

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

March 3, 2023

3:15 p.m.

MEMBERS PRESENT

Representative Jesse Sumner, Chair
Representative Justin Ruffridge, Vice Chair
Representative Mike Prax
Representative Dan Saddler
Representative Ashley Carrick

MEMBERS ABSENT

Representative Stanley Wright
Representative Zack Fields

COMMITTEE CALENDAR

HOUSE BILL NO. 63

"An Act repealing the Workers' Compensation Appeals Commission; relating to decisions and orders of the Workers' Compensation Appeals Commission; relating to superior court jurisdiction over appeals from Alaska Workers' Compensation Board decisions; repealing Rules 201.1, 401.1, and 501.1, Alaska Rules of Appellate Procedure, and amending Rules 202(a), 204(a) - (c), 210(e), 601(b), 602(c) and (h), and 603(a), Alaska Rules of Appellate Procedure; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 57

"An Act relating to review organizations and permitting an emergency medical services provider to establish a review organization; and relating to patient records."

- MOVED HB 57 OUT OF COMMITTEE

HOUSE BILL NO. 29

"An Act relating to insurance discrimination."

-BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 63

SHORT TITLE: REPEAL WORKERS' COMP APPEALS COMMISSION
SPONSOR(s): REPRESENTATIVE(s) RAUSCHER

02/06/23	(H)	READ THE FIRST TIME - REFERRALS
02/06/23	(H)	L&C, JUD
02/17/23	(H)	L&C AT 3:15 PM BARNES 124
02/17/23	(H)	Heard & Held
02/17/23	(H)	MINUTE(L&C)
03/03/23	(H)	L&C AT 3:15 PM BARNES 124

BILL: HB 57

SHORT TITLE: EMERGENCY MED. SVCS: REVIEW ORGANIZATIONS
SPONSOR(s): REPRESENTATIVE(s) WRIGHT

02/03/23	(H)	READ THE FIRST TIME - REFERRALS
02/03/23	(H)	L&C, HSS
02/17/23	(H)	L&C AT 3:15 PM BARNES 124
02/17/23	(H)	Heard & Held
02/17/23	(H)	MINUTE(L&C)
03/03/23	(H)	L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

BRIAN WEBB, representing self
Anchorage, Alaska

POSITION STATEMENT: Gave public testimony in support of HB 57.

DR. JOSEPH LIVENGOOD, representing self
Fairbanks, Alaska

POSITION STATEMENT: Gave public testimony during the hearing on
HB 57.

MIO RHEIN, Captain
South Tongass Fire Department
Ketchikan, Alaska

POSITION STATEMENT: Gave public testimony during the hearing on
HB 57.

ACTION NARRATIVE

[3:15:32 PM](#)

CHAIR JESSE SUMNER called the House Labor and Commerce Standing Committee meeting to order at 3:15 p.m. Representatives Carrick, Ruffridge, Saddler, and Sumner were present at the call to order. Representative Prax arrived as the meeting was in progress.

HB 63-REPEAL WORKERS' COMP APPEALS COMMISSION

[3:16:01 PM](#)

CHAIR SUMNER announced that the first order of business would be HOUSE BILL NO. 63, "An Act repealing the Workers' Compensation Appeals Commission; relating to decisions and orders of the Workers' Compensation Appeals Commission; relating to superior court jurisdiction over appeals from Alaska Workers' Compensation Board decisions; repealing Rules 201.1, 401.1, and 501.1, Alaska Rules of Appellate Procedure, and amending Rules 202(a), 204(a) - (c), 210(e), 601(b), 602(c) and (h), and 603(a), Alaska Rules of Appellate Procedure; and providing for an effective date."

[3:16:05 PM](#)

CHAIR SUMNER opened public testimony on HB 63. After ascertaining that nobody wished to testify, he closed public testimony.

[3:16:30 PM](#)

CHAIR SUMNER announced that HB 63 was held over.

HB 57-EMERGENCY MED. SVCS: REVIEW ORGANIZATIONS

[3:16:38 PM](#)

CHAIR SUMNER announced that the final order of business would be HOUSE BILL NO. 57, "An Act relating to review organizations and permitting an emergency medical services provider to establish a review organization; and relating to patient records."

[3:16:44 PM](#)

CHAIR SUMNER opened public testimony on HB 57.

[3:17:03 PM](#)

BRIAN WEBB, representing self, reiterated the importance of including emergency medical services (EMS) personnel in privacy laws. Their inclusion is an important part of EMS recruitment and retention. He stated that quarterly EMS review meetings can be "uncomfortable" because topics being discussed are not provided with the same protections that are available as other healthcare

institutions such as hospitals or clinical review organizations. He said that is vital for training and improving care that EMS providers are offered the same protections. Without the protections, those on the outside of EMS care that may not understand the process are able to use what is said during the meetings against EMS personnel in litigation. He concluded that several other states have already enacted such protections.

[3:20:26 PM](#)

REPRESENTATIVE CARRICK asked if there were any other medical professionals other than EMS not covered by these protections that should be.

MR. WEBB answered that he is unsure but believes that EMS providers are the only providers not covered by these protections. In response to a follow-up question, he said that these protections are specific to healthcare providers and do not include other industries.

[3:22:10 PM](#)

REPRESENTATIVE PRAX asked what level of familiarity Mr. Webb has with volunteer fire departments.

MR. WEBB answered that he has been a member of several volunteer fire departments. In response to a follow-up question, he answered that volunteer fire departments do conduct the same types of meetings.

[3:23:39 PM](#)

REPRESENTATIVE CARRICK asked why podiatrists are specifically listed in the bill, and why naturopaths are not.

MR. WEBB answered that the language of the bill comes from an attempt to pass a similar bill in 2015. In response to a follow-up question, he stated that he is unsure why podiatrists are specifically listed in the bill.

[3:25:54 PM](#)

DR. JOSEPH LIVENGOOD, representing self, stated that he is an acute care surgeon and medical director for several agencies around the state. He stated that HB 57 would allow EMS personnel to have candid discussions about the care they provide to patients without the fear that what is said in those

discussions will be useable in potential litigation. The proposed legislation would not suppress information or make it impossible to sue for medical malpractice.

[3:27:57 PM](#)

REPRESENTATIVE SADDLER asked whether Dr. Livengood knew of any cases in which an EMS provider was held liable for something they said during a review meeting.

DR. LIVENGOOD answered that the number of complaints has "skyrocketed" over the last couple of years. He added that in Colorado, there have been lawsuits over the use of ketamine to help with "agitated" patients. In response to a follow-up question, he stated that he did not have a specific case to which he could refer.

[3:31:00 PM](#)

MIO RHEIN, Captain, South Tongass Fire Department, stated that the South Tongass Fire Department is a "combination" fire department, meaning that it is made up of paid employees and volunteers. He stated that the expectations in both performance and certifications are growing for EMS providers. The fear of litigation is generated more from the potential of cases than known cases but is growing among EMS providers. He said that not having the ability to discuss ways of improving patient care without fear of litigation prevents EMS personnel from improving their abilities, especially among volunteers.

[3:34:49 PM](#)

REPRESENTATIVE SADDLER asked how often the reviews are conducted.

MR. RHEIN answered that each EMS call is reviewed and given a deeper review if needed. In response to a follow-up question, he stated that there can be more than one way to treat a patient and it is not always clear which is the absolute best way to do so. He added that even when a good outcome is achieved, it is possible that there was a better treatment available, and there is concern for EMS personnel that such information could be used against them.

[3:39:16 PM](#)

CHAIR SUMNER closed public testimony on HB 57 after ascertaining that no one else wished to testify.

[3:39:57 PM](#)

REPRESENTATIVE RUFFRIDGE moved to report HB 57 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 57 was reported out of the House Labor and Commerce Standing Committee.

[3:40:28 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 3:40 p.m.