

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

April 5, 2019

3:19 p.m.

MEMBERS PRESENT

Representative Adam Wool, Co-Chair
Representative Sara Hannan
Representative Louise Stutes
Representative Josh Revak
Representative Dave Talerico

MEMBERS ABSENT

Representative Gabrielle LeDoux, Co-Chair
Representative Zack Fields

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Board of Nursing

Marisha Dieters - Eagle River
Wendy Monrad - Anchorage

- HEARD & HELD

HOUSE BILL NO. 30

"An Act relating to the exclusiveness of liability of an employer in the case of death; relating to the payment of workers' compensation benefits in the case of permanent partial impairment; relating to notice of workers' compensation death benefits; relating to the payment of workers' compensation death benefits payable to a child of an employee where there is no surviving spouse; relating to the payment of workers' compensation death benefits for an employee without a surviving spouse or child; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 30

SHORT TITLE: WORKERS' COMP: DEATH; PERM PARTIAL IMPAIR

SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

02/20/19	(H)	PREFILE RELEASED 1/11/19
02/20/19	(H)	READ THE FIRST TIME - REFERRALS
02/20/19	(H)	L&C, FIN
03/25/19	(H)	L&C AT 3:15 PM BARNES 124
03/25/19	(H)	Heard & Held
03/25/19	(H)	MINUTE (L&C)
03/29/19	(H)	L&C AT 3:15 PM BARNES 124
03/29/19	(H)	-- MEETING CANCELED --
04/05/19	(H)	L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

MARISHA DIETERS, Appointee
 Board of Nursing
 Eagle River, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Nursing.

WENDY MONRAD, Appointee
 Board of Nursing
 Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Nursing.

ASHLEY STRAUCH, Staff
 Representative Adam Wool
 Alaska State Legislature

POSITION STATEMENT: On behalf of Representative Wool, introduced the committee substitute for HB 30, Version S.

REPRESENTATIVE ANDY JOSEPHSON
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: As prime sponsor of HB 30, answered questions from the committee.

ELISE SORUM-BIRK
 Staff, Representative Andy Josephson
 Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 30, on behalf of Representative Josephson, prime sponsor.

ACTION NARRATIVE

[3:19:57 PM](#)

CO-CHAIR ADAM WOOL called the House Labor and Commerce Standing Committee meeting to order at 3:19 p.m. Representatives Hannan, Stutes, Revak, Talerico and Wool were present at the call to order.

CONFIRMATION HEARING(S) :
Board of Nursing

[3:20:47 PM](#)

CO-CHAIR WOOL announced that the first order of business would be confirmation hearings for appointees to the Board of Nursing.

[3:21:00 PM](#)

MARISHA DIETERS, Appointee, Board of Nursing, informed the committee that she graduated from the University of Alaska and received her master's degree in nursing from Frontier Nursing University. She stated that she currently works as a specialty nurse at the Alaska Native Medical Center (ANMC) focusing on wound and ostomy care. Her interest in serving on the board stems from her desire to support high quality nursing care in Alaska.

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REPRESENTATIVE HANNAN questioned Ms. Dieters' eligibility to hold a registered nurse (RN) seat on the board since she had advanced her career to become a nurse practitioner (NP).

MS. DIETERS said that, in Alaska, all NPs are required to maintain their licensure as an RN, adding that she was unsure if her advancement disqualified her. She stated that when she initially applied for the seat the board's executive administrator didn't indicate that her new degree would be a problem.

REPRESENTATIVE HANNAN related that RNs want to make sure it is a RN filling that designated seat on the board rather than an advanced practice registered nurse (APRN), which has its own specified seat. She asked if Ms. Dieters would be able to hold the viewpoints of a RN regardless of her career advancement.

MS. DIETERS explained that she has 8 years of experience working as a RN in various areas of nursing. She further noted that she is still working as a RN at her current job and hasn't yet changed her role to a NP. She addressed the differences between

NPs and RNs. She said NPs can diagnose, treat, and write orders, which a RN is not allowed to do. she added that she understands the needs and limitations of the RN position and is willing to represent RNs appropriately even though she has an advanced degree.

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REPRESENTATIVE STUTES opined that, as a NP, Ms. Dieters would be more of an advantage than a detriment to the board because of her additional education.

MS. DIETERS said she understands the argument that, as a NP, she no longer understands the job of a RN; however, she emphasized that she worked as a RN for 8 years. She added that she just recently became a NP and hasn't started working in that position yet. She encouraged anyone more qualified to apply for the seat instead.

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REPRESENTATIVE TALERICO echoed the sentiments of Representative Stutes.

CO-CHAIR WOOL stated that, initially, he didn't see any problem with a member having more qualifications; however, after speaking with people in the profession who preferred a candidate with "more boots on the ground" as opposed to someone with a different job classification, he understands the complaint. He inquired as to the composition of the board.

MS. DIETERS said there is one one APRN, one educator, two RNs, two public seats, and one licensed practical nurse (LPN).

CO-CHAIR WOOL thanked Ms. Dieters for being upfront and honest, adding that he would like to hear from someone with a different perspective before he passed her name along to the joint session.

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REPRESENTATIVE HANNAN asked how the board of nursing could help Alaskans deliver primary care via telemedicine across Alaska.

MS. DIETERS reflected on her experience working with telemedicine in a rural hospital in Bethel. She said that when she begins working as a NP one of her goals will be trying to

incorporate telemedicine into her own practice. She stated that she is a supporter of telemedicine and telehealth and would like to see more NPs involved with it.

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WENDY MONRAD, Appointee, Board of Nursing, informed the committee that she is a certified registered nurse anesthetist (CRNA), which is one of the four roles defined under the APRN title. She stated that she has worked at the ANMC for 12 years. Her interest in joining the board of nursing stems from her experience pitching projects to the board over the last several years working at ANMC. She further noted that she serves on the Alaska Association of Nurse Anesthetists' board of directors and was involved with the APRN Alliance and their participation in revising regulations for the board of nursing during the drafting of SB 53.

CO-CHAIR WOOL, referring to Ms. Monrad's involvement with the board of nursing over the last several years, asked what her takeaway was.

MS. MONRAD said it was a positive experience and brought favorable change to the ANMC's practices, which improved patient care. She added that she was impressed with the board's knowledge and how they protect the public.

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REPRESENTATIVE HANNAN, referencing the legislative audit on the board of nursing, asked about the board's ability to oversee and review the 22 CNA instructional programs across the state in a timely matter and to respond to "other deficits in functions to demonstrate some leadership for the industry."

MS. MONRAD explained that the board reviewed multiple cases related to the CNA [training] programs during their first meeting. She reflected on her experience working with CNAs in the air force, adding that they were a critical part of the team. She emphasized the importance of knowing they can perform their assigned tasks.

CO-CHAIR WOOL asked what role Ms. Monrad had in the drafting of SB 53.

MS. MONRAD explained that SB 53 was the APRN legislation, which pooled all the advanced practice nurses together under the same

title of Advanced Practice Registered Nurse (APRN). Under SB 53 nurse practitioner (NP), certified registered nurse anesthetist (CRNA), certified nurse midwife (CNM), and certified nurse specialist (CNS) are all encompassed under the title of APRN.

CO-CHAIR WOOL announced that he would withhold passing both names on to the joint session until speaking with someone about the composition of the Board of Nursing and the different seats. He noted that this was no reflection of future action and both names would be forwarded at a later date.

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The committee took a brief at-ease.

HB 30-WORKERS' COMP: DEATH; PERM PARTIAL IMPAIR

[3:44:59 PM](#)

CO-CHAIR WOOL announced that the final order of business would be HOUSE BILL NO. 30, "An Act relating to the exclusiveness of liability of an employer in the case of death; relating to the payment of workers' compensation benefits in the case of permanent partial impairment; relating to notice of workers' compensation death benefits; relating to the payment of workers' compensation death benefits payable to a child of an employee where there is no surviving spouse; relating to the payment of workers' compensation death benefits for an employee without a surviving spouse or child; and providing for an effective date."

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ASHLEY STRAUCH, Staff, Representative Adam Wool, introduced the committee substitute for HB 30 and explained the changes. She stated that the CS makes two major deletions to the previous version of the bill. First, the benefit is no longer linked to the Consumer Price Index (CPI). The second major change eliminates the option to file suit against an employer. All that remains in the current bill, she said, is the death benefit monetary payout.

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REPRESENTATIVE STUTES moved to adopt the proposed committee substitute (CS) for HB 30, labeled 31-LS0280\S, Marx, 4/3/19, as the working draft.

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REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, reviewed the fundamentals of HB 30. He stated that the bill updates Permanent Partial Impairment (PPI) ratings to reflect inflation, updates a death benefit for dependents that are not part of a nuclear family, and creates a new death benefit for single, childless people.

REPRESENTATIVE STUTES asked if there was a death benefit for an individual who dies on the job with no surviving heirs.

REPRESENTATIVE JOSEPHSON answered yes, in that event the death benefit would go to the estate.

REPRESENTATIVE STUTES asked what the benefit amount would be in that scenario.

REPRESENTATIVE JOSEPHSON said 120,000 dollars.

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ELISE SORUM-BIRK, Staff, Representative Andy Josephson, noted that 120,000 dollars is the same amount that would go to a surviving parent.

REPRESENTATIVE STUTES inquired as to how that number was determined.

REPRESENTATIVE JOSEPHSON explained that when updating the original 20,000-dollar benefit from 1968, inflation would make it 150,000 dollars today. He pointed out that exceeding that number would be illogical because the original benefit included actual dependents.

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CO-CHAIR WOOL asked Representative Josephson if the committee substitute meets his approval.

REPRESENTATIVE JOSEPHSON answered yes.

CO-CHAIR WOOL summarized the changes. He said the amounts are updated, if the deceased individual is childless and without dependents the benefit would go to his or her parents, and if the deceased individual is childless and parentless the benefit

would go to his or her estate. He asked if that was all the changes.

REPRESENTATIVE JOSEPHSON pointed out that there is one more change at the end of the bill. He explained that, under current law, if an individual who is nearing 18 years old loses a parent at work and has no other surviving parent, they wouldn't receive a benefit. However, the current bill changes that to allow the individual to receive some workers' compensation benefit through age 23.

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REPRESENTATIVE STUTES asked if the workers' compensation benefit would be additional to a death benefit.

REPRESENTATIVE JOSEPHSON answered no.

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REPRESENTATIVE HANNAN questioned whether five years of workers' compensation exceeds 120,000 dollars and, if not, why that individual wouldn't receive the same benefit as the estate.

REPRESENTATIVE JOSEPHSON said he was unsure.

REPRESENTATIVE HANNAN asked if the five years of weekly average earnings is paid out in a lump sum or gradually over the five years.

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MS. SORUM-BIRK replied that it is paid over the course of those years. She noted that it takes existing worker's compensation benefits that the individual would receive as a child and extends it for another five years.

CO-CHAIR WOOL asked about a scenario in which the dependent of the deceased is a minor, he questioned whether he or she would receive the 120,000 dollars or a different benefit.

REPRESENTATIVE JOSEPHSON replied that, under current law, the amount would be 100 percent of the spendable weekly wage for an only child without any parents.

CO-CHAIR WOOL asked when a widow would receive the death benefit if they are also getting a percentage of the weekly wage.

REPRESENTATIVE JOSEPHSON explained that the death benefit only applies to dependents of the deceased individual who are not part of his or her nuclear family. The only other death benefit, he said, is the one created under the current bill for a single, childless person. He added that the benefits that could be paid out over a long period of time to a widow with several young children is 850,000 dollars to upwards of one million dollars.

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REPRESENTATIVE STUTES sought clarification on what kind of benefits a mother and child would receive if the father were to die on the job.

REPRESENTATIVE JOSEPHSON replied that the benefits would run concurrently.

REPRESENTATIVE STUTES questioned whether both individuals, the mother and the child, would receive benefits.

REPRESENTATIVE JOSEPHSON explained that the mother would manage the child's share of the spendable weekly wage; however, if the child is 18 there is no clear answer.

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CO-CHAIR WOOL offered his understanding that once the child turns 18, they would receive their share of the check directly.

REPRESENTATIVE JOSEPHSON emphasized the simplicity of the current bill. He reiterated that it updates PPI, updates the 1968 death benefit to account for inflation, and creates a new death benefit for childless, unmarried people.

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REPRESENTATIVE STUTES questioned whether there could be clarity added for individuals who turn 18 years old.

REPRESENTATIVE JOSEPHSON replied that last year the bill was adjusted to accommodate circumstances where the parents are divorced to prevent "family feuds."

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REPRESENTATIVE HANNAN encouraged finding resolution to these questions. She pointed out that the current reality is that "many workers may not live in a household with the legal benefit of spousal definition under the law." She added that families and households today look demographically very different than they did in 1968.

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CO-CHAIR WOOL announced that HB 30 was held over.

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REPRESENTATIVE WOOL ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:08 p.m.