

SENATE FINANCE COMMITTEE

April 4, 2023

9:17 a.m.

[9:17:18 AM](#)

CALL TO ORDER

Co-Chair Olson called the Senate Finance Committee meeting to order at 8:53 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Donny Olson, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Click Bishop
Senator Jesse Kiehl
Senator Kelly Merrick
Senator David Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Senator Elvi Gray-Jackson, Sponsor; Besse Odom, Staff, Senator Gray-Jackson; Kate Sheehan, Director, Division of Personnel and Labor Relations, Department of Administration; Jasmin Martin, Staff, Senator David Wilson; Sylvan Robb, Director, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development.

PRESENT VIA TELECONFERENCE

Michael Patterson, Party for Socialism and Liberation, Anchorage; Ian Hartman, Allies for Change, Anchorage; Anna Bosin, Alaska Black Caucus, Allies for Change, Anchorage; Jasmin Smith, Business Owner, Juneteenth Coordinator, Anchorage; Erin Jackson-Hill, Stand Up Alaska, Anchorage; Rozlyn Grady-Wyche, Alaska Coalition of BIPOC Educators, Anchorage; Ty Tigner, Executive Director, Presbyterian Hospitality House, Fairbanks; Sophia Metters, Vice-president, Juneteenth Anchorage, Anchorage; Jeffrey Rosa, Physical Therapy Compacts, Virginia; Erick Cordero, Alaska

Policy Forum, Palmer; Kelly Michelle Chick, Physical Therapist, Ketchikan.

SUMMARY

SB 22 PROCLAIM JUNETEENTH DAY A HOLIDAY

SB 22 was HEARD and HELD in committee for further consideration.

SB 74 PHYSICAL THERAPY LICENSURE COMPACT

SB 74 was HEARD and HELD in committee for further consideration.

SB 75 AUD. & SPEECH-LANG INTERSTATE COMPACT

SB 75 was HEARD and HELD in committee for further consideration.

#sb22

SENATE BILL NO. 22

"An Act establishing Juneteenth Day as a legal holiday."

[9:18:41 AM](#)

SENATOR ELVI GRAY-JACKSON, SPONSOR, introduced the bill. She presented, "Senate Bill 22, 'An act establishing Juneteenth Day as legal holiday'" (copy on file).

[9:22:26 AM](#)

BESSE ODOM, STAFF, SENATOR GRAY-JACKSON, discussed the Sectional Analysis (copy on file):

Section 1. This section amends AS 44.12.010(a), the Statute regarding legal holidays. Specifically, it requires that June 19th, known as Juneteenth Day, be considered a legal holiday.

Section 2. This section amends AS 44.12.020, the statute regarding holidays that fall on a Sunday, with conforming language that reflects section 1 of this bill.

Section 3. This section repeals AS 44.12.090.

[9:23:32 AM](#)

MICHAEL PATTERSON, PARTY FOR SOCIALISM AND LIBERATION, ANCHORAGE (via teleconference), spoke in support of the legislation. He stated that Juneteenth was his favorite day of the year, and remarked that it was one of the few days that he gets to celebrate his community.

[9:28:22 AM](#)

IAN HARTMAN, ALLIES FOR CHANGE, ANCHORAGE (via teleconference), testified in support of the legislation.

[9:32:03 AM](#)

ANNA BOSIN, ALASKA BLACK CAUCUS, ALLIES FOR CHANGE, ANCHORAGE (via teleconference), spoke in support of the bill.

[9:35:16 AM](#)

JASMIN SMITH, BUSINESS OWNER, JUNETEENTH COORDINATOR, ANCHORAGE (via teleconference), spoke in support of the bill.

[9:37:41 AM](#)

Co-Chair Olson stated that the committee would "continue with public testimony."

[9:37:47 AM](#)

ERIN JACKSON-HILL, STAND UP ALASKA, ANCHORAGE (via teleconference), testified in support of the bill.

[9:41:09 AM](#)

ROZLYN GRADY-WYCHE, ALASKA COALITION OF BIPOC EDUCATORS, ANCHORAGE (via teleconference), spoke in support of the legislation.

[9:44:17 AM](#)

TY TIGNER, EXECUTIVE DIRECTOR, PRESBYTERIAN HOSPITALITY HOUSE, FAIRBANKS (via teleconference), testified in support of the bill.

SOPHIA METTERS, VICE-PRESIDENT, JUNETEENTH ANCHORAGE, ANCHORAGE (via teleconference), spoke in support of the legislation.

Co-Chair Olson CLOSED public testimony.

Co-Chair Olson noted that there were two fiscal notes.

[9:48:08 AM](#)

KATE SHEEHAN, DIRECTOR, DIVISION OF PERSONNEL AND LABOR RELATIONS, DEPARTMENT OF ADMINISTRATION, stated that the fiscal note was indeterminate.

Senator Wilson wondered whether the possible \$4.3 million was for an average workday.

[9:50:22 AM](#)

Ms. Sheehan replied that it was what was paid for a current state holiday.

Senator Wilson surmised that it was the total cost of a current state holiday.

Ms. Sheehan agreed.

Senator Kiehl surmised that the money was the amount of coded holiday pay, and wondered whether there was an offset in reduction of general pay.

Ms. Sheehan replied that there could be a change, because not every holiday may take the holiday. She stated that the additional holiday needed to be within the collective bargaining agreement.

Senator Kiehl wanted to determine the net cost.

Ms. Sheehan stated that there would be a make up that would be paid for later.

Co-Chair Olson determined that there was no additional cost in the fiscal note.

Ms. Sheehan replied that there would be an additional cost of minimum \$4.3 million.

Co-Chair Olson wondered how many employees would be affected, specifically the 24-hour employees.

Ms. Sheehan replied that there were contractual provisions that needed to be bargained with personnel regulations.

Senator Merrick wondered whether there were any state holidays that employees did not get the day off from work.

Ms. Sheehan replied that there were some agreements with unions that got extra pay.

[9:55:33 AM](#)

Senator Wilson wondered whether there were state holidays that were unpaid holidays.

Ms. Sheehan replied that the only state holidays that were paid were in the personnel rule.

Co-Chair Olson queried the cost of adding a holiday without the offset of cost.

Ms. Sheehan replied that she did not know.

Senator Wilson commented that the bill could possibly switch to Swards Day. He felt that Seward was a staunch advocate and was a strong historical figure in the state. He was deeply opposed to changing the holiday. He expressed concern about the possibility of tearing down the statue of Seward. He shared that he did not have "allies", and did not know what that term was in the Black community. He also was offended by the term "BIPOC" (Black, Indigenous, People of Color). He felt that the best bill to save minority lives was SB 58, because it pertained to Medicaid. He stated that he had spoken with the sponsor about his concerns, and remarked that it was difficult to have an honest conversation about the bill. He wanted to take time to evaluate the cost of the holiday.

Co-Chair Olson agreed about the deep assertions of Seward.

[9:59:55 AM](#)

Senator Kiehl remarked that the holidays were about symbolic significance, and the state could do more to honor the purpose of Juneteenth.

10:01:26 AM

Senator Gray-Jackson remarked that she was offended at the assertion that the statue of Seward would be torn down. She stressed that she had high respect for Seward and Seward's Day.

Ms. Odom discussed the presentation, "Senate Bill 22" (copy on file). She displayed slide 2, "What is Juneteenth?"

- Also known as Freedom Day, Jubilee Day, Emancipation Day or Liberation Day, the word 'Juneteenth' resulted from the words 'June Nineteenth' being combined together in speech.

- In 1863, President Lincoln issued the Emancipation Proclamation that freed enslaved people in Texas and all rebellious parts of Southern secessionist states of the Confederacy. However, it was only through the 13th Amendment that emancipation ended slavery throughout America. Two years later, Union troops arrived in Galveston, Texas to announce that enslaved people were free by executive decree. This marked the end of 200 plus years of the enslavement of Black Americans! Enslaved people in Texas found out they were free nearly 3 years after the fact.

- In Galveston, Texas, the newly freed individuals held large public celebrations and so laid the base for future Juneteenth activities across America.

Senator Gray-Jackson addressed slide 3, "Recognition Of The Day":

- Texas was the first state to pass legislation that would require that Juneteenth be observed as a state holiday in 1980. Followed by:

- Florida (1991)
- Oklahoma (1994)
- Minnesota (1996)
- Delaware (2000)
- Idaho (2001)

- Various companies observe the holiday:

- Tesla
- Nike
- Target

- NFL
- Lyft
- Juneteenth celebrations are also held in other countries around the world, including South Korea, Israel, France, Guam, Honduras, Japan, Taiwan, and Trinidad and Tobago.

Senator Gray-Jackson looked at slide 4, "Paid Holiday Recognition":

- On June 11, 2021 President Biden signed a bill making Juneteenth a federal holiday. It is now one of 11 official federal holidays - or 12 for federal workers in the District of Columbia and surrounding areas during presidential inauguration years - meaning that federal workers get a paid day off.
- Most recently, the Anchorage Assembly voted unanimously to make Juneteenth a Municipal holiday.

Senator Gray-Jackson pointed to slide 5, "What Does it Mean for Juneteenth to Become a State Holiday":

- In some states, people employed by the state may have a day off work. Stores and other organizations and businesses are likely to be open as usual, but some may be closed or have restricted opening hours in some areas. Many public transit services operate on their usual schedule, but there may be some changes.

SB 22 was HEARD and HELD in committee for further consideration.

#sb74

#sb75

SENATE BILL NO. 74

"An Act relating to an interstate physical therapy licensure compact; relating to the licensure of physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants; and providing for an effective date."

SENATE BILL NO. 75

"An Act relating to an audiology and speech-language interstate compact; relating to the practice of

audiology and the practice of speech-language pathology; and providing for an effective date."

[10:08:01 AM](#)

SENATOR DAVID WILSON, SPONSOR, introduced himself.

[10:08:07 AM](#)

JASMIN MARTIN, STAFF, SENATOR DAVID WILSON, introduced herself.

[10:08:16 AM](#)

AT EASE

[10:09:20 AM](#)

RECONVENED

[10:09:37 AM](#)

Ms. Martin introduced each piece of legislation.

Senator Wilson discussed SB 74 and SB 75.

[10:16:33 AM](#)

Co-Chair Olson wondered whether the individual had a license in another state, if Alaska suspended the license.

Ms. Martin replied that the compact had information sharing, so it would depend on the license of origin.

Co-Chair Olson surmised that the remote state could act against the licensee, but did not necessarily suspend the remote license.

Ms. Martin replied in the affirmative, but explained that the origin state would report the action to the compact.

Senator Kiehl wondered whether Alaska could revoke a privilege to practice if other remote licenses that were not from the origin state were penalized.

Ms. Martin deferred to invited testimony.

Co-Chair Olson wondered why there were not federal licenses instead.

Senator Wilson replied that it was important to have state sovereignty.

[10:20:19 AM](#)

AT EASE

[10:22:29 AM](#)

RECONVENED

[10:22:43 AM](#)

SYLVAN ROBB, DIRECTOR, DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING, DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, introduced herself.

Co-Chair Olson stated that there was also a question from Senator Kiehl.

Ms. Robb explained that there would be local control over discipline.

[10:24:40 AM](#)

Ms. Martin explained the Sectional Analysis for SB 74 (copy on file):

Section 1: Amends AS 08 (Business and Professions) .84
(Physical Therapists and Occupational Therapists) .010
(Creation and membership of board).

Page 1, line 5, through page 2, line 8: Adds implementation of the Interstate Physical Therapy Licensure Compact to the list of duties of the State Physical Therapy and Occupational Therapy Board.

Section 2: Amends AS 08 (Business and Professions) .84
(Physical Therapists and Occupational Therapists) .030
(Qualification for licensing).

Page 2, line 9, through line 28: Adds section (a)(4) which requires an applicant for a physical therapist and a physical therapist assistant license, who is not a graduate of a school located outside of the United States, to be fingerprinted and pay fees for a criminal background check.

Page 2, line 29, through page 3, line 16: Adds section (b)(4) which requires an applicant for an occupational therapist or occupational therapist assistant license,

who is not a graduate of a school located outside of the United States, to be fingerprinted and pay fees for a criminal background check.

Section 3: Amends AS 08 (Business and Professions) .84
(Physical Therapists and Occupational Therapists) .032
(Foreign-educated applicants).

Page 3, line 17, through page 4, line 15: Adds section (a)(4) which requires an applicant for a physical therapist and a physical therapist assistant license, who is a graduate of a school located outside of the United States, to be fingerprinted and pay fees for a criminal background check.

Page 4, line 16, through page 5, line 10: Adds section (b)(8) which requires an applicant for an occupational therapist or occupational therapist assistant license, who is a graduate of a school located outside of the United States, to be fingerprinted and pay fees for a criminal background check.

Section 4: Amends AS 08 (Business and Professions) .84
(Physical Therapists and Occupational Therapists) .050
(Fees).

Page 5, line 11, through line 20: Adds fees for compact privileges to the list of fees the Department of Commerce, Community, and Economic Development may charge.

Section 5: Amends AS 08 (Business and Professions) .84
(Physical Therapists and Occupational Therapists) .150
(License required; exception).

Page 5, line 21, through line 29: Adds a privilege to practice to the list of exceptions under which someone not licensed in the state may practice physical therapy.

Section 6: Amends AS 08 (Business and Professions) .84
(Physical Therapists and Occupational Therapists) to add Article 3.A Interstate Physical Therapy Licensure Compact.

This section contains the uniform compact language adopted by all states entering the compact.

Page 6, line 1, through line 4: Introduction to compact language.

Page 6, line 5, through line 21: Compact Section 1. Purpose. Defines the purpose of the Interstate Physical Therapy Licensure Compact.

Page 6, line 22, through page 8, line 19: Compact Section 2. Definitions: Definition Section.

Page 8, line 20, through page 9, line 14: Compact Section 3. State Participation in the Compact: Explains requirements the state must meet to participate in the agreement.

Page 8, line 21, through page 9, line 6:

(a) The state must: (1) Participate in the Commission's data system, (2) have a mechanism for receiving and investigating complaints, (3) notify the Commission of adverse actions and share investigation information in regards to a licensee, (4) use a FBI records search for a criminal background check in making licensure decisions, (5) comply with the rules of the commission, (6) utilize a nationally recognized examination as a requirement for licensure, and (7) have a continuing competency requirement.

Page 9, line 7, through line 10:

(b) The state must have the authority to obtain biometric-based information, such as fingerprints, for applicants.

Page 9, line 11, through line 13:

(c) The state must grant a privilege to practice to a valid licensee.

Page 9, line 14

(d) The state may charge a fee for a privilege to practice.

Page 9, line 15, through page 10, line 28: Compact Section 4. Compact Privilege: Explains the requirements for obtaining a privilege to practice.

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Page 9, line 16, through line 31:

(a) Set the terms which a licensee must meet in order to obtain a compact privilege.

Page 10, line 1, through line 3:

(b) A compact privilege expires when an underlying license expires.

Page 10, line 4, through line 5:

(c) A licensee operating in a remote state is subject to the laws of the remote state.

Page 10, line 6, through line 12:

(d) A licensee operating in a remote state is subject to the remote's states regulating authority. The remote state may remove a licensee's privilege to practice.

Page 10, line 13, through line 16:

(e) A licensee loses their compact privileges if their home state license is encumbered.

Page 10, line 17, through line 19:

(f) Sets terms by which a licensee can regain a compact privilege after their license is encumbered.

Page 10, line 20, through line 26:

(g) If a licensee loses their compact privilege in a remote state, they will lose their compact privilege in all other remote states until the conditions in this section are met.

Page 10, line 27, through line 28:

(h) A licensee must meet the requirements in section (4)(g) and (4)(a) to regain a compact privilege.

Page 10, line 29, through page 11, line 4: Compact Section 5. Active Duty Military Personnel or their Spouses: Explains what counts as a home state for active duty military members and their spouses.

Page 11, line 5, through page 12, line 11: Compact Section 6. Adverse Actions: This section explains how the compact, home, and remote states will conduct and report adverse actions. As well as the consequences for a physical therapist or physical therapist assistant who receives adverse actions.

Page 11, line 6, through line 7:

(a) A home state has exclusive power to imposes adverse action against a license issued in the home state.

Page 11, line 8, through line 10:

(b) A home state may take action based on the investigation of a remote state, but it must follow its own rules and procedures.

Page 11, line 11, through line 16:

(c) Member states may use an alternative program to disciplinary action. A licensee must agree to not practice in another member state while in the alternative program unless they obtain authorization from the remote state.

Page 11, line 17, through line 20:

(d) A member state may investigate a licensee or privilege to practice holder's violations in other member states.

Page 11, line 21, through page 12, line 4:

(e) A remote state may

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(1) Take adverse action as laid out in Section 4(d) against a privilege to practice in the remote state.

(2) Issue subpoenas in the course of their investigations.

(3) Recover costs of the investigation from the licensee.

Page 12, line 5, through page 12, line 11:

(f) Joint investigations:

(1) Member states may participate in joint investigations.

(2) Member states shall share information regarding investigations in compliance with the Compact.

Page 12, line 12, through page 18, line 12: Compact Section 7. Establishment of the Physical Therapy Compact Commission: This section lays out parameters for the Physical Therapy Compact Commission.

Page 12, line 14, through line 23:

(a) The Compact member states have established the Physical Therapy Compact Commission. Creation of this commission is not a waiver of sovereign immunity.

Page 12, line 24, through page 13, line 10:

(b) Each member state is entitled to one delegate selected from the state licensing board by the state licensing board. They are entitled to a vote regarding creation of rules and bylaws and must be allowed to participate in the business of the commission. The commission must meet at least once per year.

Page 13, line 11, through page 14, line 19:

(c) Describes the duties and powers of the Commission.

Page 14, line 20, through page 15, line 16:

(d) Describes the duties, powers, and composition of the Executive Board, as established by the Commission.

Page 15, line 17, through page 16, line 24:

(e) Describes parameters of meetings of the Commission.

Page 16, line 25, through page 17, line 15:

(f) Describes the how the Commission will be financed and how and what records must be kept. Requires the commission to be audited yearly by a certified or licensed public accountant.

Page 17, line 16, through page 17, line 12:

(g) Defines when the Commission, its members officers, executive director, employees, or its representatives have immunity. Defines when the entities must be defended by the Commission and when they must be provided indemnification by the commission.

Page 18, line 13, through page 19, line 10: Compact Section 8. Data System This section denotes the requirement of sharing licensee information for all

compact states. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform dataset to the Coordinated Database on all PTC physical therapist and physical therapist assistants to whom this compact is applicable as required by rules of the Commission. This database will allow for the expedited sharing of adverse actions against compact physical therapist and physical therapy assistants. The coordinated database information will be expunged by the law of the reporting compact state.

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Page 18, line 14, through line 17:

(a) Requires the Commission to create and maintain a licensee database and reporting system for information on licensed individuals in member states.

Page 18, line 18, through page 18, line 29:

(b) Requires the member states to submit relevant data to the data base on all individuals to whom the Compact applies.

Page 18, line 30, though line 31:

(c) Requires data in the data system only be shared with party states.

Page 19, line 1, through line 4:

(d) Requires the Commission to notify any member states of any adverse action taken against a licensee (or person applying for a license).

Page 19, line 5, through line 7:

(e) Member states may designate certain information that may not be shared publicly without express permission of the contributing state.

Page 19, line 8, through line 10:

(f) Any information submitted that is required by law to be expunged must be removed from the system.

Page 19, line 11, through page 21, line 31: Compact Section 9. Rulemaking: This section describes the process for creating rules that will govern compact operations once the compact is accepted by the first ten states.

Page 19, line 12, through line 14:

(a) Allows the Commission to exercise rulemaking power. Rules are binding on the date specified in rule.

Page 19, line 15, through line 18:

(b) Allows a majority of legislatures of member states to reject a rule.

Page 19, line 19, through line 20:

(c) Specifies that rules or amendments must be adopted at a regular or special meeting of the commission.

Page 19, line 21, through line 29:

(d) Provides process for a Notice of Proposed Rulemaking as related to promulgation and adoption of a final rule or rules.

Page 19, line 30, through page 20, line 7:

(e) Specifies what the Notice of Proposed Rulemaking must include.

Page 20, line 8, through line 10:

(f) Requires the Commission to allow a person to submit public testimony and information on a rule which shall be made available to the public prior to adoption of a rule.

Page 20, line 11, through line 15:

(g) Requires the Commission to hold a public hearing prior to adoption of a proposed rule if one is requested by: at least 25 people, a state or federal subdivision or agency, or an association with at least 25 members.

Page 20, line 16, through line 31:

(h) Sets out parameters by which a public hearing must be held, noticed, and recorded.

Page 21, line 1, through 3:

(i) Requires the committee to consider all written and oral comments received on a rule.

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Page 21, line 4, though line 6:

(j) Allows the Commission to proceed with promulgation of a rule with no public hearing if no request for a public hearing is received.

Page 21, line 7, through line 9:

(k) The Commission shall, based on majority vote of all members, take action on a rule and effective date based on the rulemaking record and the full text of the rule.

Page 21, line 10, through 21:

(l) Stipulates that certain rulemaking requirements may be waived in the case of an emergency, especially as those requirements pertain to public notice.

Page 21, line 22, through 31:

(m) Provides a process for fixing a scrivener's error in an adopted rule.

Page 22, line 1, through page 24, line 1: Compact Section 10. Oversight, Dispute Resolution, and Enforcement: This section details the oversight and enforcement of the compact by member states.

Page 22, line 2, through 15:

(a) Requires member state's executive, legislative, and judicial branches to enforce the Compact and rules of the Compact. Requires states to take judicial notice of the Compact and rules in any relevant judicial or administrative proceeding in a member state. Allows the Commission to receive service of process in any such proceeding.

Page 22, line 16, through 23, line 13:

(b) Sets a process by which a state may be terminated from the Compact if found in default of the Compact.

Page 22, line 14, through line 19:

(a) Requires the Commission to, upon request of a member state, attempt to resolve disputes related to the compact between member states or between member states and non-member states.

Page 22, line 20, through page 24, line 1:

(c) Allows the Commission to enforce the provisions and rules of the Compact.

Page 24, line 2, through line 30: Section 11. Date of Implementation of the Interstate Commission for Physical Therapy Practice and Associated Rules, Withdrawal, and Amendment: This section details when the Compact and rules become effective.

Page 24, line 5, through 10:

(a) This Compact becomes effective on the date of enactment in the tenth state.

Page 24, line 11, through 15:

(b) Any state which joins the Compact after the Compact's first adoption of rules is subject to rules already adopted by the Commission.

Page 24, line 16, through line 23:

(c) Provides information on how a state may withdraw from the Compact.

Page 24, line 24, through 27:

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(d) Clarifies that nothing in this compact prohibits member states from making agreements with non-member states, so long as not in conflict with this compact.

Page 24, line 28, through 30:

(e) Sets process by which the Compact may be amended by member states.

Page 24, line 31, through page 25, line 9: Section 12. Construction and Severability: This section states that the compact shall be liberally construed to effectuate the purpose thereof. If this Compact is contrary to the constitution of any state member, the

compact shall remain in full force and effect as to the remaining compact states.

Section 7: Amends AS 12 (Code of Criminal Procedure) .62 (Criminal Justice Information and Records Checks) .400 (National criminal history records checks for employment, licensing, and other noncriminal justice purpose).

Page 25, line 10, through page 27, line 15: Adds section (a)(23), adding physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants to the list of fingerprints that may be submitted to the FBI for a national criminal history check.

Section 8: Amends uncodified law. Sets transition language for physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants who are currently licensed who have not been fingerprinted. Allows them to continue to practice.

Section 9: Effective date. Sets an effective date for this legislation of July 1, 2024.

[10:30:13 AM](#)

Senator Wilson stated that the amendments were drawn up to help the fiscal impact of the UGF draw.

Co-Chair Olson surmised that the issue was about background checks.

Senator Wilson agreed.

Co-Chair Olson wondered whether a background check had resulted in a delay of licensure.

Senator Wilson replied that it was a large piece of the issue, because safety was required for practitioners. He could not speak to the specific numbers.

Co-Chair Olson wondered whether there were significant findings for audiologists or physical therapists in the background checks that would affect the licensure.

Ms. Martin replied that there were currently no background check requirements for audiologists, speech pathologists, or physical therapist. The background check requirements in the bill was to share with other states in the compact.

Co-Chair Olson asked if other states had significant issues with background checks.

Ms. Martin deferred to Ms. Robb.

Ms. Robb agreed that it was a new requirement.

Co-Chair Olson asked if other states had significant issues with background checks.

Ms. Robb replied that she did not know the specifics of physical therapists or audiologists.

Senator Wilson added that the idea for the background checks because audiologists could work with vulnerable populations.

[10:35:33 AM](#)

Ms. Martin explained the Sectional Analysis for SB 75 (copy on file):

Section 1: Amends AS 08 (Business and Professions) .11
(Audiologists and Speech-language Pathologists) .010
(Qualification for audiologist license).

Page 1, line 5, through page 2, line 14: Adds section (5) which requires an applicant for an audiologist license to be fingerprinted and pay fees for a criminal background check.

Section 2: Amends AS 08 (Business and Professions) .11
(Audiologists and Speech-language Pathologists) .015
(Qualifications for speech-language pathologist license).

Page 2, line 15, through page 3, line 2: Adds section (6) which requires an applicant for a speech-language pathologist license to be fingerprinted and pay fees for a criminal background check.

Section 3: Amends AS 08 (Business and Professions) .11
(Audiologist and Speech-language Pathologists) .050
(Fees).

Page 3, line 2, through line 16: Allows the Department of Commerce, Community, and Economic Development to charge fees for a compact privilege.

Section 4: Amends AS 08 (Business and Professions) .11 (Audiologist and Speech-language Pathologists) .100 (Prohibited acts).

Page 2, line 17, through line 29: Allows a person granted a compact privilege to practice as an audiologist or speech language pathologist in Alaska.

Section 5: Amends AS 08 (Business and Professions) .11 (Audiologist and Speech-language Pathologists) to add Article 2. Audiologist and Speech-Language Interstate Compact.

This section contains the uniform compact language adopted by all states entering the compact.

Page 4, line 2, through line 4: Introduction to compact language.

Page 4, line 5, through line 24: Compact Section 1. Purpose: Defines the purpose of the Interstate Audiology and Speech Language Pathology Compact.

Page 4, line 25, through page 7, line 9: Compact Section 2. Definitions: Definition section.

Page 7, line 10, through page 10, line 23: Compact Section 3. State Participation in the Compact: This section explains what requirements must be met by states to join the compact. To provide the services allowed by this compact the professional must hold a home state license in a compact state.

Page 7, line 11, through line 14:

(a) Requires member states to allow a privilege to practice holder to practice in their state.

Page 7, line 15, through line 29:

(b) Requires an FBI fingerprint based criminal background check.

Page 7, line 30, through page 8, line 4:

(c) Requires a remote state to check the data system for information on the applying licensee upon application for a privilege to practice.

Page 8, line 5, through line 7:

(d) Each member state shall require an applicant to have a home state license.

Page 8, line 8, through page 9, line 10:

(e) Licensure requirements that must be met by member states for an audiologist.

Page 9, line 11, through page 10, line 4:

(f) Licensure requirements that must be met by member states for a speech-language pathologist.

Page 10, line 5:

(g) The privilege to practice is derived from the home state license.

Page 10, line 6, through line 14:

(h) An audiologist or speech-language pathologist is subject to the laws of the state in which their client is located.

Page 10, line 15, through line 20:

(i) Individuals not residing in member states may still apply for member states single-state licenses, but cannot use these licenses to be eligible for compact privileges.

Page 10, line 21:

(j) The state may charge a fee for a privilege to practice.

Page 10, line 22, through 23:

(k) Member states must comply with the rules of the Commission.

Page 10, line 24, through page 12, line 13: Compact Section 4. Compact Privileges: Explains the requirements the state must meet to participate in the agreement.

Page 10, line 24, through page 11, line 7:

(a) Sets the terms which a licensee must meet in order to obtain a compact privilege.

Page 11, line 8, through line 9:

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(b) A licensee may only hold one home state license at a time.

Page 11, line 10, through 14:

(c) If a licensee moves member states, they must apply for a home license in their new state of residence.

Page 11, line 15, through line 16:

(d) An audiologist or speech language pathologist may apply for licensure in advance of changing states.

Page 11, line 17, through line 20:

(e) A new license may not be issued by the new home state until the licensee has provided proof of change of residency and have satisfied other requirements for obtaining a license in the new home state.

Page 11, line 21, through 24:

(f) If a licensee moves to a non-member state, the license issued in their prior home state is a single state license and is valid only in the former home

state. They are no longer eligible for compact privileges.

Page 11, line 25, through 27:

(g) A compact privilege expires when an underlying license expires.

Page 11, line 28, through 30:

(h) A person practicing under a compact privilege is subject to the laws and regulations of the remote state.

Page 11, line 31, through page 12, line 4:

(i) A licensee operating in a remote states is subject to the remote states regulating authority. The remote state may remove a licensee's privilege to practice.

Page 12, line 5, through line 8:

(j) A licensee loses their compact privileges if their home state license is encumbered.

Page 12, line 9, through like 11:

(k) Sets terms by which a licensee can regain a compact privilege after their license is encumbered.

Page 12, line 12:

(l) A licensee must meet the requirements in section (4)(j) and (4)(a) to regain a compact privilege.

Page 12, line 14, through 19: Compact Section 5. Compact Privilege to Practice Telehealth: By accepting the compact the jurisdiction will allow for the practice of telehealth.

Page 12, line 20, through 25: Compact Section 6. Active Duty Military Personnel or Their Spouses: Active duty military personnel, or their spouse, may designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty.

Page 12, line 26, through page 14, line 18: Compact Section 7. Adverse Actions: This section explains how the compact, home, and remote states will conduct and report adverse actions. As well as the consequences for an audiologist or speech-language pathologist who receives adverse actions.

Page 12, line 27, through page 13, line 11:

(a) Allows a remote state to take action against an audiologists or speech language pathologists privilege to practice within that remote state. A remote state may not take action against a person's home state license.

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Page 13, line 12, through line 15:

(b) A home state shall give the same priority to information on conduct received from a member state as it would to conduct in its home state. The home state shall apply its own laws when determining appropriate action.

Page 13, line 16, through 21:

(c) If a licensee changes states of primary residence during the course of an investigation, the original home state shall complete the investigation. The home states must report the conclusion of the investigation to the data system administrator, who will report it to the new home state.

Page 13, line 22, through 25:

(d) If permitted by state law, a member state may recover the costs of investigations resulting from any adverse action taken against a licensee.

Page 13, line 26, through 28:

(e) A member state may take adverse action based on the findings of a remote state.

Page 13, line 29, through page 14, line 5:

(f) Joint investigations:

(1) Member states may participate in joint investigations.

(2) Member states shall share information regarding investigations in compliance with the Compact.

Page 14, line 6, through line 13:

(g) If adverse action is taken against a licensee's home state license, their privilege to practice is deactivated until all encumbrances are removed.

Page 14, line 14, through 16:

(h) If a member state takes adverse action, it shall promptly notify the administrator of data who will in turn notify the home state.

Page 14, line 17, through 18:

(i) Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

Page 14, line 19, through page 20, line 26: Compact Section 8. Establishment of the Audiology and Speech Language Pathology Compact Commission: This section establishes the ruling commission of the compact. The compact is not a waiver of sovereign immunity.

Page 14, line 21, through line 31:

(a) The Compact member states have established the Audiology and Speech-Language Pathology Compact Commission. Creation of this commission is not a waiver of sovereign immunity.

Page 15, line 1, through line 20:

(b) The Commission shall consist of two voting delegates (one audiologist and one speech-language pathologist) appointed by each compact state who shall serve as that state's commissioner. The delegates are appointed by each states regulatory Board. An additional five delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at Large. The Commission must meet at least once per year.

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Page 15, line 21, through page 16, line 29:

(c) Describes the duties and powers of the Commission.

Page 16, line 30, through page 17, line 11:

(d) Describes some of the duties, powers, and composition of the Executive Committee, as established by the commission.

Page 17, line 12, through page 19, line 30:

(e) Describes more duties of the Executive Committee, describes meeting parameters of the Executive Committee and of the Commission.

Page 19, line 31, through page 20, line 26:

(f) Defines when the Commission, its members officers, executive director, employees, or its representatives have immunity. Defines when the entities must be defended by the Commission and when they must be provided indemnification by the Commission.

Page 20, line 27, through 21, line 24: Compact Section 9. Data System: This section denotes the requirement of sharing licensee information for all compact states. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform dataset to the Coordinated Database on all ASLP-IC audiologists and speech-language pathologists to whom this compact is applicable as required by rules of the Commission. This database will allow for the expedited sharing of adverse actions against compact audiologists and speech-language pathologists. The coordinated database information will be expunged by the law of the reporting compact state.

Page 20, line 28, through line 31:

(a) Requires the Commission to create and maintain a licensee database and reporting system for information on licensed individuals in members states.

Page 21, line 1, through line 12:

(b) Requires the member states to submit relevant data to the data base on all individuals to whom the Compact applies.

Page 21, line 13, through 14:

(c) Requires data in the data system only be shared with party states.

Page 21, line 15, through 18:

(d) Requires the Commission to notify any member states of any adverse action taken against a licensee (or a person applying for a license).

Page 21, line 19, through 21:

(e) Member states may designate certain information that may not be shared publicly without express permission of the contributing state.

Page 21, line 22, through line 24:

(f) Any information submitted that is required by law to be expunges must be removed from the system.

Page 21, line 25, through page 24, line 13: Compact Section 10. Rulemaking: This section describes the process for creating rules that will govern compact operations once the compact is accepted by the first ten states.

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Page 21, line 26, through 28:

(a) Allows the Commission to exercise rulemaking power. Rules are binding on the date specified in rule.

Page 21, line 29, through 22, line 1:

(b) Allows a majority of legislatures of members states to reject a rule.

Page 22, line 2, through line 3:

(c) Specifies that rules or amendments must be adopted at a regular or special meeting of the Commission.

Page 22, line 4, through line 12:

(d) Provides process for a Notice of Proposed Rulemaking as related to promulgation and adoption of a final rule or rules.

Page 22, line 13, through 21:

(e) Specifies what the Notice of Proposed Rulemaking must include.

Page 22, line 22, through 24:

(f) Requires the Commission to allow a person to submit public testimony and information on a rule which shall be made available to the public prior to adoption of a rule.

Page 22, line 25, through 29:

(g) Requires the Commission to hold a public hearing prior to adoption of a proposed rule if one is requested by: at least 25 people, a state or federal subdivision or agency, or an association with at least 25 members.

Page 22, line 30, through page 23, line 14:

(h) Sets parameters by which a public hearing must be held, noticed, and recorded.

Page 23, line 15, through line 17:

(i) Requires the committee to consider all written and oral comments received on a rule.

Page 23, line 18, through line 20:

(j) Allows the Commission to proceed with promulgation of a rule with no public hearing if no request for a public hearing is received.

Page 23, line 21, through 23:

(k) The Commission shall, based on a majority vote of all members, take action on a rule and effective date based on the rulemaking record and the full text of the rule.

Page 23, line 24, through page 24, line 3:

(l) Stipulates that certain rulemaking requirements may be waived in the case of an emergency, especially as those requirements pertain to public notice.

Page 24, line 4, through line 13:

(m) Provides a process for fixing a scrivener's error in an adopted rule.

Page 24, line 14, through page 25, line 2: Compact Section 11. Oversight, Dispute Resolution, and Enforcement: This section details the oversight and enforcement of the compact by member states.

Page 24, line 15, through line 20:

(a) Requires the Commission to, upon request of a member state, attempt to resolve disputes related to the compact between member states or between member states and non-member states.

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Page 24, line 21, through page 25, line 2:

(b) Allows the Commission to enforce the provisions and rules of the Compact.

Page 25, line 3, through page 26, line 1: Compact Section 12. Date of Implementation of the Interstate Commission for Audiology and Speech-Language Pathology Practice and Associated Rules, Withdrawal, and Amendment: This section details when the Compact and rules become effective.

Page 25, line 7, through 12:

(a) The Compact becomes effective on the date of enactment in the tenth state.

Page 25, line 13, through 17:

(b) Any state which joins the Compact after Compact's first adoption of rules is subject to rules already adopted by the commission.

Page 25, line 18, through 25:

(c) Provides information on how a state may withdraw from the Compact.

Page 25, line 26, through 29:

(d) Clarifies that nothing in this compact prohibits member states from making agreements with non-member states, so long as not in conflict with this compact.

Page 25, line 30, through page 26, line 1:

(e) Sets process by which the Compact may be amended by member states.

Page 26, line 2, through 12: Compact Section 13. Construction and Severability: This section states that this compact shall be liberally construed so as to effectuate the purpose thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining states.

Page 26, line 13, through line 25: Compact Section 14. Binding Effect of Compact and Other Laws: States that this compact shall be binding among and upon all members states and shall supersede any conflict with state law.

Section 6: Amends AS 12 (Code of Criminal Procedure) .62 (Criminal Justice Information and Records Checks) .400 (National criminal history records checks for employment, licensing, and other noncriminal justice purpose).

Page 26, line 26, through page 28, line 31: Adds section (a)(23), adding audiologists and speech-language pathologists to the list of fingerprints that may be submitted to the FBI for a national criminal history check.

Section 7: Amends uncodified law. Sets transition language for audiologists and speech-language pathologists who are currently licensed who have not been fingerprinted. Allows them to continue to practice.

Section 8: Effective Date. Sets an effective date for this legislation of July 1, 2024.

Senator Kiehl noted that each bill has some liability shield language.

Senator Wilson asked for specific pages.

Senator Kiehl looked at SB 74, page 17, lines 16 through 26, and asked about the liability shield language.

Ms. Martin deferred to Mr. Rosa.

[10:41:20 AM](#)

JEFFREY ROSA, PHYSICAL THERAPY COMPACTS, VIRGINIA (via teleconference), spoke in support of the legislation.

Senator Kiehl asked what would happen if a home state did not act on the license, but other remote states had action against a license.

Mr. Rosa replied that it was not straightforward.

Co-Chair Olson OPENED public testimony.

[10:51:57 AM](#)

ERICK CORDERO, ALASKA POLICY FORUM, PALMER (via teleconference), testified in support of the legislation.

[10:53:54 AM](#)

KELLY MICHELLE CHICK, PHYSICAL THERAPIST, KETCHIKAN (via teleconference), spoke in support of the bill.

[11:00:43 AM](#)

Ms. Robb addressed the fiscal note for SB 74.

SB 74 was HEARD and HELD in committee for further consideration.

SB 75 was HEARD and HELD in committee for further consideration.

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ADJOURNMENT
11:02:43 AM

The meeting was adjourned at 11:02 a.m.