

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 21, 2017

1:33 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Shelley Hughes, Vice Chair
Senator Kevin Meyer
Senator Berta Gardner

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

SENATE BILL NO. 71

"An Act relating to limitations on certain commercial fishing loans made by the Department of Commerce, Community, and Economic Development."

- MOVED SB 71 OUT OF COMMITTEE

HOUSE BILL NO. 48

"An Act relating to the composition of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 79

"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."

- HEARD & HELD

CONFIRMATION HEARINGS

ITEM REMOVED FROM AGENDA

PREVIOUS COMMITTEE ACTION

BILL: SB 71

SHORT TITLE: COMMERCIAL FISHING LOANS

SPONSOR(S): SENATOR(S) STEVENS

02/27/17 (S) READ THE FIRST TIME - REFERRALS
02/27/17 (S) L&C, FIN
03/16/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/16/17 (S) Heard & Held
03/16/17 (S) MINUTE(L&C)
03/21/17 (S) L&C AT 9:30 AM BELTZ 105 (TSBldg)
03/21/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 48

SHORT TITLE: ARCHITECTS, ENGINEERS, SURVEYORS: EXTEND BD

SPONSOR(S): REPRESENTATIVE(S) KITO

01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) L&C, FIN
02/08/17 (H) L&C AT 3:15 PM BARNES 124
02/08/17 (H) Heard & Held
02/08/17 (H) MINUTE(L&C)
02/10/17 (H) L&C AT 3:15 PM BARNES 124
02/10/17 (H) Moved HB 48 Out of Committee
02/10/17 (H) MINUTE(L&C)
02/13/17 (H) L&C RPT 6DP
02/13/17 (H) DP: SULLIVAN-LEONARD, JOSEPHSON, BIRCH,
KNOPP, STUTES, KITO
02/22/17 (H) FIN AT 1:30 PM HOUSE FINANCE 519
02/22/17 (H) Moved HB 48 Out of Committee
02/22/17 (H) MINUTE(FIN)
02/24/17 (H) FIN RPT 9DP
02/24/17 (H) DP: GARA, WILSON, KAWASAKI, PRUITT,
ORTIZ, THOMPSON, GUTTENBERG, TILTON,
SEATON
03/06/17 (H) TRANSMITTED TO (S)
03/06/17 (H) VERSION: HB 48
03/08/17 (S) READ THE FIRST TIME - REFERRALS
03/08/17 (S) L&C, FIN
03/21/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 79

SHORT TITLE: OPIOIDS; PRESCRIPTIONS; DATABASE; LICENSES

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/06/17	(S)	READ THE FIRST TIME - REFERRALS
03/06/17	(S)	L&C, HSS, FIN
03/14/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/14/17	(S)	Heard & Held
03/14/17	(S)	MINUTE(L&C)
03/16/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/16/17	(S)	Scheduled but Not Heard
03/21/17	(S)	L&C AT 9:30 AM BELTZ 105 (TSBldg)
03/21/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

REPRESENTATIVE SAM KITO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 48.

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Juneau, Alaska

POSITION STATEMENT: Presented information related to HB 48.

ALYSIA JONES, Executive Administrator
Board of Registration for Architects, Engineers, and Land
Surveyors
Division of Corporations, Businesses, and Professional Licensing
Department of Commerce, Community and Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HB 48.

SARA CHAMBERS, Operations Manager
Division of Corporations, Businesses, and Professional Licensing
Department of Commerce, Community and Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HB 48 and SB
79.

COLIN MAYNARD, PE, SE
Alaska Board of Architects, Engineers, and Land Surveyors
Anchorage, Alaska

POSITION STATEMENT: Provided information related to HB 48.

MICHELLE ALPERS, Landscape Architect
Engineering Public Works Department
City and Borough of Juneau and
Member

Alaska Professional Design Council
Juneau, Alaska

POSITION STATEMENT: Presented information related to HB 48.

JAY BUTLER, Chief Medical Officer
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Provided information related to SB 79.

CAPTAIN MIKE DUXBURY
Alaska State Trooper
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions about SB 79.

STACIE KRALY, Chief Assistant Attorney General
Civil Division
Human Services Section
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 79.

SCOTT ADAMS, representing himself
Homer, Alaska

POSITION STATEMENT: Voiced concern with parts of SB 79.

ACTION NARRATIVE

[1:33:38 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Hughes, Meyer, and Chair Costello. Senator Gardner arrived shortly thereafter.

SB 71-COMMERCIAL FISHING LOANS

CHAIR COSTELLO announced the consideration of SB 71. She said this is the third hearing and the intent is to look to the will of the committee. She noted those available to answer questions.

[1:34:49 PM](#)

CHAIR HUGHES moved to report SB 71 from committee with individual recommendations and attached fiscal notes.

CHAIR COSTELLO announced that without objection, SB 71 moved from the Senate Labor and Commerce Standing Committee.

[1:35:14 PM](#)

At ease

HB 48-ARCHITECTS, ENGINEERS, SURVEYORS: EXTEND BD

[1:36:22 PM](#)

CHAIR COSTELLO brought the meeting back to order and announced the first hearing of HB 48.

[1:36:44 PM](#)

REPRESENTATIVE SAM KITO, Alaska State Legislature, sponsor of SB 48, explained that the bill extends the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS) of which he is a licensee as a civil engineer. The Division of Legislative Audit found that the AELS Board meets the public need and recommends an eight-year extension. He noted that the bill also changes the status of the current landscape architect seat from a nonvoting temporary to a full, voting member. The bill contains no additional costs.

[1:38:47 PM](#)

CHAIR COSTELLO welcomed Senator Gardner.

CHAIR HUGHES asked why the landscape architect seat has been a non-voting member for 20 years.

REPRESENTATIVE KITO explained the interest in keeping that position temporary until there were licensed landscape architects in Alaska. He said the Board has tried twice to change this provision since there are now about 50 landscape architects in Alaska.

[1:40:58 PM](#)

SENATOR MEYER asked if the audit found a surplus in the Board's budget.

REPRESENTATIVE KITO confirmed there is a surplus. The budget is calculated annually, but adjusted every two years. The fees are adjusted accordingly in that two-year cycle.

SENATOR MEYER suggested the fees could or should be reduced if there actually is a \$1.6 million surplus.

REPRESENTATIVE KITO said that is how it works. If there is a surplus the subsequent biennium fee will be adjusted.

CHAIR COSTELLO noted those available to answer questions.

1:43:26 PM

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, explained the results of the sunset review dated April 2016. She said, overall, the audit found that the Board is serving the public's interest and they recommended an eight-year extension, the maximum allowed. The audit had no recommendations.

She reported on the schedule of revenue expenditures on page 7 of the audit report, as of February 2016. At the end of FY13 there was a deficit and the fees were increased; at the end of February 2016 there was a surplus of over \$1.6 million. They discussed this with the Division of Corporations, Business, and Professional Licensing the decision was to re-evaluate the fees.

She referred to page 8 of the audit - the schedule of license fees - and page 5 - a list of all occupations that are licensed by the AELS Board and the count of the numbers of licensees or registrants.

MS. CURTIS noted the audit also discussed Board composition. All occupations that are licensed by the Board are represented except for the landscape architect. They interviewed 7 of 10 Board members about that issue and found that all 7 were in support of making the landscape architect position permanent.

CHAIR COSTELLO asked how many members are on the Board.

MS. CURTIS said 10.

CHAIR COSTELLO asked if the even number of members is a problem.

MS. CURTIS said they did not have an opinion on that and did not come out with a recommendation. She said it was a policy call. She explained the reasons for interviewing 7 members.

1:46:51 PM

SENATOR GARDNER referred to page 7 of the audit and asked for examples of other revenue sources. She also asked whether the fluctuation in spending is related to the number of complaints that are investigated.

MS. CURTIS said they did not have an explanation for the other fund sources; that information comes from the agency. The fluctuation is mainly in the area of services under direct expenditures. The agency may be able to answer that question, she said.

[1:47:58 PM](#)

SENATOR MEYER asked if Legislative Audit recommended an 8-year extension because they are comfortable with the Board.

MS. CURTIS answered yes.

SENATOR MEYER asked about a concern on page 4 regarding registrants completing continuing education.

MS. CURTIS said it is not a concern now due to a new licensing system that includes continuing education documentation.

[1:49:20 PM](#)

ALYSIA JONES, Executive Administrator, Board of Registration for Architects, Engineers, and Land Surveyors, Division of Corporations, Businesses, and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), introduced herself.

SARA CHAMBERS, Operations Manager, Division of Corporations, Businesses, and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), introduced herself.

SENATOR MEYER questioned the \$1.6 million surplus.

[1:50:30 PM](#)

MS. CHAMBERS explained that all fees paid by registrants stay with their boards. An annual review is done to adjust the fees for the next biannual renewal. They try to keep the fees level to limit investigative costs.

[1:52:05 PM](#)

SENATOR MEYER asked for examples of typical complaints.

MS. CHAMBERS shared several examples, such as violations of licensing laws and the use of an inappropriate person for a job.

[1:53:02 PM](#)

MS. JONES listed several other examples, such as building violations, or unlicensed persons.

SENATOR MEYER asked if it is a serious offense if a person claims to be a professional engineer (PE) and is not.

MS. JONES said yes.

[1:54:39 PM](#)

CHAIR HUGHES said PEs are paying for the cost of investigation of those who claim to be a PE and are not. She asked if there is a way to recoup those costs.

MS. CHAMBERS replied that there is no provision currently in statute to recoup those costs.

[1:55:24 PM](#)

SENATOR GARDNER referred to page 7, income licensing fees, and asked what the other sources of income are.

[1:55:42 PM](#)

MS. CHAMBERS explained that those are third-party travel reimbursements for associations that fund travel for Board members and staff to maintain their education and for collaboration with other state boards.

She said the latest financial information through the end of the second quarter of this fiscal year lists the Board surplus as \$1.1 million.

[1:56:15 PM](#)

CHAIR COSTELLO opened public testimony on HB 48.

[1:56:24 PM](#)

COLIN MAYNARD, PE, SE, Alaska Board of Architects, Engineers, and Land Surveyors, said he has been on the Board the last five years and served as chair during the audit. The Board was pleased with the audit results. He discussed the resolution of the continuing education issue. He described an incident ten years ago regarding internet renewals that caused a surplus and another example that caused a deficit.

CHAIR COSTELLO noted that the audit suggested an eight-year extension and posited that it may indicate that the concern about fluctuating fees has been addressed.

[2:00:46 PM](#)

MICHELLE ALPERS, Landscape Architect, Engineering Public Works Department, City and Borough of Juneau, Member, Alaska Professional Design Council stated support for the provision in

SB 48 to make the seat on the Board for landscape architects a permanent voting position.

[2:02:31 PM](#)

CHAIR COSTELLO closed public testimony and held HB 48 in committee for further consideration.

#

[2:02:39 PM](#)

At ease

SB 79-OPIOIDS; PRESCRIPTIONS; DATABASE; LICENSES

[2:05:29 PM](#)

CHAIR COSTELLO reconvened the meeting and announced the consideration of SB 79. She noted it is the second hearing on the bill. The intention is to look at a sectional analysis and take members' questions. She noted a letter from Ms. Chambers pertaining to the bill.

[2:06:35 PM](#)

SARA CHAMBERS, Operations Manager, Division of Corporations, Businesses, and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), explained that the letter is in response to a concern by Senator Hughes that when a person receives a prescription that meets a threshold the Board of Pharmacy has set as a policy call - visiting five pharmacies or five prescribers within three months - it gives a red flag to the prescriber. In the Prescription Drug Monitoring Program (PDMP), at the behest of the Board of Pharmacy, there is a red flag alert to potential problems.

[2:07:41 PM](#)

CHAIR COSTELLO noted the letter does not indicate the type of prescriptions.

MS. CHAMBERS offered her understanding that it is only for scheduled drugs.

CHAIR COSTELLO used an example of someone with cancer who would use those drugs frequently and thus be targeted.

MS. CHAMBERS said it is only an alert and does not require any action. It is for the prescriber to determine a legitimate need or not for the drugs.

[2:09:50 PM](#)

CHAIR HUGHES voiced concern about all the requirements put on pharmacists and providers. She wondered if the Prescription Drug Monitoring Program (PDMP) could be monitored by one office, such as the chief medical officer, instead of by providers or pharmacists, in order to target over-prescribers.

[2:12:27 PM](#)

JAY BUTLER, Chief Medical Officer, Department of Health and Social Services (DHSS), stated that the question about how to get information back to providers in the most effective way to influence prescribing practices is at the center of the discussion. The current practice of tracking doctor shoppers is not the solution. The approach in SB 79 is intended to be non-punitive and educational, such as providing a report card to providers and then comparing that amount to the average of all providers in the state.

He stated that the prescribing rates today are not lower than they were ten years ago. He maintained that the level of prescribing is not acceptable. He said that prescription use of opioids is one of the major risk factors for heroin use. He referred to the Centers for Disease Control and Prevention report on risk factors of long-term opioid use. One factor is having a prescription for longer than 10 days. The Annals of Surgery study found that 72 percent of all opioid pills prescribed are not taken. For the most common procedures, the majority of patients could be managed by a one to three day supply of pain medication.

[2:17:06 PM](#)

CHAIR HUGHES asked Dr. Butler if he has data that shows that more doctors are prescribing more opioids in 2017 than in 2007.

DR. BUTLER said Alaska data is extrapolated from national data; it indicates that more than half of opioid prescriptions are written by primary care providers. He pointed to the marketing of opioids to primary care physicians in the late 90s. He said he does not have the authority to look at PDMP data.

[2:19:32 PM](#)

CHAIR HUGHES questioned whether overprescribing is happening generally or by a few doctors. She asked if it would be helpful if he could tell who is overprescribing.

[2:21:34 PM](#)

DR. BUTLER said if someone has the authority to look at the PDMP it would be helpful. He challenged the concept that "it's the

bad actors" who are overprescribing. He said he does not believe there are many over-prescribers who intend to do harm; it's due to a lack of knowledge.

[2:23:47 PM](#)

CHAIR HUGHES said the bill is here partly due to the requirements of the Board of Pharmacy, but she did not want to overburden the pharmacists. Other states have allowed the DEA to monitor the PDMP and find out if it is prevalent across the board. She asked if he could find out information from other states.

DR. BUTLER said they already have that information and recommendations for best practices, such as from the Pew Charitable Trust. He said he respects the concern about confidentiality and patient privacy that has led Alaska to be very careful with PDMP data. Some of the lessons learned from other states has gone into the drafting of the bill.

[2:25:46 PM](#)

CHAIR HUGHES said she would like to know: the percentage of providers in other states that are over-prescribers; and what happens to someone who has been found to over prescribe.

[2:26:35 PM](#)

MS. CHAMBERS stressed the importance of first defining overprescribing. The bill sets the limit of a prescription supply at seven days. Overprescribing used to be considered the number of prescriptions.

She said there are penalties in the bill for overprescribing, but without a further definition of overprescribing it would be hard to enforce.

[2:28:11 PM](#)

CHAIR HUGHES asked if there is some exception to the 7-day prescription supply for those who live in rural areas and have trouble getting to a pharmacy.

MS. CHAMBERS said the bill makes exceptions for that and allows for professional discretion when prescribing, and there are electronic prescription options. These provisions are concepts that the Joint Committee on Prescriptive Guidelines came up with.

She agreed that lack of awareness about overprescribing is a topic the State Medical Board is aware of. They said more education is also needed about alternatives to opioids.

[2:31:35 PM](#)

CHAIR COSTELLO referred to the data on deaths related to heroin and synthetic opioids in the State of Alaska Epidemiology Bulletin dated November 7, 2016. Fifty percent were in Anchorage and Mat-Su. She asked about the connection between heroin use and opioid addiction.

[2:32:33 PM](#)

DR. BUTLER described the opioid epidemic in terms of three waves of a tsunami. The first wave was the increase in the number of overdose deaths related to prescription opioids. That wave has not fully receded. The second wave appeared in about 2010 when heroin became cheaper and more available. The third wave appeared two years ago and is driven by fentanyl and synthetic opioids. That wave differs because there is not an increase in prescriptions for fentanyl. These substances are readily available and can be ordered on the internet.

He noted that half of deaths are in Anchorage and Mat-Su, but that is also where 40 percent of the state's population resides. The problem is spread throughout the United States, including small Alaskan villages.

[2:35:52 PM](#)

CHAIR COSTELLO referred to drug representatives in the pharmaceutical industry that lobby doctors. She asked if there is any information about "performance targets" for doctors. She asked if they have considered the pharmaceutical company's role in this epidemic.

[2:37:26 PM](#)

DR. BUTLER said it's important that prescribers receive information from sources other than pharmaceutical companies. He spoke of fines to drug companies for not communicating dangers of opioid dependency to physicians.

He said they would like to go toward "academic detailing," which is based on the concept of what is evidence based in medical literature. The goal is to learn from past experiences and look at alternatives for pain management.

[2:39:30 PM](#)

SENATOR GARDNER said she has a disabled veteran constituent with chronic pain who thinks the bill will punish people in pain. She asked for assurance that there is a provision that addresses this type of exception.

[2:41:12 PM](#)

DR. BUTLER said it is left to the provider's professional judgement as to whether a larger dispensing is indicated. He said there are exceptions listed in the bill.

[2:42:40 PM](#)

SENATOR GARDNER talked about a partial prescription as requested by a patient. She asked if patients that are in charge of their own pain management use less.

DR. BUTLER said he believes that is true.

SENATOR GARDNER voiced concern about the voiding of leftover pain medication from a partial prescription. She asked Dr. Butler if he would support an amendment to allow the rest of the prescription to be used.

[2:44:23 PM](#)

DR. BUTLER said yes. The bill attempts to allow pharmacists to fill only part of the prescription at the patient's request. Federal law already allows that to happen while not voiding the second half of the prescription.

[2:45:32 PM](#)

CHAIR HUGHES asked how much illegal street activity is attributed to prescription drugs versus heroin.

[2:46:07 PM](#)

CAPTAIN MIKE DUXBURY, Alaska State Trooper, Department of Public Safety (DPS), said it depends on the location. He said pills are cheaper in Anchorage than in Western Alaska. He provided an example of supply and demand depending on location.

He emphasized how hard it is for doctors and pharmacists to understand the lengths a person might go to get drugs. Some people travel to other towns for doctor and pharmacy shopping.

[2:49:08 PM](#)

CHAIR HUGHES referred to page 7 - a report on the Prescription Drug Monitoring Program (PDMP). She asked what would trigger 18 warrants for law enforcement to have access to PDMP in 2016.

[2:50:01 PM](#)

CAPTAIN DUXBURY said they work closely with the Department of Law to get those warrants. Probable cause is what is used to obtain a search warrant. They see a great deal of opioid abuse where heroin becomes the next step.

He described the drug problem as a "balloon theory". If you squeeze a balloon in your hands it will pop out somewhere else. The bill would provide a gradual reduction of, and better control of, consumption. He added that heroin addiction has a very high death rate due to contaminated drugs.

CHAIR HUGHES asked what would cause the DEA to get involved. She also inquired if State Troopers have the tools to go after drug dealers of prescription pills and heroin.

[2:53:35 PM](#)

CAPTAIN DUXBURY spoke of a lack of officers and the difficulty of going after small players, causing them to have to go after the big ones. They work closely with the DEA because of the DEA's resources and expertise.

[2:55:15 PM](#)

SENATOR GARDNER asked about the 7-day limitation and how it relates to the 10-day prescription, which is considered a risk factor.

DR. BUTLER said there is no magic to the length of a 7-day prescription. He noted that CDC recommends no more than a 3-day supply; more than a 7-day supply is rarely needed. It is up to the professional's judgement.

[2:56:18 PM](#)

SENATOR GARDNER observed that there is a zero fiscal note from the department, and asked if there will be a financial impact to practitioners, pharmacists, and others.

DR. BUTLER said it would be a burden, but the payoff of patient safety and reduced cost due to death and disability is good.

MS. CHAMBERS noted a fiscal note for the Department of Commerce, Community and Economic Development (DCCED) to cover the regulations required by the various boards that are affected by the changes due to the bill.

SENATOR GARDNER said many parts of SB 74 have not gone into effect, including requirements for those who write the

prescriptions to look up patient history in PDMP first. She asked if it makes sense to hold off on changing requirements of pharmacists.

[2:58:26 PM](#)

DR. BUTLER clarified that the intention of Section 32 is to have a seamless process where the prescriber is mandated to check the database before prescribing a Schedule II or Schedule III drug, and the pharmacist would populate the database. He summarized that the prescriber is subject to disciplinary action for not reviewing the database prior to prescribing; it is not meant that the pharmacist must review the database before dispensing.

[3:00:20 PM](#)

CHAIR COSTELLO said that is not clear in the bill.

[3:00:38 PM](#)

SENATOR GARDNER said she understands that the pharmacist is also a practitioner because they can give immunizations, but that isn't the bill's intent.

DR. BUTLER suggested the Department of Law address the question.

[3:01:29 PM](#)

STACIE KRALY, Chief Assistant Attorney General, Civil Division, Human Services Section, Department of Law, explained that under the Prescription Drug Monitoring Program, the pharmacist is not considered a prescriber. Rather, the pharmacist populates the data within the PDMP.

SENATOR GARDNER commented that it's all about the context of the language.

CHAIR COSTELLO asked how it is determined whether or not a prescriber reviewed the database.

MS. KRALEY explained that when a practitioner signs into the PDMP it's apparent that they've accessed the information. Prior to Senate Bill 74 the PDMP was a voluntary program. That bill made the PDMP mandatory and changed from a 30-day lookup to a 7-day lookup. SB 79 mandates a one-day look up. She noted that Senate Bill 74 also allowed for a licensed delegate, such as a licensed pharmacy tech or licensed R.N., to have access to the PDMP. She described the changes that Senate Bill 74 made as critical and acknowledged that is was still in the implementation phase.

[3:05:48 PM](#)

SENATOR GARDNER asked what proportion of providers and pharmacists are currently registered with the PDMP.

MS. CHAMBERS responded that she does not have the Board of Pharmacy's PDMP report with her. There is no data on how many would be required to register and they are not currently required to track that information.

[3:07:22 PM](#)

SENATOR GARDNER asked how prescribers and patients will be made aware of the non-opioid directive.

[3:07:46 PM](#)

DR. BUTLER responded that DHSS would do public outreach. The directive could also be included on the medical record. The bill would provide a waiver for civil or criminal liability for failure to prescribe or dispense an opioid. The intention is to have the directive be a communications tool and avoid creation of liability.

[3:08:56 PM](#)

SENATOR GARDNER wondered about marketing drugs and whether advertising contributes to the problem.

DR. BUTLER shared a story from two years ago that affirmed that it does.

CHAIR COSTELLO asked if the department could help with the educational aspect.

DR. BUTLER said yes. There is a broad range of educational messages, including changing expectations of the patient and the provider of what will happen when someone requires a prescription for a pain medication.

[3:10:50 PM](#)

CHAIR HUGHES noted there has been a decline in antibiotic prescriptions. She asked if states were involved in that process.

DR. BUTLER said it varied by state; some states received grants from the federal government and some grants went to universities with medical schools. One of the most effective education methods is direct counseling to providers.

[3:12:03 PM](#)

SENATOR MEYER asked about people getting pain medication from veterinarians and whether that is a factor in addiction.

DR. BUTLER said there have been several reports of people getting opioids from a veterinarian.

[3:14:06 PM](#)

SENATOR MEYER said opioid addiction is a nationwide problem. He asked if Alaska is doing what other states are doing to address it.

DR. BUTLER said SB 79 mirrors the 2016 STEP Act in Massachusetts. Other states that provided information were Utah, Arizona, and Ohio; they use the concept of non-punitive report cards to providers.

[3:15:50 PM](#)

CHAIR COSTELLO opened public testimony on SB 79. She noted a letter from Delta Junction.

[3:16:17 PM](#)

SCOTT ADAMS, representing himself, expressed concern with SB 79. He said he has a problem with the 7-day supply limit; it should be defined by the doctor and contributing circumstances. He described his situation in a rural setting and his prescriptions cannot be electronically faxed. He suggested when people have chronic pain or cancer there should be an exception to the supply limit.

[3:19:18 PM](#)

CHAIR COSTELLO closed public testimony on SB 79 and thanked those who testified.

She referred to a letter from Delta Junction and asked why an education campaign couldn't be the solution to the opioid issue rather than record keeping. SB 74 would have reporting requirements.

[3:20:19 PM](#)

DR. BUTLER stated that clinical guidelines are not making a difference soon enough. A single answer is not the solution; a multiple approach is needed to address the broader issues of substance abuse.

[3:22:15 PM](#)

SENATOR GARDNER suggested the previous caller could have been told about the exceptions in the bill.

DR. BUTLER agreed with both of Mr. Adams' points.

CHAIR COSTELLO suggested comparing Senate Bill 74 and SB 79.

CHAIR HUGHES asked for a list of special provisions/exceptions in the bill.

CHAIR COSTELLO held SB 79 in committee.

3:23:33 PM

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee at 3:23 p.m.