

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 4, 2017

3:07 p.m.

MEMBERS PRESENT

Representative Ivy Spohnholz, Chair
Representative Bryce Edgmon, Vice Chair
Representative Sam Kito
Representative Geran Tarr
Representative David Eastman
Representative Jennifer Johnston
Representative Colleen Sullivan-Leonard

MEMBERS ABSENT

Representative Matt Claman (alternate)
Representative Dan Saddler (alternate)

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

State Medical Board

Doug Mertz - Juneau, Alaska
Tim Olson - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Board of Certified Direct-Entry Midwives

Dana Brown - Fairbanks, Alaska
Kathryn Ostrum - Homer, Alaska
Kathryn Roberts - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Board of Nursing

Joseph Lefleur - Ketchikan, Alaska

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 186

"An Act relating to the donation of food; and relating to food banks."

- MOVED HB 186 OUT OF COMMITTEE

HOUSE BILL NO. 164

"An Act relating to the protection of vulnerable adults and residents of long term care facilities."

- MOVED CSHB 164 (HSS) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 2

Proclaiming April 2017 as Sexual Assault Awareness Month.

- HEARD & HELD

HOUSE BILL NO. 100

"An Act establishing June 27 of each year as Post-Traumatic Stress Injury Awareness Day."

- REMOVED FROM AGENDA

HOUSE BILL NO. 159

"An Act relating to the prescription of opioids; establishing the Voluntary Nonopioid Directive Act; relating to the controlled substance prescription database; relating to the practice of dentistry; relating to the practice of medicine; relating to the practice of podiatry; relating to the practice of osteopathy; relating to the practice of nursing; relating to the practice of optometry; relating to the practice of veterinary medicine; related to the duties of the Board of Pharmacy; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 186

SHORT TITLE: FOOD DONATIONS

SPONSOR(S): REPRESENTATIVE(S) TALERICO

03/17/17	(H)	READ THE FIRST TIME - REFERRALS
03/17/17	(H)	HSS
03/30/17	(H)	HSS AT 3:00 PM CAPITOL 106
03/30/17	(H)	Heard & Held
03/30/17	(H)	MINUTE (HSS)
04/04/17	(H)	HSS AT 3:00 PM CAPITOL 106

BILL: HB 164

SHORT TITLE: PROTECT: VULNERABLE ADULTS/LONG TERM CARE

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/08/17 (H) READ THE FIRST TIME - REFERRALS
03/08/17 (H) HSS, FIN
03/30/17 (H) HSS AT 3:00 PM CAPITOL 106
03/30/17 (H) Heard & Held
03/30/17 (H) MINUTE(HSS)
04/04/17 (H) HSS AT 3:00 PM CAPITOL 106

BILL: SCR 2

SHORT TITLE: SEXUAL ASSAULT AWARENESS MONTH: APRIL 2017

SPONSOR(s): MEYER

02/08/17 (S) READ THE FIRST TIME - REFERRALS
02/08/17 (S) STA, HSS
02/24/17 (S) STA REFERRAL WAIVED
02/27/17 (S) HSS AT 1:30 PM BUTROVICH 205
02/27/17 (S) Heard & Held
02/27/17 (S) MINUTE(HSS)
03/01/17 (S) HSS AT 1:30 PM BUTROVICH 205
03/01/17 (S) Moved SCR 2 Out of Committee
03/01/17 (S) MINUTE(HSS)
03/03/17 (S) HSS RPT 5DP
03/03/17 (S) DP: WILSON, BEGICH, VON IMHOF, GIESSEL,
MICCICHE
03/06/17 (S) TRANSMITTED TO (H)
03/06/17 (S) VERSION: SCR 2
03/08/17 (H) READ THE FIRST TIME - REFERRALS
03/08/17 (H) STA, HSS
03/21/17 (H) STA AT 5:30 PM GRUENBERG 120
03/21/17 (H) Moved SCR 2 Out of Committee
03/21/17 (H) MINUTE(STA)
03/24/17 (H) STA RPT 7DP
03/24/17 (H) DP: JOHNSON, WOOL, LEDOUX, KNOPP,
BIRCH, TUCK, KREISS-TOMKINS
04/04/17 (H) HSS AT 3:00 PM CAPITOL 106

WITNESS REGISTER

DOUG MERTZ, Appointee to the State Medical Board
Juneau, Alaska

POSITION STATEMENT: Answered questions during confirmation
hearings for the State Medical Board.

TIM OLSON, Appointee to the State Medical Board
Anchorage, Alaska

POSITION STATEMENT: Answered questions during confirmation hearings for the State Medical Board.

DANA BROWN, Appointee to the Board of Certified Direct-Entry Midwives
Fairbanks, Alaska

POSITION STATEMENT: Answered questions during the confirmation hearings for the Board of Certified Direct-Entry Midwives.

KATHRYN OSTRUM, MD
Appointee to the Board of Certified Direct Entry Midwives
Homer, Alaska

POSITION STATEMENT: Answered questions during the confirmation hearings for the Board of Certified Direct-Entry Midwives.

KATHRYN ROBERTS, Appointee to the Board of Certified Direct Entry Midwives
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the confirmation hearings for the Board of Certified Direct-Entry Midwives.

JOSEPH LEFLEUR, Appointee to the Alaska Board of Nursing
Ketchikan, Alaska

POSITION STATEMENT: Answered questions during the confirmation hearings to the Alaska Board of Nursing.

ELIJAH VERHAGEN, Staff
Representative Dave Talerico
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during discussion of HB 186, on behalf of the bill sponsor, Representative Talerico.

WILLIAM HARRINGTON
Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of HB 186 and HB 164.

TERESA HOLT, Long Term Care Ombudsman
Office of the Long Term Care Ombudsman
Alaska Mental Health Trust Authority
Department of Revenue
Anchorage, Alaska

POSITION STATEMENT: Presented HB 164 on behalf of the Governor.

DENISE DANIELLO, Executive Director
Alaska Commission on Aging
Division of Senior and Disabilities Services
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 164.

CHRISTINE MARASIGAN, Staff
Senator Kevin Meyer
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained SCR 2 on behalf of the bill sponsor, Senator Meyer.

ALIZA KAZMI, Policy Specialist
Alaska Network on Domestic Violence and Sexual Assault
Juneau, Alaska

POSITION STATEMENT: Testified during discussion of SCR 2.

ACTION NARRATIVE

[3:07:32 PM](#)

CHAIR IVY SPOHNHOLZ called the House Health and Social Services Standing Committee meeting to order at 3:07 p.m. Representatives Spohnholz, Johnston, Tarr, and Sullivan-Leonard were present at the call to order. Representatives Kito, Edgmon, and Eastman arrived as the meeting was in progress.

CONFIRMATION HEARING(S)
State Medical Board
Board of Certified Direct-Entry Midwives
Board of Nursing

[3:09:20 PM](#)

CHAIR SPOHNHOLZ announced that the first order of business would be confirmation hearings for the State Medical Board, the Board of Certified Direct-Entry Midwives, and the Board of Nursing.

[3:09:31 PM](#)

DOUG MERTZ, Appointee to the State Medical Board, detailed that his family history had included many medical professionals. He said that his career as an attorney had allowed him to hear many medical issues, including mental health issues, and these had "long been an interest of mine." He stated that as he moved

toward retirement from the law, this was a good opportunity to be of service to the state.

[3:10:35 PM](#)

REPRESENTATIVE JOHNSTON pointed out that one issue would be the high cost of medical care in Alaska. She mused that the policy debate had included discussions of tort reform, and various other solutions. She asked what he could bring to the medical board regarding this discussion.

MR. MERTZ offered his belief that he would bring the perspective of someone outside the medical community, and not dependent on the financial aspects of medicine. He allowed that should the board evaluate the situation and attempt to "figure out why we've got these high costs and what can be done about it," he could offer a perspective different from the medical profession.

[3:12:04 PM](#)

REPRESENTATIVE KITO opined that it was necessary to have qualified and interested public members on all the boards to provide a perspective outside the professions being regulated.

[3:12:39 PM](#)

TIM OLSON, Appointee to the State Medical Board, shared his background and interest in medicine, noting that he worked in primary care, urgent care, and family medicine. He reported that he had graduated from the Chicago Medical School, with his undergraduate work in Grand Rapids, Michigan. He noted that although it was not taught in medical school, the high cost of health care was a focus of his interest. He stated that as Alaska had the most expensive health care in the U.S., essentially, the state had the most expensive health care in the world. He reported that he was trying to learn more about public health and health care costs, in order to better help the larger population.

[3:15:59 PM](#)

REPRESENTATIVE JOHNSTON asked if this was Mr. Olson's first job out of school.

MR. OLSON replied that although he had always been interested in the mountains and the West, the licensing process for physician assistants was slower in Alaska, so he had stayed in Michigan

with its shorter licensing process and gained a lot of experience. He began his work applications in Alaska as soon as his license was granted.

REPRESENTATIVE JOHNSTON mused that a reason given for the high cost of medical care in Alaska has been the difficulty of recruiting professionals to move to the state. She asked if he had made the choice to move to Alaska.

MR. OLSON replied that he was an advocate for Alaska, and that he had turned down the opportunity to work in Hawaii.

3:19:30 PM

REPRESENTATIVE SULLIVAN-LEONARD asked why he applied to the board and "what do you think you bring to the table."

MR. OLSON replied that he was very interested in the lawmaking process for medicine, something which had not been taught in his school, even though "in practice, it definitely touches you every day." He explained that there were everyday considerations, and the need to think ahead for solutions to problems. He emphasized his interest in learning this process, and he stated that he tried "to bring as much enthusiasm as I can about this." He was very interested, and although he had not ever been on a medical board, he wanted to learn about the many issues. He said that he also wanted to train as a firefighter to learn that side of medicine. He offered his belief that his exposure to many aspects of medicine was one of the things "that I bring to the table."

CHAIR SPOHNHOLZ said there was a lot of opportunity for community service in Alaska.

3:23:25 PM

CHAIR SPOHNHOLZ announced that the next order of business would be confirmation hearings for the Board of Certified Direct-Entry Midwives.

3:24:27 PM

DANA BROWN, Appointee to the Board of Certified Direct-Entry Midwives, shared that she was in the original group of midwives licensed in 1993, that she had served on the board from 2000 to 2009, and that she was now interested in serving again. She offered that she would bring a perspective in history and

experience to the board. She reported on legislation that she had been involved with, including Medicaid and reimbursement for Direct-Entry Midwives. She stated that she had been a community midwife in Fairbanks for more than 30 years.

[3:26:09 PM](#)

KATHRYN OSTRUM, MD, Appointee to the Board of Certified Direct Entry Midwives, shared her background, stating that she was an OB-GYN (obstetrician-gynecologist) currently working and living in Homer, Alaska. She reported that she had trained in Houston, Texas, with her residency in New Mexico, which had allowed her to become very familiar with the Indian Health System (IHS). When she moved to Alaska, she worked with the Alaska Native Medical Center for almost three years, before joining private practice. She shared that once in private practice, she became much more familiar with the Direct-Entry Midwives, mainly in the Anchorage and Palmer area. She relayed that she was currently the consultant for the group of Direct-Entry Midwives in the Homer area.

[3:27:48 PM](#)

KATHRYN ROBERTS, Appointee to the Board of Certified Direct Entry Midwives, said that she had been a nurse for three years in Alaska, doing home births, birth center, and hospital births, and working with Direct-Entry Midwives. (Indisc.) She said she had served the remainder of someone else's term and her current appointment would be for her own term.

[3:29:35 PM](#)

JOSEPH LEFLEUR, Appointee to the Alaska Board of Nursing, reported that he had been a nurse for more than 20 years, and that he was currently licensed in 3 other states. He noted that he had a Master's in Nursing Education, and that he looked forward to representing Alaskans, his colleagues, and his students. In response to Chair Spohnholz, he said that he was a nurse educator and that he taught at the University of Alaska Southeast campus in Ketchikan.

[3:30:40 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD, noting that Mr. Lefleur was fairly new to Alaska, asked for an overview of why he wanted to be on the nursing board.

MR. LEFLEUR reported that he was originally from South Florida, and that while there, he had written policies and procedures for two major hospitals and some schools with which he worked. He stated that this, along with his licensing in additional states, gave him a good background.

[3:32:20 PM](#)

REPRESENTATIVE EDGMON moved to forward the list of appointees to a joint session of the legislature for confirmations.

CHAIR SPOHNHOLZ objected for purposes of discussion, and stated that she would read the full list of appointees to be forwarded.

[3:32:35 PM](#)

CHAIR SPOHNHOLZ moved to advance the confirmations of Doug Mertz and Tim Olson for the State Medical Board, to advance the confirmations of Dana Brown, Dr. Kathryn Ostrum, and Kathryn Roberts for the Board of Certified Direct-Entry Midwives, and to advance the confirmation of Joseph Lefleur for the Board of Nursing to the joint session of the House and Senate for consideration. She reminded members that signing the reports regarding appointment to boards and commissions in no way reflected individual members' approval or disapproval of the appointees, and that the nominations were merely forwarded to the full legislature for confirmation or rejection. She removed her objection. There being no further objection, the confirmations were advanced.

[3:33:14 PM](#)

The committee took an at-ease from 3:33 p.m. to 3:35 p.m.

HB 186-FOOD DONATIONS

[3:35:37 PM](#)

CHAIR SPOHNHOLZ announced that the next order of business would be HOUSE BILL NO. 186, "An Act relating to the donation of food; and relating to food banks."

[3:35:50 PM](#)

ELIJAH VERHAGEN, Staff, Representative Dave Talerico, Alaska State Legislature, said that the intent of the proposed bill was to decrease the amount of wasted food in Alaska, and increase

the amount of food donated to charitable organizations and to food banks. He relayed that the proposed bill added food banks and charitable organizations to the list of groups able to receive donations from any businesses that chose to donate, and that these businesses would be free from liability. He added that the proposed bill added hot food for donation, which could be labelled and given to people who would otherwise not have had the food.

[3:36:53 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD commented on the challenges faced with a large, local store, Fred Meyer, throwing food into the dumpster instead of making a donation.

MR. VERHAGEN said that there had been discussions with the Food Bank, and that with passage of the proposed bill, the Food Bank could speak again with the larger stores, including Fred Meyer. He stated that there had also been discussions with the corporate headquarters for a change in their policy.

[3:38:16 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD suggested that although this was opening the door for participation, it was not guaranteeing this.

[3:38:30 PM](#)

CHAIR SPOHNHOLZ opened public testimony.

[3:38:58 PM](#)

WILLIAM HARRINGTON, read from a prepared statement, which said, in part:

to completely absolve someone or an organization of responsibility in the safe handling of perishable and potentially toxic food gifted on an unsuspecting public, is the height of irresponsibility by government.

MR. HARRINGTON said that spoiled food was not a gift, and that "the standards imposed by the science of safe food handling must be enforced through inspection and user responsibility." He stated that the proposed bill would lead to a mass contamination with no one responsible, and he shared an anecdote of food

poisoning from a food truck. He asked that those who receive the food should never be "put at the peril or lose the right to be completely compensated for harm."

[3:41:14 PM](#)

CHAIR SPOHNHOLZ closed public testimony.

[3:41:30 PM](#)

REPRESENTATIVE EDGMON moved to report HB 186 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 186 was moved from the House Health and Social Services Standing Committee.

[3:41:55 PM](#)

The committee took an at-ease from 3:41 p.m. to 3:44 p.m.

HB 164-PROTECT: VULNERABLE ADULTS/LONG TERM CARE

[3:44:20 PM](#)

CHAIR SPOHNHOLZ announced that the next order of business would be HOUSE BILL NO. 164, "An Act relating to the protection of vulnerable adults and residents of long term care facilities."

[3:44:47 PM](#)

TERESA HOLT, Long Term Care Ombudsman, Office of the Long Term Care Ombudsman, Alaska Mental Health Trust Authority, Department of Revenue, paraphrased from a statement explaining the proposed committee substitute [Included in members' packets], which read [original punctuation provided]:

The CSHB 164 makes simple changes to the original version.

- In section 4, it corrects drafting error on page 4 line 5 to reflect the accurate statute citation of AS 47.62.015 (instead of AS 42.62.015).
- In section 3, aligns additional paragraphs under AS 47.24.011 with proposed amendment language requested elsewhere in the bill that changes references from "central information and referral service for vulnerable adults" to "vulnerable adult centralized intake office".

- In sections 10 and 11 clarifies that resident means resident of a long term care facility.
- In section 14 retains the definition for senior citizen housing.

[3:47:24 PM](#)

REPRESENTATIVE EDGMON moved to adopt the proposed committee substitute (CS) for HB 164, labeled 30-GH1815\D, Glover, 4/3/17, as the working document.

[3:47:49 PM](#)

CHAIR SPOHNHOLZ objected for discussion.

[3:48:13 PM](#)

CHAIR SPOHNHOLZ removed her objection. There being no further objection, the proposed committee substitute (CS) for HB 164, labeled 30-GH1815\D, Glover, 4/3/17, was adopted as the working document.

CHAIR SPOHNHOLZ opened public testimony.

[3:48:38 PM](#)

WILLIAM HARRINGTON stated that this was "an important bill." He stated that the "boomer tsunami has yet to fully unleash millions of people at the last, most difficult stage of life." He opined that when the physical or mental selves alleviate each other, "life as a person of competence is gone, but the motor is still running." He said that long term care was such a frightening issue on so many levels, that a person should have the right to self-termination.

[3:50:05 PM](#)

DENISE DANIELLO, Executive Director, Alaska Commission on Aging, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), said that the Commission had submitted a letter of support for the changes in the proposed committee substitute. She stated that her office worked collaboratively with the Office of the Long Term Care Ombudsman regarding planning and advocacy activities. She declared support for the proposed bill.

[3:50:59 PM](#)

CHAIR SPOHNHOLZ closed public testimony.

[3:51:17 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD, noting that Ms. Holt had responded quickly to her concerns, stated her support for the proposed bill.

[3:51:40 PM](#)

REPRESENTATIVE EDGMON moved to report CSHB 164, labeled 30-GH1815\D, Glover, 4/3/17, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 164(HSS) was reported from the House Health and Social Services Standing Committee.

[3:52:00 PM](#)

The committee took a brief at-ease.

SCR 2-SEXUAL ASSAULT AWARENESS MONTH:APRIL 2017

[3:54:37 PM](#)

CHAIR SPOHNHOLZ announced that the final order of business would be SENATE CONCURRENT RESOLUTION NO. 2, Proclaiming April 2017 as Sexual Assault Awareness Month.

[3:54:58 PM](#)

CHRISTINE MARASIGAN, Staff, Senator Kevin Meyer, Alaska State Legislature, offered some background on the proposed resolution. She stated that the proposed resolution would proclaim April 2017 as Sexual Assault Awareness Month, part of a national campaign designed to raise public awareness about sexual assault and educate communities and individuals on how to prevent sexual violence. She shared that this had first been brought forward in 2001 by then Representative Meyer. When asked why this was not placed permanently in statute, the sponsor explained that by bringing it forward each year, attention was renewed for the issue of sexual violence. She declared that national sexual assault statistics were staggering, as one in five women and one in seventy one men had been victims of violent sexual assault, with even higher rates in Alaska. She reported that in 2015, a victimization survey stated that 33 percent of women in Alaska had experienced sexual violence. She stated that sexual

violence was preventable, and that it was a social, public health, criminal justice, and human rights issue. She declared that it was necessary to continue to educate the public. She stated that this year, the campaign would focus on engaging new voices to broaden the scope of prevention efforts.

[3:57:13 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD asked if there had been any success for bringing down the statistics.

MS. MARASIGAN replied that the most recent report did show that the statistics for sexual assault with alcohol were coming down, and she offered to supply those statistics.

[3:58:20 PM](#)

REPRESENTATIVE TARR offered her belief that this was "one of the most important issues that we have to take on, community violence." She directed attention to page 2, line 16, and noted that these programs had all been cut in the budget during the last year. She declared that these were prevention programs which had tremendous positive impact. She pointed to page 2, lines 22 - 25, and stated that the Fourth R program had been funded through a grant, and had not been made available to every district. She stated that these grant funds had not been renewed. She declared that it was a challenge when funding was cut. She expressed her support for the proposed resolution.

REPRESENTATIVE SULLIVAN-LEONARD asked if the funding had been returned for this year.

REPRESENTATIVE TARR offered her belief that there was not any new funding for those grant programs.

[4:01:20 PM](#)

ALIZA KAZMI, Policy Specialist, Alaska Network on Domestic Violence and Sexual Assault, paraphrased from a prepared statement, which read:

On behalf of our 19 member agencies, I offer our full support of Senate Concurrent Resolution 2. With missions to end violence, our members work with sexual assault victims and survivors every day - through collaborating with law enforcement and medical professionals to establish immediate safety: through

legal advocacy and connecting victims with other social services: and through prevention programming working with tribal partners, children and parents, and many other community stakeholders.

Sexual assault is a heinous crime that is dehumanizing and traumatizing. 33 out of 100 women in Alaska have experienced sexual assault in their lifetime, according to the most robust state-specific data that we have at this point. The crime of sexual assault also disproportionately impacts particularly vulnerable populations such as Alaska Native women. Because of the nature of the trauma, and how our advocates are compelled to safeguard victim safety and confidentiality, the importance of intentionally building awareness about sexual assault in Alaska cannot be overstated. Alaskans need to understand the issue, acknowledge its urgency, and be empowered to take action so that we can work together to end sexual assault, and cease to be known as the rape capital of the United States.

Building awareness of what sexual assault is, requires immense resources in and of itself. This is because sexual assault is a complex manifestation of power and control. It is not about sexual gratification. This abusive exertion of power and control can include force, threats (to life), trickery (through drugs or lies), manipulation (through guilt and pressure), and/or coercion (through bribes or blackmail).

We urge you to join the Governor in proclaiming April as Sexual Assault Awareness Month, and pass this resolution to support victims, survivors, and the sexual assault service provision and prevention work, that agencies like our members do every day.

[4:03:48 PM](#)

CHAIR SPOHNHOLZ announced that SCR 2 would be held over.

[4:04:49 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:05 p.m.