that she also made four recommendations to the BON, as follows:

- The BON should take action to insure that appropriate people and agencies are notified when a nurse's prescriptive authority is revoked.
- The BON needs to improve oversight of the CNA training program, especially in terms of the evaluation process.
- The current LPN member on the BON does not meet statutory qualifications, which require that member to be working in

an institutional nursing situation. The member who was on the Board during the review was an LPN working as an Emergency Medical Technician.

- Fourth, the Division of Corporate, Professional and Business Licenses needs to do more timely investigation of complaints made against licensees.

1:44:04 PM

SENATOR DYSON asked if the BON has a plan of action to address the Audit Division's recommendations.

MS. SANDERS responded that they are aware of the recommendations and are taking steps to address them, as follows:

- The BON has instituted policies to notify the federal Drug Enforcement Administration on the first day after a board meeting in which the board took action to suspend a nurse practitioner's authority to write prescriptions.
- The BON is submitting those names to the Board of Pharmacy, and if there is an employer they are letting them know about the suspension or revocation. They are also updating the disciplinary database on their web site within two weeks of the revocation.
- The division is aware that the CNA training program review is a federal mandate that is also in their regulations. There have been personnel issues, resulting in the position reviewing the programs being unfilled. The current person is on a two-year contract. Eighty-five percent of the CNA programs have been recently reviewed and reapproved or not by the BON.
- The current LPN term on the board expires at the end of February and a new person has been appointed to board in the LPN position.

1:45:36 PM

MS SANDERS further explained that the suspension or revocation of a licensed nurse practitioner's license is a very rare occurrence, and that in four years it has only happened three times.

1:47:45 PM

SENATOR MEYER moved to report SB 12 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 12 moved from the Senate Health and Social Services Standing Committee.

At ease 1:50 p.m. to 1:51 p.m.

[1:50:48 PM](#)

SB 21-EXTEND SENIOR BENEFITS PAYMENT PROGRAM
HB 16-EXTEND SENIOR BENEFITS PAYMENT PROGRAM

SENATOR EGAN, acting as Chair, announced the consideration of HB 16. [The committee was taking up HB 16 rather than the companion bill, SB 21, because HB 16 was farther in the process.]

[1:51:24 PM](#)

REPRESENTATIVE MIKE HAWKER, sponsor of HB 16, stated that the senior benefits payment program is extremely important. HB 16 extends the program to June 30, 2015. As of December 2010 there were 10,093 Alaskans benefitting from the program; their average age was 75, and the oldest was 105. He explained that the Senior Benefit Program provides monthly cash assistance to state residents 65 or over whose monthly household income does not exceed poverty level by federal guidelines. He said the payments can either be \$125, \$175, or \$250 each month, depending upon the individual's income.

REPRESENTATIVE HAWKER emphasized that HB 16 does not change the program parameters; the program is self-adjusting, in that the federal poverty guidelines are annually revised by the United States government. The bill simply extends the program by four years. He further noted that the program costs about \$20 million per year, but the Department of Health and Social Services has the ability to reduce or eliminate benefits in any year that funds are not available. Because of this, he said, the program does not become viewed as an entitlement.

[1:56:02 PM](#)

MARIE DARLIN, representing the American Association of Retired Persons (AARP), Capital City Task Force, spoke in support of HB 16. She said we want our retirees to be able to remain in Alaska, and the senior benefit helps many of them do that.

[1:57:29 PM](#)

DENISE DANIELLO, Executive Director, Alaska Commission on Aging, Department of Health and Social Services (DHSS), noted the benefits of the program both to seniors and to communities throughout the state. There are not a large number of seniors who need the program, but it does provide assistance to about 1 in 5 seniors in Alaska. As a person ages and spends down their assets, their resources become more limited, so the program becomes more important as they age.

1:58:59 PM

DIXIE HOOD, representing herself, said she has lived in Alaska for 35 years, she is 77 years old, single, and is asking for a change to HB 16. She feels that the bill should base eligibility on net income, not gross. Ms. Hood stated she struggles each month to cover living expenses, and that her main source of income is her social security benefit; she also rents a room in her home, and her net income is approximately \$9,000 per year. But, she explained, the benefit is based on gross income. She emphasized that it would make a big change for her if the benefit was based on net income, rather than gross.

2:05:03 PM

SENATOR DYSON stated he would appreciate hearing why gross income is used instead of net income.

REPRESENTATIVE HAWKER said the program was looking to establish low-income criteria that was objective and determinable, and that would be annually adjusted. For this reason, he explained, they use the federal poverty guideline regulations, which do use annual gross income. This avoids having to make judgmental determinations about qualification or discretionary expenditures. He further stated that it would be very difficult to throw the open the entire program to a net income basis. Representative Hawker also noted that here are a myriad of public service programs available to help people in Ms. Hood's situation.

SENATOR DYSON stated, if we changed to gross income, and maintained the three income levels, that would not require annual adjustments. It could be based on income tax returns.

REPRESENTATIVE HAWKER responded that they use the federal poverty guidelines in order to prevent the legislature from having to make these determinations; the federal poverty guideline is used for all public assistance programs across Alaska as the measure of poverty.

SENATOR DYSON again asked what would be the problem of changing it from gross to net.

REPRESENTATIVE HAWKER replied that if the Senator wished to propose an amendment, he would consider it.

SENATOR DYSON said that he would not propose an amendment over the Representative's objections.

[2:10:31 PM](#)

RON KREHER, Acting Director, Division of Public Assistance, Department of Health and Social Services, noted that generally speaking, all public assistance programs have a gross income test; the gross income test is an equitable way of making a determination of eligibility.

[2:12:22 PM](#)

SENATOR MEYER moved to forward HB 16 from committee with individual recommendations and attached fiscal note(s). There being no objection, HB 16 moved from the Senate Health and Social Services Standing Committee. [Companion bill, SB 21, was held in committee.]

Presentation: Denali Family Services

SENATOR EGAN, acting as Chair, announced the committee would hear a presentation from Little Steps Preschool, of Denali Family Services.

[2:13:38 PM](#)

YVONNE CHASE PhD., Chief Executive Officer, Denali Family Services, delivered a presentation about Little Steps Preschool. She noted the research showing the importance of pre-kindergarten education, and explained that Denali Family Services is located both in Anchorage and the Mat-Su Valley, but the preschool is limited to Anchorage. Little Steps Preschool serves both typically developing children as well as those with special emotional and behavioral needs and they are hoping to receive funding for using existing buildings and doing some kind of lease-purchase in order to have permanence for their program. She noted that child care facilities have special requirements, and they would like to have assistance with the down payment.

[2:16:52 PM](#)

KYLE GARDNER, Director, Little Steps Preschool, Anchorage, said that Little Steps is a therapeutically inclusive preschool, one of six demonstration projects in the country and the only one in the state of Alaska. He explained that they use a social/emotional based curriculum, and maintain a very high staffing ratio of one staff for every three children, also including a clinician on site full time. Mr. Gardner noted that the social/emotional based curriculum has proven to be very effective; because of this, the current site has a waiting list of 70 children in Anchorage, and the size of the facility is the limiting factor.

[2:20:06 PM](#)

MR. GARDNER stated the preschool is currently located on 5th avenue, and this allows them to collaborate closely with the community. They offer enriching activities, 12 classroom teachers, a clinician, and weekly consultations with a doctor of psychology. Mr. Gardner gave a detailed description of the program used for each age group of children served, concluded that their creative curriculum is considered best practice in the early childhood field, but they are severely limited by lack of space.

[2:26:15 PM](#)

MS. CHASE noted that other providers in valley don't want to do a preschool, and that they are becoming a teaching site in Anchorage for other teachers and other centers.

SENATOR ELLIS asked how prevalent autism spectrum disorders are among their clients.

MS. CHASE responded that autism is hard to diagnose at that young age, but the program does work with children with FASD and autism spectrum diagnoses, as well as mental health diagnoses.

SENATOR MEYER asked if they are seeing an increase in FASD clients.

MR. GARDNER responded that FASD diagnosis is more prevalent in the upper childhood years, but that Denali Family Services is definitely seeing an increase in FASD children.

SENATOR MEYER asked if they are requesting a \$400,000 grant.

MS. CHASE responded that is correct; they would like to have a bigger place in Anchorage, and are hoping to have a lease/purchase of a building in the valley.

[2:30:42 PM](#)

SENATOR EGAN thanked the witnesses for their presentation.

[2:30:58 PM](#)

There being no further business to come before the committee, Senator Egan adjourned the meeting at 2:31 p.m.