

**ALASKA STATE LEGISLATURE  
SENATE RULES STANDING COMMITTEE**

March 23, 2020

11:13 a.m.

**MEMBERS PRESENT**

Senator John Coghill, Chair  
Senator Cathy Giessel, Vice Chair  
Senator Natasha von Imhof  
Senator Tom Begich  
Senator Lyman Hoffman

**MEMBERS ABSENT**

All members present

**OTHER LEGISLATORS PRESENT**

Senator Gary Stevens  
Senator Bert Stedman  
Senator Shelley Hughes  
Senator Josh Revak  
Senator Click Bishop

**COMMITTEE CALENDAR**

**SENATE CONCURRENT RESOLUTION NO. 14**

Authorizing the House of Representatives and the Senate to recess for a period of more than three days.

- MOVED CSSCR 14 (RLS) OUT OF COMMITTEE

**SENATE BILL NO. 241**

"An Act extending the March 11, 2020, governor's declaration of a public health disaster emergency in response to the COVID-19 pandemic; relating to the powers of the director of insurance; relating to standing orders issued by the chief medical officer; relating to professional licensing; relating to telemedicine and telehealth; relating to board of nursing fingerprint requirements; relating to the 2020 primary and general elections; relating to permanent fund dividend applications; relating to automatic voter registration; relating to tax; relating to shareholder meetings; and providing for an effective date."

- MOVED CSSB 241(RLS) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SCR 14

SHORT TITLE: AUTHORIZING RECESS LONGER THAN 3 DAYS

SPONSOR(s): RULES

03/21/20 (S) READ THE FIRST TIME - HELD ON SECY'S  
DESK

03/23/20 (S) RLS AT 11:15 AM BUTROVICH 205

BILL: SB 241

SHORT TITLE: EXTENDING COVID 19 DISASTER EMERGENCY

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/22/20 (S) READ THE FIRST TIME - REFERRALS

03/22/20 (S) RLS

03/23/20 (S) RLS AT 11:15 AM BUTROVICH 205

**WITNESS REGISTER**

RENA MILLER, Staff  
Senator Cathy Giessel  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Reviewed the changes between version A and version M of SCR 14 and version A and version U of SB 241.

HEATHER CARPENTER, Health Care Policy Advisor  
Department of Health and Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** Stated support for SB 241, but concern that it only extends the emergency declaration for the COVID-19 pandemic for six months.

JEANNIE MONK, Senior Vice President  
Alaska State Hospital & Nursing Home Association  
Anchorage, Alaska

**POSITION STATEMENT:** Requested the committee amend Section 7 of SB 241, version U.

**ACTION NARRATIVE**

[11:13:42 AM](#)

**CHAIR JOHN COGHILL** called the Senate Rules Standing Committee meeting to order at 11:13 a.m. Present at call to order were Senators Begich, Giessel, von Imhof, and Chair Coghill. Senator Hoffman arrived soon thereafter. Senators Stedman, Hughes, Stevens, Revak and Bishop were also in the audience.

**SCR 14-AUTHORIZING RECESS LONGER THAN 3 DAYS**

[11:14:11 AM](#)

CHAIR COGHILL announced the consideration of SENATE CONCURRENT RESOLUTION NO. 14, Authorizing the House of Representatives and the Senate to recess for a period of more than three days.

[11:14:30 AM](#)

SENATOR GIESSEL moved to adopt the Senate Rules committee substitute (CS) for SCR 14, work order 31-LS1740\M, as the working document.

CHAIR COGHILL objected for an explanation of the changes.

[11:14:57 AM](#)

RENA MILLER, Staff, Senator Cathy Giessel, Alaska State Legislature, Juneau, Alaska, reviewed the following summary of changes between version A and version M of SCR 14: [Original punctuation provided.]

One change was made to SCR 14 Version A.

The CS for SCR 14(RLS) version M adds, on page 1, line 15, after 'that', the following:

'after transmitting a bill to the governor that funds the operations of state government for fiscal year 2021'

The effect is that the Senate and House may recess for more than three days during the second session of the 31<sup>st</sup> Legislature, if they have first transmitted to the governor the FY21 operating budget.

[11:15:40 AM](#)

CHAIR COGHILL removed his objection; finding no further objection, version M was adopted.

[11:15:55 AM](#)

SENATOR GIESSEL moved to report the Senate Rules CS for SCR 14, work order 31-LS1740\M, from committee with individual recommendations and attached fiscal note(s).

[11:16:07 AM](#)

CHAIR COGHILL found no objection and CSSCR 14(RLS) was reported from the Senate Rules Standing Committee.

[11:16:29 AM](#)

CHAIR COGHILL recessed the meeting to a call of the chair.

[4:24:12 PM](#)

CHAIR COGHILL reconvened the Senate Rules Standing Committee meeting at 4:24 p.m. and noted that Senators Begich, Giessel, von Imhof and Coghill were present.

**SB 241-EXTENDING COVID 19 DISASTER EMERGENCY**

[4:24:31 PM](#)

CHAIR COGHILL announced the consideration of SENATE BILL NO. 241, "An Act extending the March 11, 2020, governor's declaration of a public health disaster emergency in response to the COVID-19 pandemic; relating to the powers of the director of insurance; relating to standing orders issued by the chief medical officer; relating to professional licensing; relating to telemedicine and telehealth; relating to board of nursing fingerprint requirements; relating to the 2020 primary and general elections; relating to permanent fund dividend applications; relating to automatic voter registration; relating to tax; relating to shareholder meetings; and providing for an effective date."

He noted that this was the first hearing and there was a proposed committee substitute (CS).

[4:24:54 PM](#)

SENATOR GIESSEL moved to adopt the Senate Rules committee substitute (CS) for SB 241, work order 31-GS2260\U, as the working document.

CHAIR COGHILL objected for an explanation of the changes.

CHAIR COGHILL recognized that Senators Stedman, Hughes, Stevens, Revak and Bishop were in the audience. He also listed the individuals who were available online to answer questions.

[4:25:19 PM](#)

RENA MILLER, Staff, Senator Cathy Giessel, Alaska State Legislature, Juneau, Alaska, directed attention to the Summary of Changes document for SB 241 between version A and version U. She noted that Legislative Legal Services made technical changes throughout version U to conform to legislative drafting conventions. [Original punctuation provided.]

Throughout:

- Adds 'novel coronavirus disease' before 'COVID-19' in first reference in each section
- Adds 'in the Department of Health and Social Services' after 'chief medical officer'
- Removes '31<sup>st</sup> Alaska State' before references to 'legislature'
- Adds 'calendar year' before '2020'
- Adds 'of Health and Social Services' after 'department'
- Technical restructuring of some sentences to conform to Legislative Legal drafting standards

Page 1, lines 1-8      Conforms title; removes reference to Division of Insurance and to general election and adds reference to financing plan.

Page 2, lines 1-2      Adds 'severe acute respiratory syndrome coronavirus 2' before 'SARS- CoV-2)

Page 2, line 3          Changes 'causing' to 'leading to'

Page 2, line 6          Removes reference to 'sec. 319' in relation to the Public Health Service Act

Page 3, lines 2-3      Removes 'the department's' before 'personnel' and adds 'of the Department of Health and Social Services' to qualify both personnel and resources

Page 3, line 8          Changes the date 'March 12, 2021' to 'September 1, 2020' as the end

date of the disaster declaration extension

Page 3, line 9 Removes former section 2 related to the Division of Insurance

Page 3, line 13 Changes the date 'March 12, 2021' to 'September 1, 2020' as the end date of the disaster declaration extension

Page 3, line 14 Adds 'The extension under this subsection' in legal drafters' restructuring of provision order

Page 3, line 19 Removes reference to 'based on a reliable source'

Page 3, lines 23-25 Adds 'determined by the governor' and adds provision that the certification must be based on specific information received from a state or federal agency or another source determined by the commissioner to be reliable

Page 3, line 29 Adds a new section related to a financing plan

Page 5, lines 1-2 Adds that if the chief medical officer is incapacitated, the chief medical officer's designee may issue standing orders

Page 5, lines 10-18 Restructures subsection per legal drafters

[4:30:49 PM](#)

SENATOR BEGICH asked for confirmation that the restructured subsection does not change the intent.

MS. MILLER replied that is correct. It clarifies that the chief medical doctor, not the standing order, needs to provide the education and training.

Page 5, line 18 Adds 'of implementing the standing order' after 'means' Page 5, line

28 Removes end date for reporting of 'until March 2021'

Page 5, lines 30-31 Adds that the reporting must include the expenditures related to the emergency

Page 6, line 4 Adds 'made' before 'without'

Page 6, lines 5-6 Changes 'because of' to 'to contain the spread of'

Page 6, lines 6-9 Requires a final report on Nov. 1, 2020, or 60 days after the emergency ends if it ends before Sept. 1, 2020. Requires the monthly reports to include cumulative information

Page 6, line 12 Adds 'and occupational' to the section heading

Page 6, line 18 Adds 'in good standing' after 'certificate'

Page 6, lines 19-23 Adds new provision that licenses expedited under this section expire Sept. 1, 2020, or when the emergency is over, whichever comes first

Page 7, lines 6-10 Adds new provision that expedited licensees traveling to Alaska must comply with CDC travel guidelines

Page 7, lines 11-13 Adds definition of 'director' as the DCCED division director for professional licensing

[4:33:27 PM](#)

Page 8, lines 10-11 Adds that fees charged for telemedicine and telehealth may not be more than 5% above the typical fees charged

Page 8, line 17 Removed provision allowing waiver of privacy requirements [in conjunction with telehealth]

Page 8, lines 22-27 Expands expedited fingerprinting requirement to multiple public health professions requiring fingerprinting in conjunction with licensure

Page 9, line 1 Removes reference to general election; adds a statewide special election

Page 9, line 9 Changes date of June [30], 2020 to April 30, 2020 as extended deadline to apply for a 2020 permanent fund dividend [This section also corrects an erroneous reference to a 2019 to a 2020 dividend received this calendar year]

Page 10, lines 4-8 Adds provision repealing sections 1-4 and 6-12 on Sept. 1, 2020, or when the emergency ends, whichever comes first

Page 10, line 9 Adds that section 5, reporting requirement, is repealed Nov. 2, 2020

[4:35:26 PM](#)

SENATOR BEGICH observed that all the repealer clauses but the last one end with the phrase "no longer exists." The last is a straight repeal on November 2, 2020. He asked what happens if the disaster has been extended beyond that date.

MS. MILLER replied a decision to extend the disaster beyond November 1, 2020 presumably would require another piece of legislation. Any other provisions, including reporting requirements, could be extended at the same time.

[4:36:18 PM](#)

CHAIR COGHILL removed his objection; finding no further objection, version U was adopted.

[4:36:43 PM](#)

SENATOR BEGICH moved Amendment 1.

31-GS2260\U.1

**AMENDMENT 1**

OFFERED IN THE SENATE BY SENATOR BEGICH  
TO: CSSB 241(RLS), Draft Version "U"

Page 8, line 31, through page 9, line 2:

Delete "the lieutenant governor may, after consultation with the commissioner of health and social services, direct that a primary or statewide special election to be held in the state in calendar year 2020 be held"

Insert "for the duration of the public health disaster emergency declaration issued by the governor on March 11, 2020, the director of the division of elections shall conduct all elections"

CHAIR COGHILL objected for discussion purposes.

SENATOR BEGICH explained that Amendment 1 signals the lieutenant governor that if the legislature extends the declaration, a vote by mail provision for the general election should not be precluded. He said his caucus suggested the proposed language to give clear direction to the lieutenant governor.

[4:39:03 PM](#)

CHAIR COGHILL said he would maintain his objection because he did not want to experiment with the general election.

SENATOR GIESSEL said she understands the intent but the legislature will have to readdress the declaration should the emergency continue past September 1. That would give the Division of Elections some days more than two months to transition [the general election] to vote by mail. Therefore, she would not support Amendment 1.

SENATOR BEGICH responded that his caucus wanted him to call this to the committee's attention, but it is the will of the committee.

CHAIR COGHILL remarked that there is agreement that things will get tough and everyone is looking for good solutions.

[4:41:04 PM](#)

A roll call vote was taken. Senator Begich voted in favor of Amendment 1 and Senators von Imhof, Giessel, and Coghill voted against it. Therefore, Amendment 1 failed by a 1:3 vote.

[4:41:11 PM](#)

SENATOR BEGICH moved Amendment 2.

31-GS2260\U.3  
Wallace/Marx  
3/23/20

**AMENDMENT 2**

OFFERED IN THE SENATE BY SENATOR BEGICH  
TO: CSSB 241(RLS), Draft Version "U"

Page 9, lines 9-11:

Delete "An application received after March 31, 2020, is exempt from automatic voter registration under AS 15.07.070(i) - (m)."

CHAIR COGHILL objected for discussion purposes.

SENATOR BEGICH said the automatic voter registration law was passed by initiative and he would argue that since the application period for the 2020 dividend is being moved to April 30, the automatic voter registration on the dividend application, that voters passed by a substantial margin, should not be arbitrarily abrogated.

[4:42:43 PM](#)

CHAIR COGHILL restated his objection.

[4:42:55 PM](#)

SENATOR HOFFMAN joined the committee.

CHAIR COGHILL summarized Amendment 2 for Senator Hoffman and said his objection is that there would be a cost, a timing issue, and a logistical challenge if elections are transitioned to vote by mail.

CHAIR COGHILL maintained his objection.

[4:43:38 PM](#)

SENATOR BEGICH restated that this would extend the requirement for automatic voter registration that passed by a substantial margin. He said he understands the opposing argument, but he supports sticking with the system.

[4:44:37 PM](#)

A roll call vote was taken. Senator Begich voted in favor of Amendment 2 and Senators Hoffman, von Imhof, Giessel, and Coghill voted against it. Therefore, Amendment 2 failed by a 1:4 vote.

[4:45:13 PM](#)

SENATOR BEGICH stated that minority staff have been working to identify areas in statute that hopefully will be addressed in this or other legislation. He listed the following technical amendments that are being considered: temporary relief for the cost of living allowance requirements if it is not possible to timely return to the state safely; temporary assistance program; physical presence of witnessing requirements; intent language to ask the University of Alaska to engage students as a means of getting younger poll workers; and provisions related to sanitizing stores, price gouging, vehicle repossessions, student loan forbearance, deliberate infecting, and telemedicine providers. He relayed his intent to share the amendments liberally with members of the body and not submit any that are not relevant. In this crisis we don't want to miss the opportunity to ensure against unintended mistakes when protecting finances, economics, and the health and safety of Alaskans, he said. He reiterated that the amendments are temporary and only intended to cover the crisis.

[4:48:41 PM](#)

SENATOR GIESSEL asked him to elaborate on the telemedicine comment because it may be based on the letters from [The Alaska Hospitalist Group, LLC and the Alaska State Hospital & Nursing Home Association ASHNHA)] which appear to misinterpret the provision.

SENATOR BEGICH confirmed that in response to those letters, his staff was looking into an amendment to AS 44.33.381 to temporarily waive limitations on telemedicine providers relating to the insurance coverage requirement in AS 21.42.422.

SENATOR GIESSEL said she didn't believe that either the hospitalist group or ASHNHA clearly understood what is written in the bill relating to telemedicine providers. She asked her staff to comment.

[4:49:58 PM](#)

MS. MILLER said the provisions Senator Begich mentioned in [AS 21.42] relating to insurance may not have been addressed in those letters. The provisions in the bill don't go into AS 21 in relation to telemedicine and telehealth but she believes in the bill apply equally to in- or out-of-state doctors and nurses who are licensed to practice.

SENATOR BEGICH responded that his staff would coordinate with Senator Giessel's staff to ensure there are no duplication.

CHAIR COGHILL suggested they also talk to the finance people.

SENATOR BEGICH responded that the minority staff have been engaging with majority staff to every extent possible so this is a coordinated rather than arbitrary process.

[4:51:35 PM](#)

SENATOR GIESSEL suggested it was worth the time to address the concerns articulated in the letters from ASHNHA and the hospitalist group. She said ASHNA wishes to have controlled substances included in the telemedicine component whereas she supports the governor's approach that excludes controlled substances. She noted that ASHNHA also expressed concern with paragraph (3) in Section 7 that reads:

(3) unless the health care provider has a preexisting provider-patient relationship with a patient that is unrelated to novel coronavirus disease (COVID-19), the health care services provided are limited to services related to screening for, diagnosing, or treating COVID-19;

She said this loophole for telemedicine is intentionally wide open to allow treatment of COVID-19, but not to treat a new patient with something like diabetes. She said she supports what the governor put in the original bill and it is sustained in this committee substitute.

SENATOR BEGICH indicated there was no need for an amendment on that provision.

CHAIR COGHILL asked Ms. Carpenter to provide her testimony.

[4:53:57 PM](#)

HEATHER CARPENTER, Health Care Policy Advisor, Department of Health and Social Services (DHSS), Juneau, Alaska, stated that DHSS is concerned that the extension is just six months because the World Health Organization, the Centers for Disease Control (CDC), and other countries anticipate that the COVID-19 pandemic to continue, with waves and peaks, for one or two years. She expressed appreciation for the work the committee had done and committed to continue to work with the committee if another extension became necessary.

CHAIR COGHILL thanked Ms. Carpenter and asked Ms. Monk to provide her testimony.

[4:55:06 PM](#)

JEANNIE MONK, Senior Vice President, Alaska State Hospital & Nursing Home Association, Juneau, Alaska, provided context to her comments with the explanation that she is leading a statewide telehealth strategy work group for the DHSS emergency operations command, looking at better ways to use telehealth to take care of people during this crisis. She said she is bringing the group's perspective on what is needed in Alaska to respond to this crisis.

She said the ASHNHA letter raised concerns with the two provisions that Senator Giessel highlighted, but she would primarily speak to the provision in Section 7 that requires a preexisting provider-patient relationship. She said this

is important because a major disruption to Alaska's health care system can be expected. She pointed out that an existing medical provider might be out sick or have had to relocate to see patients in an alternative care site. For this reason, ASHNHA and the work group feel that the health care system needs flexibility to care for as many people as possible using telehealth. This keeps both providers and patients safe.

MS. MONK said it's already the situation that some physicians are in self-quarantine and have been redirected to provide care by telemedicine. It is also possible that a patient who needs care can't be seen by their regular provider or one with whom they have an existing relationship. For example, it is critical that a diabetic receives the care they need and this may be more important in this crisis than that they see the provider with whom they have a relationship. She said the point of using telehealth is to increase and maintain capacity throughout the system so it is important that it is not limited to just COVID-19.

MS. MONK said ASHNHA is also asking for a specific exemption for controlled substances where the patient is already in a hospital, long-term acute care hospital, a long-term care facility, a regular hospital, or an alternative delivery site that is established to take care of COVID-19 patients. She said there may come a time when doctors should not be expected to physically enter a facility to see patients unless absolutely necessary. ASHNHA does not support taking the tool of controlled substances away from providers during a crisis. She emphasized that the exemption is specifically for patients in a facility. She noted that the hospitalist group has also mentioned this concern.

[4:59:45 PM](#)

SENATOR GIESSEL responded that the governor had those two elements in the original bill and they are sustained at this time. This emergency declaration will expire on September 1, 2020 and the legislature will be able to review it again and make an adjustment if it becomes necessary, she said.

[5:00:30 PM](#)

SENATOR GIESSEL moved to report the Senate Rules CS for SB 241, work order 31-GS2260\U, from committee with individual recommendations and attached fiscal note(s).

5:00:59 PM

CHAIR COGHILL found no objection and CSSB 241(RLS) was reported from the Senate Rules Standing Committee.

5:01:12 PM

There being no further business to come before the committee, Chair Coghill adjourned the Senate Rules Standing Committee meeting at 5:01 p.m.