

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 27, 2017

1:30 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair
Senator Cathy Giessel
Senator Tom Begich

MEMBERS ABSENT

Senator Natasha von Imhof, Vice Chair
Senator Peter Micciche

COMMITTEE CALENDAR

CONFIRMATION HEARING

State Medical Board

Timothy Olson

Douglas Mertz

- CONFIRMATIONS ADVANCED

SENATE BILL NO. 83

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

- MOVED CSSB 83(HSS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 83

SHORT TITLE: PROTECT: VULNERABLE ADULTS/LONG TERM CARE

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/08/17	(S)	READ THE FIRST TIME - REFERRALS
03/08/17	(S)	HSS, FIN
03/17/17	(S)	HSS AT 1:30 PM BUTROVICH 205
03/17/17	(S)	Heard & Held
03/17/17	(S)	MINUTE(HSS)
03/27/17	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

TIMOTHY OLSON, Appointee
State Medical Board
Eagle River, Alaska

POSITION STATEMENT: Testified as appointee to the State Medical Board.

DOUGLAS MERTZ, Appointee
State Medical Board
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the State Medical Board.

ACTION NARRATIVE

[1:30:25 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Begich, Giessel, and Chair Wilson.

CONFIRMATION HEARING **State Medical Board**

[1:30:55 PM](#)

CHAIR WILSON announced the first order of business would be confirmation hearings for the governor's appointees to the State Medical Board: Timothy Olson and Douglas Mertz.

[1:31:00 PM](#)

TIMOTHY OLSON, Appointee, State Medical Board, Eagle River, Alaska, disclosed that he is a physician assistant (PA). He provided his medical background to the committee. He detailed that he has been in practice for 18 months and has resided in Alaska for over a year.

CHAIR WILSON noted that Mr. Olson has not been in the state very long. He asked Mr. Olson what brought him to Alaska and what guided him to the State Medical Board.

MR. OLSON provided personal background information to the committee. He explained that he applied to serve on the State Medical Board and thought the new learning experience would be interesting. He summarized that serving on the board is

something that will help him learn about public health and find a way to keep people healthy in Alaska.

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SENATOR GIESSEL thanked Mr. Olson for applying as an appointee to the State Medical Board. She disclosed that she is an advanced nurse practitioner. She asked Mr. Olson if he belonged to the Physician Assistant Association in Alaska.

MR. OLSON answered yes.

SENATOR GIESSEL replied that being a member to the Physician Assistant Association will help Mr. Olson connect with issues. She asked if Mr. Olson has attended any of the State Medical Board meetings.

MR. OLSON answered no.

SENATOR GIESSEL assumed that Mr. Olson is probably not too versed in issues that are currently before the board.

MR. OLSON replied that he is following the board's issues and has read the minutes from previous meetings. He admitted that there will be a lot for him to learn.

SENATOR GIESSEL commented that Mr. Olson is making efforts to educate himself and added that he will learn a lot as a board member should he get confirmed. He asked if Mr. Olson is aware of the time commitment required for serving on the board.

MR. OLSON answered yes. He disclosed that he has been exposed to the time commitment that is required. He noted that he has interacted with the board regarding a few issues that he has been asked to comment on.

SENATOR GIESSEL opined that Mr. Olson's response implies that he is aware that the time required for a new applicant to receive their license in the state is one of the big issues that the board deals with.

1:40:02 PM

SENATOR BEGICH asked if he has only been in Alaska for a little less than 18 months.

MR. OLSON answered correct.

SENATOR BEGICH admitted that he is a little concerned with Mr. Olson's length of time in the state and his knowledge of the issues. He asked Mr. Olson what unique characteristic he would bring to the board that would help them in their deliberations. He noted that the board deals with most of the state's doctors.

MR. OLSON explained that he would bring enthusiasm to the board. He said he would continue to strive to learn. He asserted that he is exposed to a lot because he is in general-family medicine and urgent care. He asserted that his exposure to a lot of different specialties, doctors, and health-care issues helps him to understand health care and to help understand issues.

[1:42:56 PM](#)

SENATOR GIESSEL addressed the board's oversight responsibilities as follows:

The State Medical Board is responsible for licensing, regulation and discipline of allopathic and osteopathic physicians, podiatrists, physician assistants, and mobile intensive care paramedics in the State of Alaska.

She noted for the public record that there is a designated seat for a PA on the State Medical Board.

CHAIR WILSON thanked Mr. Olson.

[1:44:05 PM](#)

DOUGLAS MERTZ, Appointee, State Medical Board, Juneau, Alaska, stated that he was appointed by the governor for one of two public seats. He specified that a public seat is non-medical on the board. He provided personal and professional background information to the committee. He disclosed that he is currently a lawyer in private practice with a primary focus on employment law. He noted that he has encountered a number of medical issues. He disclosed that he has a great concern about mental-health issues in addition to addiction and substance abuse issues.

[1:46:29 PM](#)

SENATOR GIESSEL asked if he has attended any of the board meetings.

MR. MERTZ answered that his service actually started on March 1 and he attended a meeting via teleconference.

SENATOR GIESSEL asked what the key issues are before the board right now.

MR. MERTZ replied that the board is spending a lot of time on discipline related to over-prescription of opioids as well as dealing with the tremendous problem of opioid addiction. He said the next issue is making sure the board does not lose sight of mental-health issues during the current budgetary time for state and federal governments.

SENATOR GIESSEL pointed out that the State Medical Board does not really directly deal with the policy issues that Mr. Mertz noted. She asked Mr. Mertz how he sees the application of his interests.

MR. MERTZ remarked that the board indirectly deals with the opioid over-prescribing issue through disciplinary actions against physicians who over-prescribe or do not take the proper care in determining whether a patient can handle opioids or some other kind of painkiller. He added that because psychiatry is one of the covered fields within medicine, the board has a general mandate to watch and give advice on what happens with psychiatric services.

[1:48:47 PM](#)

SENATOR GIESSEL asked him to flesh out his previous remarks. She inquired in which way is a professional regulatory board having any jurisdiction over psychiatric services offered in the state.

MR. MERTZ replied that the only direct ways would be in disciplinary actions. He added that the board plays another role in evaluating qualifications of foreign-trained physicians and PAs to make sure their education in particular areas are equivalent to what is received from a U.S. medical school. He opined that indirect ways encompass matters that come up that are of concern to the board as a group with general knowledge, oversight and care about particular medical issues that the board is in a position to offer advice on it. He conceded that there is no direct role mandated in the board's authorizing statutes.

SENATOR GIESSEL noted that Mr. Mertz is an attorney and pointed out that discipline was mentioned in response to several questions. She asked if Mr. Mertz saw discipline as a key function of any professional regulatory board.

MR. MERTZ answered absolutely. He noted that he has been involved on behalf of the Alaska Bar Association with

disciplinary matters having to do with attorneys, the rough equivalent to what the State Medical Board does with physicians who may have mental-health issues or negligence issues or issues relating to over-prescription of particular drugs, such as opioids. He reiterated that over-prescription of opioids is a prime matter of concern for the board. He noted that after reviewing the board's minutes over the past several years, disciplinary matters have come up with some regularity.

[1:51:06 PM](#)

CHAIR WILSON opened and closed public testimony on the appointments of Mr. Olson and Mr. Mertz.

CHAIR WILSON read a statement regarding the appointments of Mr. Olson and Mr. Mertz as follows:

In accordance to AS 39.05.080, the Senate Health and Social Services Committee reviewed the following recommendations and appointments will be forwarded to a joint session for consideration: Timothy Olson and Douglas Mertz to the State Medical Board. This does not reflect an intent by any of the members to vote against or for the confirmations of the individuals during any further sessions.

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[1:51:53 PM](#)

At ease.

SB 83-PROTECT: VULNERABLE ADULTS/LONG TERM CARE

[1:53:00 PM](#)

CHAIR WILSON called the committee back to order. He announced the consideration of SB 83, the governor's bill relating to vulnerable adults. He noted that public testimony was taken on SB 83 during the bill's previous hearing. He announced that a committee substitute (CS) is before the committee, labeled 30-GS1815\D. He entertained a motion to adopt the CS as the committee's working document.

[1:53:23 PM](#)

SENATOR GIESSEL moved that the committee adopt the CS for SB 83, version 30-GS1815\D.

[1:53:33 PM](#)

SENATOR BEGICH objected for purposes of hearing the changes.

CHAIR WILSON specified that the CS makes the following simple changes to the original version A:

- Corrects the drafting error on page 4, line 5 to reflect the accurate statute of citation of AS 47.62.090.
- Aligns additional paragraphs under AS 47.24.011 with proposed amendment language requested elsewhere in the bill that being changing references from "central information and referral services" to "vulnerable adults centralized intake office."

[1:54:43 PM](#)

SENATOR BEGICH removed his objection to the CS.

[1:54:48 PM](#)

CHAIR WILSON announced that hearing no other further objection, version D is adopted.

[1:54:58 PM](#)

SENATOR GIESSEL moved the CS for SB 83, version 30-GS1815\D, from committee with individual recommendations and attached fiscal note(s).

[1:55:10 PM](#)

CHAIR WILSON announced that without objection, CSSB 83(HSS) moved from the Senate Health and Social Services Standing Committee.

[1:55:19 PM](#)

At ease.

[1:56:23 PM](#)

CHAIR WILSON called the committee back to order.

[1:56:51 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Committee at 1:56 p.m.