

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 12, 2020

3:07 p.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Ivy Spohnholz, Vice Chair
Representative Matt Claman
Representative Harriet Drummond (via teleconference)
Representative Geran Tarr
Representative Sharon Jackson
Representative Lance Pruitt

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 305

"An Act relating to the persons required to report child abuse or neglect or a threat of harm to a child; and providing for an effective date."

- HEARD & HELD

CONFIRMATION HEARING(S):

Alaska Mental Health Trust Authority Board of Trustees

Anita Halterman - Eagle River

Rhonda Boyles - Anchorage/Fairbanks

- HEARD

State Medical Board

David Boswell - Fairbanks

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 305

SHORT TITLE: MANDATORY REPORTERS TO OCS; JUDGES
SPONSOR(s): HEALTH & SOCIAL SERVICES

03/04/20 (H) READ THE FIRST TIME - REFERRALS
03/04/20 (H) HSS, JUD
03/12/20 (H) HSS AT 3:00 PM DAVIS 106

WITNESS REGISTER

KATY GIORGIO, Staff
Representative Tiffany Zulkosky
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis of HB 305 on behalf of the bill sponsor, the House Health and Social Services Standing Committee, with the use of a PowerPoint presentation.

GAYLE GARRIGUES
Children's Justice Act (CJA) Task Force
Fairbanks, Alaska

POSITION STATEMENT: Testified during hearing on HB 305.

PAM KARALUNAS
Children's Justice Act (CJA) Task Force
Anchorage, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on HB 305.

CHRISSY VOGLEY, Community Relations Manager
Central Office
Office of Children's Services (OCS)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on HB 305.

ANITA HALTERMAN, Appointee
Alaska Mental Health Trust Authority (AMHTA) Board of Trustees
Eagle River, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Mental Health Trust Authority Board of Trustees.

RHONDA BOYLES, Appointee
Alaska Mental Health Trust Authority Board of Trustees
Anchorage/Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Mental Health Trust Authority Board of Trustees.

CHARLES McKEE

Anchorage, Alaska

POSITION STATEMENT: Testified during the Alaska Mental Health Trust Authority (AMHTA) Board of Trustees confirmation hearing.

DAVID BOSWELL, Appointee

State Medical Board

Fairbanks, Alaska

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

ACTION NARRATIVE

[3:07:08 PM](#)

CHAIR TIFFANY ZULKOSKY called the House Health and Social Services Standing Committee meeting to order at 3:07 p.m. Representatives Zulkosky, Spohnholz, Claman, Tarr, and Jackson were present at the call to order. Representatives Pruitt and Drummond joined (via teleconference) as the meeting was in progress.

HB 305-MANDATORY REPORTERS TO OCS; JUDGES

[3:07:54 PM](#)

CHAIR ZULKOSKY announced that the first order of business would be HOUSE BILL NO. 305, "An Act relating to the persons required to report child abuse or neglect or a threat of harm to a child; and providing for an effective date."

[3:08:19 PM](#)

The committee took a brief at-ease.

[Chair Zulkosky passed the gavel to Vice Chair Spohnholz.]

[3:09:13 PM](#)

REPRESENTATIVE ZULKOSKY introduced HB 305 on behalf of the bill sponsor, the House Health and Social Services (HHSS) Standing Committee. She reminded the committee of the presentation at the 2/13/20 [HHSS Standing Committee] meeting, entitled "Alaska Children's Justice Act Task Force," by task force members Pam Karalunas, Gayle Garrigues, and Mike Hopper, PhD, giving a 2020 update on child abuse in Alaska. She relayed that the

Children's Justice Act (CJA) Task Force is federally mandated and funded; the CJA Task Force identifies areas needing improvement in the statewide response to child maltreatment - particularly child sexual abuse - and makes recommendations for actions that the state can take to improve the system. She referred to the CJA Task Force's recommendations during the presentation; one recommendation focused on closing gaps in mandatory reporters - individuals who must report suspected cases of child abuse - which will offer earlier interventions to protect Alaska's children. She stated that by the end of the 2/13/20 committee meeting, there was broad consensus among all committee members to join the CJA Task Force in championing Alaska's children and families. She offered that HB 305 is aligned with the recommendations made to the committee in the 2/13/20 hearing.

[3:11:31 PM](#)

KATY GIORGIO, Staff, Representative Tiffany Zulkosky, Alaska State Legislature, on behalf of the HHSS Standing Committee, sponsor of HB 305, directed the committee's attention to slide 1, entitled "Section 1. Reporting of Imminent Threat to Child," which read:

Section 1. AS 22.35 is amended by adding a new section to read: Sec. 22.35.040. Reporting of imminent threat to child. "A judge of the superior court or district court shall immediately report to the nearest office of a law enforcement agency of the state a threat of imminent harm to a child if the judge has reasonable case to suspect that there is a threat that imminent harm will occur to a child between the time the judge issues a protective order under AS 18.65.850 - 18.65.870 or AS 18.66.100- 18.66.180 and the time the protective order is served."

This section may be problematic (redundant) as the issuance of a protective order is, in and of itself, a report to law enforcement that there exists a threat of harm.

There have been recent conversations between representatives of the Alaska Court System, law enforcement, and OCS regarding possible administrative fixes to address gaps related to domestic violence protective orders.

MS. GIORGIO explained the administrative fixes would consist of a series of "red flags" for a judge, such as the perpetrator mentioning weapons or harming a person. She offered that in a subsequent version of the proposed legislation, Section 1 may be removed.

[3:13:01 PM](#)

MS. GIORGIO moved on to slide 2, which read:

AS 47.17.020 CHILD PROTECTION/
PERSONS REQUIRED TO REPORT

PERSONS WHO, IN THE PERFORMANCE OF THEIR OCCUPATIONAL OR APPOINTED DUTIES, WHO HAVE REASONABLE CAUSE TO SUSPECT THAT A CHILD HAS SUFFERED HARM AS A RESULT OF CHILD ABUSE OR NEGLECT, SHALL IMMEDIATELY REPORT THE HARM TO THE OFFICE OF CHILD SERVICES.

AS 47.17.020 CHILD PROTECTION/ PERSONS REQUIRED TO REPORT HB 305 AMENDS SECTION 2 TO REPLACE THE LANGUAGE "OCCUPATIONAL DUTIES" AND "APPOINTED DUTIES" TO READ:
(A) THE FOLLOWING PERSONS WHO, IN THE PERFORMANCE OF THE DUTIES ASSOCIATED WITH A POSITION LISTED IN THIS SUBSECTION...

MS. GIORGIO explained that Section 2 of HB 305 would reword AS 47.17.020(a) for clarification.

[3:13:29 PM](#)

MS. GIORGIO turned to slide 3, entitled "Current List of Mandatory Reporters," which read:

- (1) practitioners of the healing arts
- (2) school teachers and school administrative staff members of public and private schools
- (3) peace officers and officers of the Department of Corrections
- (4) administrative officers of institutions
- (5) childcare providers

- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300
- (9) volunteers who interact with children in a public or private school 20 for more than four hours a week

MS. GIORGIO relayed that the essence of the proposed legislation is the addition of categories of mandatory reporters. She referred to slide 4, entitled "Section 2 Proposed Additions to Mandatory Reporters," which read:

- (10) priests, ministers, and other individuals who are ordained, anointed, or appointed to perform religious duties
- (11) individuals who work at public and private animal shelters, whether as paid employees or volunteers
- (12) individuals who are employees of or volunteers with a fire department of a municipality, including firefighters and emergency medical technicians
- (13) individuals appointed by a court to act as guardians ad litem for children.

[3:14:19 PM](#)

MS. GIORGIO moved on to slide 5, entitled "Potential Alignment/Language Clean-up with Mandatory Reporters of Vulnerable Adult Abuse," which read in part:

VULNERABLE ADULTS (AS 47.24.010)

- (1) a physician or other licensed health care provider
- (2) a mental health professional as defined in AS 47.30.915 and including a marital and family therapist licensed
- (5) a guardian or conservator
- (6) a police officer
- (7) a village public safety officer
- (8) a village health aid
- (9) a social worker
- (10) a member of the clergy
- (11) a staff employee of a project funded by the Department of Administration for the provision of services to older Alaskans, the Department of Health and Social Services, or the Council on Domestic Violence and Sexual Assault
- (13) an emergency medical technician or a mobile intensive care paramedic

MS. GIORGIO pointed out that mandatory reporting for abuse of vulnerable adults - or elder abuse - is also in statute. She offered that after comparing the two sets of statutes, she recognized an opportunity to align the definitions and make improvements to statutory language. She gave an example: (6) a police officer and (7) a village public safety officer under the vulnerable adult mandatory reporters could be combined into one, like (3) peace officers and officer of the Department of Corrections under the child protection mandatory reporters.

[3:15:28 PM](#)

REPRESENTATIVE ZULKOSKY pointed out that "a member of the clergy" is listed under the mandatory reporters for vulnerable adults but not under child protection mandatory reporters and reiterated there is opportunity for alignment of the two lists. She mentioned a forthcoming committee substitute (CS) for HB 305.

[3:16:07 PM](#)

REPRESENTATIVE PRUITT asked what the difference was between the two categories of mandatory reporters - "a member of the clergy" under vulnerable adults [AS 47.24.010] and the proposed mandatory reporter category for child protection under HB 305 - "priests, ministers, and other individuals who are ordained, anointed, or appointed to perform religious duties".

MS. GIORGIO responded by referring to slide 6, entitled "Additional Language Fixes & Classes," which read in part:

CLERGY

(10) priests, ministers, and other individuals who are ordained, anointed, or appointed to perform religious duties

replace with:

(10) Clergy members, including priests; rabbis; duly ordained, commissioned, or licensed ministers of a church; members of religious orders; or recognized leaders of any religious bodies

Language is more inclusive of all types of clergy

MS. GIORGIO stated that she researched statutes from other states to draft language that was more inclusive than that in HB 305; in other words, if someone is serving in the capacity of a clergy member, regardless of the religion, he/she would be included in the category.

REPRESENTATIVE PRUITT agreed with the importance of clearly defining the category.

[3:19:10 PM](#)

MS. GIORGIO referred to the second part of slide 6, which read:

ANIMAL SHELTER WORKERS / VETERINARIANS

(11) individuals who work at public and private animal shelters, whether as paid employees or volunteers

replace with:

(11) individuals who work at public and private animal shelters and veterinarian clinics, whether as paid employees or volunteers

To include veterinary workers that may also see abused animals

[3:19:35 PM](#)

REPRESENTATIVE CLAMAN brought up the consideration for internal consistency in Alaska Statutes and mentioned statutes regarding people who perform marriages in Alaska. He asked whether mental health professionals, social workers, and village health aides are practitioners of the healing arts under AS 47.17.020(a)(1). He expressed the importance of consulting veterinarians before adding them to the categories of mandatory reporters. He asked, "How far are we going on some of these?"

[3:21:44 PM](#)

REPRESENTATIVE ZULKOSKY stated that the intention behind introducing HB 305 was to create a starting point for committee conversation on the issue. She reiterated that there would be a forthcoming CS to address additional concerns. She mentioned that her staff has performed outreach to the veterinary community regarding HB 305.

[3:22:30 PM](#)

MS. GIORGIO stated that she sent the first draft of HB 305 to members of the veterinarian community, and they expressed concerns. One concern was training of volunteer staff. She said that she very much believes in stakeholder engagement and will ensure that the groups representing the new categories of mandatory reporters are engaged and their points of view considered. She referred to the full list of statutory definition comparisons in the committee packet indicating definition crossovers and opportunities to align definitions and categories.

[3:23:54 PM](#)

VICE CHAIR SPOHNHOLZ asked whether "practitioners of the healing arts" was defined in statute.

MS. GIORGIO referred to a legal memo listing the categories included under practitioners of the healing arts, and the

category includes physicians. She stated that the term is vague, she is not fond of it, but the list helps to define it.

VICE CHAIR SPOHNHOLZ expressed the need for more specificity as she did not readily recognize a physician as being in that category.

REPRESENTATIVE ZULKOSKY agreed and mentioned that when she hears "healing arts" she thinks of massage therapists, not medically licensed professionals.

[3:25:42 PM](#)

MS. GIORGIO relayed that several more categories are being considered to add to the list - probation and parole officers, unpaid childcare volunteers, and substitute teachers.

[3:26:31 PM](#)

GAYLE GARRIGUES, Children's Justice Act (CJA) Task Force, offered her support for HB 305 on behalf of the CJA Task Force. She stated that there is a detailed definition under AS 47.17.290(14), which read:

"practitioner of the healing arts" includes athletic trainers, chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists and speech-language pathologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, behavior analysts, assistant behavior analysts, religious healing practitioners, acupuncturists, and surgeons;

MS. GARRIGUES described the process whereby a mandatory reporter reports that a child has been injured due to abuse or neglect: the reporter calls the 1-800 number for the Office of Children's Services (OCS) [Department of Health and Social Services (DHSS)]; the reporter answers questions from a protective services specialist; the reporter's name does not have to be disclosed, but if it is, it is kept confidential; the specialist

checks the Online Resource for the Children of Alaska (ORCA) for prior reports; the case is screened and a determination made as to whether it should be pursued. For a case that warrants further investigation, it is referred to the initial assessment and investigation unit; an investigation is performed; and a determination is made as to whether the abuse or neglect is substantiated and whether the court system needs to be involved. She explained that what is being asked is that someone with a reasonable suspicion or concern - a low standard of proof - report that some harm occurred to a child resulting from child abuse or neglect.

[3:31:19 PM](#)

VICE CHAIR SPOHNHOLZ clarified that from her experience filing numerous reports, the reporter does not always speak to someone on the phone. She said that she has never spoken to someone on the phone but has left detailed messages with her name and phone number, and sometimes she gets a call back depending on the action taken. She pointed out that there are several decision points in the process in which an action could be taken or not taken.

[3:32:27 PM](#)

MS. GARRIGUES offered that her experience is from the court phase of an action and thanked Representative Spohnholz for her clarification. She expressed her support for the broad definition of clergy under HB 305. She reviewed the statutes that refer to clergy: clergy is not defined under reports of harm to vulnerable adults [AS 47.24.010(a)(10)]; there is a list of people who may solemnize a marriage [AS 25.05.261]. She also mentioned the brief definition of clergy under the [Alaska Court System] Rules of Evidence, Rule 506(a)(1), which read:

A member of the clergy is a minister, priest, rabbi, or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting the individual.

MS. GARRIGUES added that under the rules, the concept of clergy is not so broad as to include self-determined, self-denominated ministers. She said that there is case law regarding communication with a clergy member who is a counselor and the distinction between the two.

MS. GARRIGUES offered her concern regarding clergy as protectors of offenders.

[3:37:48 PM](#)

REPRESENTATIVE CLAMAN referred to AS 47.17.290(14) and pointed out "paramedics" did not appear to be included under the definition of "practitioner of the healing arts". He reiterated the importance of including clergy as mandatory reporters of child abuse and neglect, which had been lacking in statute.

[3:40:07 PM](#)

PAM KARALUNAS, Children's Justice Act (CJA) Task Force, expressed her support for HB 305. She mentioned that Dr. B.J. Coopes and Dr. Cathy Baldwin-Johnson are both on the CJA Task Force and both trained emergency medical technicians (EMTs) from around the state. Some EMTs believed they should report child abuse and neglect; others did not believe they were mandated to report because EMTs are not included in statute [as mandatory reporters]. She said that a child who has witnessed a brutal crime or trauma has suffered and must be interviewed as a witness and assessed for needing services. She emphasized that EMTs have a rare opportunity to assist children early.

MS. KARALUNAS stated that the connection between animal abuse and child abuse is very well documented. It is not uncommon for animal abuse to be reported before child abuse; the very first child abuse case in the country had to be investigated under prevention of cruelty to animal laws because there were no child abuse laws. She maintained that people who provide services to animals need to be included as mandatory reporters, and there is free online training for that. She mentioned that several states include animal care providers as mandatory reporters and some pair social workers with animal control agents when it is known children are in the home when a report of animal cruelty is investigated.

MS. KARALUNAS explained a concern of the CJA Task Force relating to educators. She said that despite educators being statutorily mandated to directly report to OCS, some educators have expressed to her that they are required to report their suspicions of child abuse or neglect to their school principal who in turn would decide whether a report needed to be made to OCS. She stated that some school districts were conducting their own "investigations" before reporting to OCS or law enforcement. She emphasized that school officials were not

trained investigators and should not be investigating felony crimes such as child sexual abuse. She stated Ms. Garrigues has drafted language that the committee may want to review that addresses this concern.

[3:44:53 PM](#)

VICE CHAIR SPOHNHOLZ asked how long the free online training takes.

MS. KARALUNAS replied that the training is still in development; it may be about four hours; it is designed to be taken in sections.

[3:45:27 PM](#)

REPRESENTATIVE TARR suggested that the requirement for training be incorporated into statute and be available on the DHSS website.

MS. KARALUNAS concurred with both suggestions. She stated the current training was available on the DHSS website and the new training - when complete - will be there as well. The goal is for the new training to be complete no later than November [2020].

REPRESENTATIVE TARR offered her assistance with drafting language for the provision.

VICE CHAIR SPOHNHOLZ invited the representative from OCS to testify.

[3:48:53 PM](#)

CHRISSY VOGLEY, Community Relations Manager, Central Office, Office of Children's Services (OCS), Department of Health and Social Services (DHSS), confirmed the mandatory reporter training was available on the OCS website; OCS also distributed training via flash drives; the training took about one hour and included many videos; and one could print out a certificate upon completion. She agreed there is currently no statute requiring mandatory reporters to provide proof of having completed the training. She suggested consulting legal experts in drafting the legislation regarding the requirement of training for mandatory reporters.

[3:50:08 PM](#)

REPRESENTATIVE PRUITT asked what the burden is on the mandatory reporter to recognize the abuse or neglect and the liability ramifications of not recognizing it.

MS. VOGLEY said she is not a lawyer and not familiar with the ramifications of a mandatory reporter not reporting. She referred to the issues and the question of appropriate consequences regarding enforcement for mandatory reporters.

REPRESENTATIVE PRUITT expressed his concern that the people who should be penalized be penalized and not those who have no experience with detecting child abuse and neglect and understandably missing it.

[3:53:23 PM](#)

REPRESENTATIVE JACKSON said that the proposed legislation was a good starting point in that it would make the categories of mandatory reporters aware of their responsibility.

[3:55:34 PM](#)

REPRESENTATIVE TARR cited AS 47.17.068, Penalty for failure to report, which read:

A person who fails to comply with the provisions of AS 47.17.020 [child abuse or neglect] or 47.17.023 [child pornography] and who knew or should have known that the circumstances gave rise to the need for a report, is guilty of a class A misdemeanor.

REPRESENTATIVE TARR pointed out the high standards of knowingly and willingly failing to report; under those circumstances, there would likely be physical signs and indisputable evidence that the child was in harm's way. She offered the goal was to have "more eyes" to keep children safe, not turn people into criminals due to non-reporting. She pointed out there was no civil penalty in statute; the proposed legislation did not appear to add any undue responsibilities that would get [potential reporters] in trouble and was meant to be practical. She maintained requiring a one-hour training was a reasonable ask and will try to put that in statute.

[3:58:00 PM](#)

MS. VOGLEY mentioned the updates to the training were in response to HB 49 [signed into law 7/8/19]; an earlier version of HB 49 required an annual mandatory reporter training. She offered an annual training might have been considered burdensome; however, for an inexperienced volunteer, annual training could possibly be considered a positive reinforcement. She confirmed for Representative Spohnholz the training was not an annual requirement.

[3:59:12 PM](#)

REPRESENTATIVE ZULKOSKY reiterated the intent of the original draft of the proposed legislation was to provide a narrow fix to close some of the reporting gaps and to have more "eyes" in the community to ensure that children were kept safe. She mentioned her staff would work with committee members on the next version of HB 305.

VICE CHAIR SPOHNHOLZ commented on the unified support in committee for reducing child abuse and neglect.

[HB 305 was held over]

[4:01:22 PM](#)

The committee took an at-ease from 4:01 p.m. to 4:02 p.m.

[Vice Chair Spohnholz returned the gavel to Chair Zulkosky.]

CONFIRMATION HEARING(S):
Alaska Mental Health Trust Authority Board of Trustees

[4:02:34 PM](#)

CHAIR ZULKOSKY announced the next order of business would be confirmation hearings for appointments to the Mental Health Trust Authority Trust Board of Trustees.

[4:02:48 PM](#)

ANITA HALTERMAN, Appointee, Alaska Mental Health Trust Authority (AMHTA) Board of Trustees, reviewed her work experience - staff during the Twenty-Ninth Alaska State Legislature, member of the U.S. Army, seven years as program manager for the Department of Health and Social Services (DHSS) Division of Senior and Disabilities Services (SDS), and positions with the Alaska Department of Public Safety (DPS), the Iowa Department of

Corrections, and the Division of Public Assistance for both Iowa and Alaska. She stated that she has devoted her life to working with underserved populations and finds it rewarding to improve the programs and systems that support them.

MS. HALTERMAN described her self-employment work as a consultant and independent insurance agent as well as an account executive for an information technology company. She said positioning risk management and human resource solutions for businesses has given her new perspective about health care needs for privately insured individuals and expanded her understanding of global workforce issues Alaska faced. She expressed her interest in using her experiences in helping reform programs in order to sustain them for the populations who needed them most. She stated she looked forward to continuing efforts to improve the lives of AMHTA ("Trust") beneficiaries - working in partnership with DHSS and other stakeholders to build an integrated, comprehensive mental health program that better meets the needs of the beneficiaries.

[4:07:31 PM](#)

REPRESENTATIVE SPOHNHOLZ referred to the series of issues that have been highlighted over the last couple years illustrating the failure of Alaska's mental health system to meet the needs of Alaskans who experienced serious mental health issues: the challenges at the Alaska Psychiatric Institute (API) resulting in it not being as safe and therapeutic as it should be; the lack of community-based support; the criminalization of mental health leading to lawsuits; and the recent decision of Alaska Superior Court Judge William Morse [to disallow the State of Alaska from housing psychiatric patients in jail]. She asked what the Trust should do to address those significant gaps.

MS. HALTERMAN answered first the Trust must examine the issues that have failed Alaska in the past; the Trust had begun that effort. She stated she has followed API and had great sympathy for those affected. She expressed her conviction that the Trust had an obligation to meet the beneficiaries' needs in a better way; it needed to listen to the advocates who testified at Trust meetings; these advocates have experience with the mental health care system. She added the Trust needed to protect its resources, properly allocate its resources, and make investments in the most financially sound way possible. The resources should be used to employ beneficiaries, as well as provide services. The Trust should take a more holistic approach to meeting the beneficiaries' needs. The Trust needed to study the

past, move forward with new technologies, improve systems, engage in cooperative efforts and partnerships, and work collaboratively with stakeholders and the legislature to solve problems. She maintained it would not be easy; the Trust must think things through in a different manner; it must do things differently.

[4:10:43 PM](#)

REPRESENTATIVE JACKSON asked whether Ms. Halterman intended to stay with this appointment.

MS. HALTERMAN responded that she had made many sacrifices in her life working for DHSS; she didn't do this work for the compensation but to help people. She said what motivated her in her early career continued to motivate her as she moved forward into her later years. She acknowledged serving on the AMHTA board prevented her from working for DHSS, which she was interested in doing; however, she said that she was committed to [AMHTA] work and would look for opportunities in the private sector, which would broaden her ability to understand in a better and more meaningful way the issues that faced all of the stakeholders. She offered she is limited in her knowledge of the impact to the private sector, because she has worked in government most of her life. She maintained she is devoted, would stay on the board for the duration [of her term] if she could find [private sector] work, and intended to make a significant difference through her contribution to the board.

[The confirmation for Ms. Halterman was advanced during the House Health and Social Services Standing Committee meeting of March 17, 2020.]

[4:13:53 PM](#)

CHAIR ZULKOSKY moved on to the next appointee's testimony.

[4:14:06 PM](#)

RHONDA BOYLES, Appointee, Alaska Mental Health Trust Authority (AMHTA) Board of Trustees, reviewed her history: she has lived in Fairbanks since 1975; she relocated to Phoenix to provide her husband with the medical care he needed; she has owned three Wendy's franchises and a dinner house; she has performed volunteer work with various service organizations; and she served as the Fairbanks North Star Borough mayor, a position in which she gained budget and land management experience. She

mentioned her financial background, explained that she understood why the Trust was developed, and said she believed it to be a brilliant entity established to support physically and mentally challenged beneficiaries. She cited her experience with her husband's dementia and expressed a special interest in the Trust's efforts regarding dementia and senior care. She acknowledged the fiduciary and legal responsibility of the Trust board to benefit its beneficiaries and expressed her dedication to contribute to that mission. She emphasized the importance of the work: it represented substantive service; and it touched many lives. She said she would commit to the 5-year term and mentioned she had only attended one board meeting to date.

[4:19:20 PM](#)

REPRESENTATIVE CLAMAN asked whether the meeting she attended was before her appointment or after.

MS. BOYLES answered she attended the meeting after her appointment, and it was a two-day intensive meeting. She clarified she was currently in Phoenix; she asked for and received permission to attend the meeting and attended at her own expense.

[4:20:32 PM](#)

REPRESENTATIVE CLAMAN asked for confirmation the meeting did not discourage her from serving on the board.

MS. BOYLES replied she took many notes and talked to the presenters. She said attending the meeting reassured her that she had the skills to serve on the board and the board needed people like her

[4:21:54 PM](#)

REPRESENTATIVE CLAMAN asked where her official residence was.

MS. BOYLES said her residence was in Alaska even during the two years she was in Phoenix with her husband. She confirmed for Representative Claman her residence was in Fairbanks, not Anchorage.

REPRESENTATIVE CLAMAN asked whether she would be able to attend meetings even while wintering in Phoenix.

MS. BOYLES answered she would fulfill her obligation by traveling to Anchorage to attend board meetings and would do so at her own expense.

[4:23:17 PM](#)

REPRESENTATIVE SPOHNHOLZ acknowledged Ms. Boyles's political, business, and land management experience, but offered that the Trust board focused on beneficiaries and identifying ways the Trust could maximize its resources for the benefit of beneficiaries. She mentioned confusion of some previous board members as to the role of the board, which led to a legislative audit and major changes in Trust procedures. She offered board members were spending more time on resource development than on meeting the needs of the beneficiaries. She asked Ms. Boyles if she read the report from the audit and understood her role on the Trust board.

MS. BOYLES responded she became aware of how little she knew when she attended the board meeting. She offered she had gained some knowledge of beneficiary categories through experience and knew a great deal about dementia because of her husband's illness. She acknowledged that she has much to learn regarding what the Trust does, what DHSS does, and the partnership between the two. She maintained the board must balance the services with the financial performance that enabled the Trust to provide those services. She expressed her belief that a board member needed knowledge of both financial and resource management, as well as knowledge of the beneficiaries. She stated that as a board member she would rely on AMHTA staff to be the administrators; and she was very impressed with the staff at her first meeting.

REPRESENTATIVE SPOHNHOLZ said she appreciated Ms. Boyles's recognition of the distinction between the role of the board and the role of staff. She stated Alaska had not been meeting the needs of its beneficiaries; decisions in the 1990s focused on downsizing API and expanding community-based services; however, API was downsized but the community-based services were never expanded to meet the needs of the beneficiaries. She stated it had been 25 years since those decisions were made without the vision behind them realized. She maintained that concerted leadership would be needed to resolve the issues that have been identified by Judge Morse's finding and the system's gaps. She asked how Ms. Boyle intended to approach this important and considerable task.

[4:27:39 PM](#)

MS. BOYLES relayed she had not read the entire legislative audit on the purchase of the property; she understood that the purchase was outside the parameters of the Trust, but the investment was doing well. She agreed to read the report. She said while she attended an "Alaska picnic" in Phoenix, she talked to a woman at great length who claimed that her son should be in API but was in jail. The woman had many suggestions. Ms. Boyles acknowledged there was much work to be done; the state was continually changing; Alaska may have more beneficiaries than previously identified. She promised to learn about the categories of beneficiaries.

REPRESENTATIVE SPOHNHOLZ recommended Ms. Boyle read the report and pointed out while the commercial property development was performing well, it was not statutorily allowed. The audit clearly said if the Trust wished to make such purchases, it should request the statutory authority to do so. She offered she appreciated Ms. Boyles's interest and efforts to understand the scope of issues. Alaska has a crisis; if the Trust board focused all its time and energy on serving beneficiaries, Alaska could make significant improvements in its mental health care system; the land development and investments should be left to the professionals whose job it is to do that.

[4:30:29 PM](#)

REPRESENTATIVE CLAMAN recommended Ms. Boyles ask AMHTA to arrange for her to visit the crisis intervention center [Peoria Recovery Response Center (RRC)] near Phoenix. He asserted that a tour of that center would give her further insight on some of the issues on which the Trust is working.

[The confirmation for Ms. Boyles was advanced during the House Health and Social Services Standing Committee meeting of March 17, 2020.]

[4:31:45 PM](#)

CHAIR ZULKOSKY opened public testimony on the AMHTA Board of Trustees confirmation hearing.

[4:32:17 PM](#)

CHARLES McKEE mentioned events in AMHTA's history - its dissolution, the class action lawsuit, and its reconstitution.

He relayed other information not related to the confirmation of appointees on the board of trustees.

[4:35:24 PM](#)

CHAIR ZULKOSKY closed public testimony.

State Medical Board

[4:35:28 PM](#)

CHAIR ZULKOSKY announced that the next order of business would be confirmation hearings for the State Medical Board.

[4:35:47 PM](#)

DAVID BOSWELL, Appointee, State Medical Board, relayed that he was an Alaska minister at the Northern Lights Church of Christ in Fairbanks. He has eight children, four of whom he adopted out of the Alaska foster care program. He and his family were active in the music community of Fairbanks. He cited his volunteer work in the community in his role as a minister - at the Hospice of the Tanana Valley, at Fairbanks Memorial Hospital, at the Denali Center [a short- and long-term care facility], and at the [Fairbanks] Pioneer Home. He served on the Governor's Council on Disabilities and Special Education (GCDSE). He mentioned his interest in medicine and taking classes in genetics and biochemistry at the University of Alberta. He expressed his desire to "give back" to the community in a meaningful way by serving on the State Medical Board.

[4:38:40 PM](#)

REPRESENTATIVE CLAMAN asked Mr. Boswell for more detail about his work at the hospital.

MR. BOSWELL replied that as a minister he spent time with patients, most of whom were in long-term or emergent situations. He encountered physicians who were treating the patients.

REPRESENTATIVE CLAMAN asked whether his visitations were with members of his church or with patients who had requested to have clergy visit.

MR. BOSWELL answered most patients he visited had been members of his congregation or members of the community who had

requested the visit. He added while he is in the hospital, he often visited with others and encouraged them.

REPRESENTATIVE CLAMAN asked Mr. Boswell how he would approach his duty on the medical board if his personal views disagreed with decisions of the Alaska Supreme Court. He asked, "Would you be able to nevertheless serve on the medical board ... and offer opinions consistent with the way the Alaska Supreme Court has issued decisions addressing medical treatment?"

MR. BOSWELL stated that he considered himself a fair-minded individual and would want to uphold the law in every way possible. He added he had been trained in ethics and believed he could consider all information, representing the State of Alaska to the best of his ability.

REPRESENTATIVE CLAMAN relayed that the Alaska Supreme Court had issued decisions about abortion rights and the provisions of abortion by physicians in Alaska. He added there are individuals who didn't agree with the court's decision. He asked, "To the extent you may personally disagree with that decision of the Alaska Supreme Court, will you be able to serve on this board and make votes that recognize that decision of the supreme court and the need for the medical board to make decisions that don't conflict with the existing decisions of the Supreme Court?"

MR. BOSWELL said, "Yes, I believe I can."

[4:42:02 PM](#)

REPRESENTATIVE SPOHNHOLZ cited Mr. Boswell's service to the community and broad range of experience but pointed out none of it was related to the issues of licensure or the practice of medicine. She asked what motivated his interest for serving on the State Medical Board, given the technical work that the board performs.

MR. BOSWELL answered he had always been interested in medicine; he began his education with it in mind. He expressed he considered serving on the board an opportunity, as he had interacted with several physicians in the past ten years; also, all his adopted children had varying degrees of fetal alcohol spectrum disorders (FASD). He offered that he has had a positive impact on many lives. He stated that the licensure aspect of the position would be new to him, but he is a quick learner and would be happy to serve.

4:44:01 PM

CHAIR ZULKOSKY asked Mr. Boswell to discuss his familiarity with rural communities off Alaska's road system and his experience traveling throughout the state.

MR. BOSWELL replied he was familiar with many of the communities on the road system and had traveled on the Alaska Marine Highway System. He stated he had not flown into the small communities and hoped to explore that avenue.

CHAIR ZULKOSKY asked him to discuss his knowledge and familiarity with health care, the variety of health institutions that provided care throughout rural Alaska, and his understanding of the needs of communities off Alaska's road system.

MR. BOSWELL responded that most of his understanding of conditions in rural Alaska was regarding the need for assisting children in rural communities; his involvement in the foster care program had made him aware of many underserved communities. He expressed an interest in helping children be properly represented.

4:46:07 PM

REPRESENTATIVE SPOHNHOLZ asked Mr. Boswell what he hoped to achieve by serving on the State Medical Board as the public member.

MR. BOSWELL answered he hoped to represent others and be a "voice for those [who didn't] have a voice." He maintained doing so is an important role for a volunteer. He added the board has an important role and he wanted to contribute.

REPRESENTATIVE SPOHNHOLZ asked for specifics regarding the statement "being a voice for those [who didn't] have a voice."

MR. BOSWELL answered that as a minister he had encountered people who felt they were not heard; he had referred people to the medical community in his ministerial work on occasion; he believed he had given the medical community encouragement through his ministry; and he tried to encourage and allow people to be represented.

REPRESENTATIVE SPOHNHOLZ asked for clarification regarding his testimony in which he was encouraging people to be represented. She relayed the State Medical Board's function was to ensure medical providers in Alaska were meeting licensure requirements and were practicing medicine within the scope of their training and the bounds of the law. She asked, "Who do you think is not being represented in the execution of that duty?"

MR. BOSWELL mentioned he understood the question to be about his personal history that guided him in the direction of serving on the State Medical Board. He stated he understood the role of the board to look at licensures.

[4:49:09 PM](#)

REPRESENTATIVE TARR mentioned the professions that are regulated by the board are osteopaths, paramedics, physicians, physician assistants, and pediatricists. She stated she had not heard any testimony that his interest involved the licensure of those health care professionals in Alaska. She asked him to discuss his interest in the professional licensure of those professions.

MR. BOSWELL answered there were members of his congregation who were osteopaths and physicians; he has had conversations with members of his community and people across the state regarding the need for more health care providers in the state and timely licensing. He maintained he was interested in ensuring enough [health] care throughout the state and in having more [medical] specialties available to more communities in Alaska.

REPRESENTATIVE TARR acknowledged his interest but questioned his background of knowledge, experience, and deep level of understanding of the health care community to serve on the board. She mentioned Alaska's health care system with the COVID-19 [a novel coronavirus disease] pandemic was fragile; she expressed it would concern her if a member of the board did not have a deeper experience in some form of health care delivery.

[4:52:26 PM](#)

REPRESENTATIVE PRUITT referred to Mr. Boswell's desire to speak for people who might not be heard. He asked if he had encountered people who interacted with hospitals, doctors, and people in the medical profession with such experiences.

MR. BOSWELL answered his personal experiences with the medical professionals in the state had been mostly positive. He stated

he has heard of people being less than satisfied. He mentioned that most people in Fairbanks had a good relationship with their medical providers.

REPRESENTATIVE PRUITT asked Mr. Boswell whether he anticipated taking the concerns of the people he encountered into the setting of the State Medical Board. He reminded him that licensing included making sure the customer - the patient - was being served.

MR. BOSWELL replied, "Yes. I believe that is exactly the perspective that I think I will bring to the board and be able to represent that patient's perspective."

CHAIR ZULKOSKY stated that by statute, the State Medical Board must ensure license renewal was contingent upon proof of continued competency. She asked Mr. Boswell how - with little experience - he would assess the competency of providers seeking license renewal.

MR. BOSWELL said he was familiar with continuing education requirements but acknowledged that he would need to learn more specifics. He maintained he anticipated learning from medical providers on the board.

[4:55:56 PM](#)

CHAIR ZULKOSKY stated that the State Medical Board is tasked with adopting regulations that established guidelines for physicians and different types of providers. She asked what experience and qualifications have prepared him for this task.

MR. BOSWELL answered his ethics and theology training had prepared him, as well as his work with GCDSE advocating for better policy for Alaskans.

[4:57:02 PM](#)

REPRESENTATIVE TARR asked for the length of his service on GCDSE.

MR. BOSWELL responded that he was appointed to the council August 2019.

[The confirmation for Mr. Boswell was advanced during the House Health and Social Services Standing Committee meeting of March 17, 2020.]

4:58:22 PM

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:58 p.m.