

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 25, 2014

1:33 p.m.

MEMBERS PRESENT

Senator Mike Dunleavy, Chair
Senator Peter Micciche, Vice Chair
Senator Donald Olson
Senator Bert Stedman

MEMBERS ABSENT

Senator Johnny Ellis

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 211(FIN)

"An Act relating to the education and employment of individuals with disabilities."

- MOVED SCS CSHB 211(L&C) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 269(JUD)

"An Act relating to immunity for health care providers who provide health care services voluntarily and without pay; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 211

SHORT TITLE: EMPLOYMENT OF PERSONS WITH DISABILITIES

SPONSOR(s): REPRESENTATIVE(s) MILLETT, GATTIS, HOLMES, HUGHES, LEDOUX, JOSEPHSON

01/21/14	(H)	PREFILE RELEASED 1/10/14
01/21/14	(H)	READ THE FIRST TIME - REFERRALS
01/21/14	(H)	L&C, FIN
02/10/14	(H)	L&C AT 3:15 PM BARNES 124
02/10/14	(H)	Moved CSHB 211(L&C) Out of Committee
02/10/14	(H)	MINUTE(L&C)
02/12/14	(H)	L&C RPT CS(L&C) 4DP 1NR
02/12/14	(H)	DP: MILLETT, JOSEPHSON, REINBOLD, OLSON
02/12/14	(H)	NR: CHENAULT

02/18/14 (H) FIN AT 1:30 PM HOUSE FINANCE 519
02/18/14 (H) Moved CSHB 211(FIN) Out of Committee
02/18/14 (H) MINUTE(FIN)
02/19/14 (H) FIN RPT CS(FIN) 10DP
02/19/14 (H) DP: GUTTENBERG, EDGMON, GARA, MUNOZ,
THOMPSON, T.WILSON, HOLMES, COSTELLO,
02/19/14 (H) STOLTZE, AUSTERMAN
02/24/14 (H) TRANSMITTED TO (S)
02/24/14 (H) VERSION: CSHB 211(FIN)
02/26/14 (S) READ THE FIRST TIME - REFERRALS
02/26/14 (S) L&C
03/25/14 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 269

SHORT TITLE: IMMUNITY FOR VOL. HEALTH CARE PROVIDER

SPONSOR(S): REPRESENTATIVE(S) THOMPSON

01/21/14 (H) READ THE FIRST TIME - REFERRALS
01/21/14 (H) HSS, JUD
02/13/14 (H) HSS AT 3:00 PM CAPITOL 106
02/13/14 (H) Moved CSHB 269(HSS) Out of Committee
02/13/14 (H) MINUTE(HSS)
02/17/14 (H) HSS RPT CS(HSS) NT 5DP
02/17/14 (H) DP: SEATON, PRUITT, KELLER, TARR,
HIGGINS
02/26/14 (H) JUD AT 1:00 PM CAPITOL 120
02/26/14 (H) Heard & Held
02/26/14 (H) MINUTE(JUD)
02/28/14 (H) JUD AT 1:00 PM CAPITOL 120
02/28/14 (H) Moved CSHB 269(JUD) Out of Committee
02/28/14 (H) MINUTE(JUD)
03/03/14 (H) JUD AT 1:00 PM CAPITOL 120
03/03/14 (H) Moved CSHB 269(JUD) Out of Committee
03/03/14 (H) MINUTE(JUD)
03/05/14 (H) JUD RPT CS(JUD) NT 7DP
03/05/14 (H) DP: MILLETT, LEDOUX, PRUITT, FOSTER,
GRUENBERG, LYNN, KELLER
03/14/14 (H) TRANSMITTED TO (S)
03/14/14 (H) VERSION: CSHB 269(JUD)
03/17/14 (S) READ THE FIRST TIME - REFERRALS
03/17/14 (S) L&C
03/25/14 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

VASILIOS GIALOPSOS, Staff
Representative Charisse Millett

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 211 on behalf of the sponsor.

REPRESENTATIVE STEVE THOMPSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 269.

JANE PIERSON, Staff
Representative Steve Thompson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided supporting information on HB 269 on behalf of the sponsor.

RANDY SWEET, Director of Health Impact
United Way of Anchorage
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 269.

DR. JULIE ROBINSON, DDS
Alaska Dental Society and
Alaska Mission of Mercy
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 269.

DR. DAVID LOGAN, DDS, Legislative Chair
Alaska Dental Society
Juneau, Alaska

POSITION STATEMENT: Offered supporting information related to HB 211.

ACTION NARRATIVE

[1:33:21 PM](#)

CHAIR MIKE DUNLEAVY called the Senate Labor and Commerce Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Olson, Stedman, and Chair Dunleavy. Senator Micciche arrived soon thereafter.

HB 211-EMPLOYMENT OF PERSONS WITH DISABILITIES

[1:33:58 PM](#)

CHAIR DUNLEAVY announced the consideration of HB 211. "An Act relating to the education and employment of individuals with disabilities." He noted that this was the first hearing but the

committee previously heard the companion bill sponsored by Senator McGuire. [CSHB 211(FIN) was before the committee.]

[1:34:13 PM](#)

SENATOR STEDMAN moved conceptual Amendment 1.

AMENEMENT 1

OFFERED IN THE SENATE BY SENATOR STEDMAN
TO: CSHB 211(FIN), Version "P"

Page 1, line 8:
Delete: "State"
Insert: "Education"

CHAIR DUNLEAVY objected for an explanation.

SENATOR STEDMAN explained that it's a technical amendment to correctly recognize the Secretary of Education.

CHAIR DUNLEAVY removed his objection. Finding no further objection, Amendment 1 was adopted.

[1:35:04 PM](#)

VASILIOS GIALOPSOS, Staff, Representative Charisse Millett, introduced HB 211 on behalf of the sponsor. He highlighted that the bill was the companion to SB 163 that the committee heard several weeks ago. He explained that the intent of HB 211 is to make Alaska an employment first state, which is a national movement for all state agencies to work toward gainful, integrated employment for persons with disabilities. Studies show that this lowers public health costs while helping a vulnerable population to self-actualize.

He noted the differences between HB 211 and SB 163. On page 1, line 15, language was added to clarify that in addition to gainful employment, a school district's primary objective and preferred outcome also includes enrollment in postsecondary education. Subsection (c) in Section 2 was also amended to eliminate the provision that required the Department of Education and Early Development (DEED), to collect data that was already being collected by the Department of Labor and Workforce Development (DOLWD). Eliminating this redundancy did away with the fiscal impact to DEED so all the fiscal notes are zero.

SENATOR OLSON asked if there was any opposition to the bill.

MR. GAIALOPSOS said there was one individual who expressed concern but other than that, there has been overwhelming support for the bill.

CHAIR DUNLEAVY opened public testimony.

[1:38:53 PM](#)

RICH SANDERS, Staff, Governor's Council on Disabilities and Special Education and Program Coordinator, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), said he was available for questions.

CHAIR DUNLEAVY closed public testimony and solicited a motion.

[1:39:31 PM](#)

SENATOR STEDMAN moved to report CS for HB 211, as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR DUNLEAVY announced that without objection, SCS CSHB 211(L&C) moved from the Senate Labor and Commerce Committee.

[1:39:56 PM](#)

At Ease

HB 269-IMMUNITY FOR VOL. HEALTH CARE PROVIDER

[1:41:22 PM](#)

CHAIR DUNLEAVY reconvened the meeting and announced the consideration of HB 269. "An Act relating to immunity for health care providers who provide health care services voluntarily and without pay; and providing for an effective date." This was the first hearing. [CSHB 269(JUD) was before the committee.]

[1:41:54 PM](#)

REPRESENTATIVE STEVE THOMPSON, Alaska State Legislature, Juneau, Alaska, sponsor of HB 269, introduced the bill speaking to the following sponsor statement:

HB 269 was drafted due to liability concerns surrounding an inaugural Alaska Mission of Mercy (AKMOM) event organized by the Alaska Dental Society, and scheduled in Anchorage this coming April. The Mission of Mercy program was started by a group of dentists thirteen years ago in Virginia. The MOM programs provide free dental care to local residents who would not otherwise have access to affordable

dental care. To date, the Mission of Mercy Program in Alaska has 187 dentist volunteers, seven from out-of-state. The AKMOM program will provide extractions, fillings and cleanings as well as other procedures that can be appropriately performed in a mission setting. Out-of-State dental professionals will be licensed to provide pro bono services under courtesy licenses issued by the Alaska Board of Dental Examiners. A courtesy license is a medical professional license issued by the Board for the purposes of providing free services and enforcing state disciplinary provisions.

The problem is that there is no clear answer as to whether an out-of-state dental professional issued a courtesy license is covered under Alaska Statute 09.65.300. AS 09.65.300 provides statutory immunity against civil damages resulting from an act or omission of a health care provider who provides free health care services, within the scope of their license. Under AS 09.65.300 a patient must receive written notice of this immunity as well as giving informed consent before any medical service is provided. Under AS 09.65.300 patients still have the right to sue the medical provider for civil damages resulting from the provider's gross negligence, or reckless or intentional misconduct.

Unfortunately, it is unclear whether these out-of-state dental professionals, participating in the AKMOM event qualify under AS 09.65.300, the Volunteer Health Care Provider Immunity Act of 2004. The original purpose of the statute was to allow retired Alaska physicians to volunteer their services. The Department of Law opines that the meaning of the law will ultimately have to be interpreted in a court case.

HB 269 will clarify AS 09.65.300, ensuring that civil immunity is extended to these out-of-state medical professionals who are licensed to provide dental services in Alaska during the Mission of Mercy Event, without having the issue come before a lengthy proceeding before the Court.

Please join Representative Thompson in supporting this legislation.

SENATOR THOMAS advised that the bill was amended to provide clarity as to how AS 09.65.300 applies to chiropractors, nurses, physicians, and dentists who are issued temporary courtesy medical licenses in order to provide free medical services to Alaskans. Sideboards were also added to ensure that the consent is given in writing and that a person receiving health care service is given the name of a health care provider in the state to contact for emergency follow-up care within 30 days. He noted that this Mission of Mercy event will be held April 11-12 in Anchorage. The expectation is that 2,000 people will receive care.

[1:44:49 PM](#)

SENATOR MICCICHE joined the committee.

CHAIR DUNLEAVY asked if there was a fiscal note.

JANE PIERSON, Staff, Senator Steve Thompson, Alaska State Legislature, Juneau, Alaska, said there are two fiscal notes and both are zero.

SENATOR OLSON asked what other health care providers are included in the bill.

SENATOR THOMAS replied the bill was amended to give temporary licenses to chiropractors, nurses, physicians, and dentists.

SENATOR OLSON asked if nurse aides, pharmacists, and pharmacists technicians were included.

MS. PIERSON replied there may be an exception for nurse aides if they're working under a registered nurse.

[1:47:45 PM](#)

RANDY SWEET, Director of Health Impact, United Way of Anchorage, Anchorage, Alaska, testified in support of HB 269. She reported that an actuary study said that 20.6 percent of Alaskans do not have health insurance. The current Volunteer Health Care Provider Immunity Act gives protection to Alaska providers who volunteer to help vulnerable Alaskans and many have benefited from these donated services. She asked the committee to build on this success by allowing professionals from other states who have an Alaska temporary courtesy license to donate health care services under the protections that are given to Alaska health care providers.

[1:49:09 PM](#)

Dr. JULIE ROBINSON, DDS, Alaska Dental Society and Alaska Mission of Mercy (MOM), testified in support of HB 269. She reported that they currently have 1,454 volunteers to meet the Mission of Mercy goal of serving 2,000 Alaskans in two days. She emphasized that HB 269 offers important immunity protections to individuals who have generously made an effort to come to Alaska to donate their services and to those military members who are taking their day off to provide health care to underserved residents.

[1:52:04 PM](#)

DR. DAVID LOGAN, DDS, Legislative Chair, Alaska Dental Society, stated support for HB 211 and offered to answer questions.

SENATOR MICCICHE asked him to discuss the Mission of Mercy so that Alaskans could understand why the bill is important.

DR. LOGAN said this will be the first attempt to do a mission of mercy in Alaska. It's taken two years to develop the mission because it's very complicated to box and ship what amounts to the typical dental operatory for a temporary purpose. He discussed the recognized need for more dental care and the fact that many Alaskans find it financially inaccessible. Having an event that can get people in and deal with their dental problems is very important for the community, he said. The plan is to move the event to other locations in the state because there's a recognized need statewide. The immunity offered in HB 269 is a valuable addition to military personnel and individuals who are coming from other states to donate their services.

SENATOR MICCICHE summarized the plan in Anchorage and described the effort as a commendable service to Alaskans.

[1:56:47 PM](#)

SENATOR OLSON asked if he served on the dental board.

DR. LOGAN said yes, he served as president for three years.

SENATOR OLSON asked how dentists are screened to eliminate those with questionable pasts.

DR. LOGAN replied that it's a matter of an electronic query to any license a person has and then there's a background check in case somebody neglects to disclose a license they have. The requirements vary with the profession, but for the dental board the participants must have an unblemished disciplinary past in any state they've held a license.

SENATOR OLSON asked if the dentistry databank was national and equivalent to the one for physicians.

DR. LOGAN confirmed that there was a national database for dentists, but he wasn't sure if it ran in parallel or was part of the same system as for physicians.

CHAIR DUNLEAVY announced he would hold HB 269 for further consideration, and public testimony would remain open.

1:58:56 PM

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Labor and Commerce Standing Committee meeting at 1:58 p.m.