

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 14, 2024

3:32 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair
Senator James Kaufman, Vice Chair
Senator Forrest Dunbar
Senator Cathy Giessel

MEMBERS ABSENT

Senator Löki Tobin

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

State Medical Board
David Paulson - Anchorage

- CONFIRMATION ADVANCED

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."

- HEARD & HELD

SENATE BILL NO. 181

"An Act relating to placement of a child in need of aid; relating to adoption; and providing for an effective date."

- MOVED CSSB 181(HSS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

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
 03/03/23 (H) Moved HB 57 Out of Committee
 03/03/23 (H) MINUTE(L&C)
 03/06/23 (H) L&C RPT 4DP 1NR
 03/06/23 (H) DP: SADDLER, PRAX, RUFFRIDGE, SUMNER
 03/06/23 (H) NR: CARRICK
 03/21/23 (H) HSS AT 3:00 PM DAVIS 106
 03/21/23 (H) Heard & Held
 03/21/23 (H) MINUTE(HSS)
 03/28/23 (H) HSS AT 3:00 PM DAVIS 106
 03/28/23 (H) Moved HB 57 Out of Committee
 03/28/23 (H) MINUTE(HSS)
 03/29/23 (H) HSS RPT 5DP
 03/29/23 (H) DP: RUFFRIDGE, SUMNER, FIELDS, MINA,
 PRAX
 05/09/23 (H) TRANSMITTED TO (S)
 05/09/23 (H) VERSION: HB 57
 05/10/23 (S) READ THE FIRST TIME - REFERRALS
 05/10/23 (S) L&C, HSS
 02/12/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
 02/12/24 (S) Heard & Held
 02/12/24 (S) MINUTE(L&C)
 02/21/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
 02/21/24 (S) Moved HB 57 Out of Committee
 02/21/24 (S) MINUTE(L&C)
 02/23/24 (S) L&C RPT 4DP
 02/23/24 (S) DP: BJORKMAN, DUNBAR, GRAY-JACKSON,
 MERRICK
 03/14/24 (S) HSS AT 3:30 PM BUTROVICH 205

BILL: SB 181

SHORT TITLE: CHILD PLACEMENT; DILIGENT SEARCH

SPONSOR(s): SENATOR(s) BJORKMAN

01/16/24 (S) READ THE FIRST TIME - REFERRALS
 01/16/24 (S) HSS
 02/15/24 (S) HSS AT 3:30 PM BUTROVICH 205
 02/15/24 (S) Heard & Held
 02/15/24 (S) MINUTE(HSS)
 02/29/24 (S) HSS AT 3:30 PM BUTROVICH 205
 02/29/24 (S) Heard & Held
 02/29/24 (S) MINUTE(HSS)
 03/14/24 (S) HSS AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE STANLEY WRIGHT, District 22
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 57.

RACHEL GUNN, Staff
Representative Stanley Wright
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT:

BRIAN WEBB, representing self
Anchorage, Alaska

POSITION STATEMENT: Invited testimony for HB 57.

DAVID PAULSON, M.D., Appointee
State Medical Board
Anchorage, Alaska

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

SENATOR JESSE BJORKMAN, District D
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 181.

LAURA ACHEE, Staff
Senator Jesse Bjorkman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview of SB 181 and an explanation of the proposed amendment.

ACTION NARRATIVE

[3:32:58 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Giessel, Dunbar, Kaufman, and Chair Wilson

HB 57-EMERGENCY MED. SVCS: REVIEW ORGANIZATIONS

[3:33:50 PM](#)

CHAIR WILSON announced the consideration of 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."

[3:34:14 PM](#)

REPRESENTATIVE STANLEY WRIGHT, District 22, Alaska State Legislature, Juneau, Alaska, Sponsor of HB 57 stated the bill corrects an inequity affecting emergency medical services (EMS) in Alaska by extending quality assurance program protections to EMS workers, which fixed healthcare facilities have had for years. He noted that several states have already recognized the need for such protections for EMS systems. Alaska's EMS system, especially in rural areas, relies heavily on volunteers, including medical directors who are often physicians ensuring communities have access to state-certified emergency services. He emphasized a discrepancy where these physicians have quality assurance protections in their primary roles at clinics and hospitals but lose those protections when serving as EMS medical directors, threatening the health and safety of Alaskans and the sustainability of rural EMS systems.

[3:36:05 PM](#)

RACHEL GUNN, Staff, Representative Stanley Wright, Alaska State Legislature, Juneau, Alaska, said EMS represents a vital intersection of transportation, safety, medical, and public health disciplines, with emergency physicians playing a critical role. She explained that these physicians extend their expertise beyond hospital walls, guiding EMTs and paramedics through medical control, issuing treatment orders, and establishing prehospital protocols to direct patient care before hospital arrival. EMS professionals, including Emergency Trauma Technicians (ETTs), Mobile Intensive Care Technicians (TMTs), paramedics, and medical directors, engage in critical self-reflection to assess what went well, what could improve, and factors contributing to poor outcomes. She emphasized that while peer review boards and quality assurance programs encourage continuous evaluation, the legal protections for hospital-based medical directors do not extend to EMS review processes. She argued that HB 57 is necessary to protect peer review discussions from legal exploitation, ensuring that EMS professionals can openly discuss improvements without fear of litigation, which is crucial for continuous EMS advancement and safety.

[3:38:13 PM](#)

MS. GUNN provided the following sectional analysis for HB 57:

[Original punctuation provided.]

SECTIONAL ANALYSIS
HB 57
Emergency Medical Services Quality
Assurance Program Protections

SECTIONAL ANALYSIS HB 57 Emergency Medical Services
Quality Assurance Program Protections

Section I:

Amends AS 18.23.070(1) to Include EMT's, dispatchers,
and paramedics in the definition of "health care
provider" for the purpose of peer review protection.

Section II:

Amends the definition of "healthcare provider" in AS
18.23.070(3) to include EMS agencies and employees who
are conducting peer review activities.

Section III:

AS 18.23.070(5) is amended to include emergency
medical services agencies and employees under the
definition of a "review organization"

[3:39:17 PM](#)

CHAIR WILSON announced invited testimony on HB 57.

[3:39:28 PM](#)

BRIAN WEBB, representing self, Anchorage, Alaska, stated SB 57
aims to address the omission of EMS in the original statute by
extending the same protections that fixed healthcare facilities
have to Alaska EMS services. He explained that Alaska EMS
requests an amendment to AS 18.23.070 to broaden the definitions
of covered entities, as the current wording does not include EMS
personnel or activities. He noted that EMS providers are aware
that what is discussed or documented in review processes is
legally discoverable, leading to hesitation in sharing
information, which hinders education and patient care
improvements. The lack of protections impacts EMS retention,
with valuable volunteers, clinicians, and critical medical
directors leaving the system due to the absence of legal
safeguards. He emphasized that rural towns in Alaska rely on
volunteer medical directors, who have legal protections in their

day jobs but not when volunteering, making HB 57 crucial. He cited a tenfold increase in EMS medical director litigation since COVID-19, mostly related to administrative duties, and noted that other states, including California, Arizona, Florida, and Washington, have already enacted similar protections.

[3:43:00 PM](#)

MS. GUNN stated Dr. Livengood was on a medical emergency but provided a written testimony.

[3:43:11 PM](#)

CHAIR WILSON opened public testimony on HB 57; finding none, he closed public testimony.

[3:43:41 PM](#)

SENATOR KAUFMAN opined that HB 57 is sensible as it provides protection and opens communication channels to include EMS personnel in discussions about continuous improvement and quality management.

[3:44:22 PM](#)

REPRESENTATIVE WRIGHT thanked the committee for hearing HB 57.

[3:44:41 PM](#)

CHAIR WILSON held HB 57 in committee.

CONFIRMATION HEARING(S)
STATE MEDICAL BOARD

[3:44:48 PM](#)

CHAIR WILSON announced the consideration of governor appointee Dr. David Paulson to the State Medical Board.

[3:45:23 PM](#)

DAVID PAULSON, M.D., Appointee, State Medical Board, Anchorage, Alaska, provided a brief overview of his work on the State Medical Board, including quality control of candidates applying for licenses in Alaska and assisting with investigations. He mentioned his participation in board actions and noted that this was his first experience serving on a board. He expressed his interest in continuing to serve and protect Alaskans.

[3:46:29 PM](#)

SENATOR GIESSEL asked Dr. Paulson to share his philosophy on pain medication and management. She specifically requested his perspective as a neurosurgeon on the use of opioids, either before and after surgery.

DR. PAULSON replied that preoperatively, it is important for him to have patients reduce their pain medication to the lowest possible amount. He collaborates with other medical professionals to assess patients and typically asks them to decrease their pain medication by half. He stated that postoperatively, beyond two weeks, he is not involved in pain management, as it is handled by a pain specialist.

SENATOR GIESSEL apologized and clarified that she should have disclosed her background as a board-certified family practice nurse practitioner, which was the reason for her question on pain management.

[3:47:46 PM](#)

SENATOR DUNBAR asked what the "hot" topics or pressing issues are expected to be in the coming term.

DR. PAULSON stated that unless the legislature addresses reforms for physician assistants (PAs) and pharmacy practices, certain issues need to be clarified. Specifically, he mentioned the need to sort out pharmacists' authority to write certain prescriptions and increasing autonomy for PAs. He noted these are important questions for the board to address.

[3:48:44 PM](#)

CHAIR WILSON asked if he foresees any regulatory difficulty with the board.

DR. PAULSON asked for further elaboration on the question.

CHAIR WILSON said his question relates to the change in scope of practice for physician assistants (PAs) and other issues that might fall under the board's purview. He mentioned that the Medical Board had a recent change with EMS oversight moving to the Department of Health and inquired if there are any other items the board might be considering in the future, seeking general insights.

[3:49:50 PM](#)

DR. PAULSON apologized and stated that nothing comes to mind.

[3:50:10 PM](#)

DR. PAULSON thanked the committee for their consideration.

[3:50:25 PM](#)

CHAIR WILSON solicited a motion.

[3:50:27 PM](#)

SENATOR KAUFMAN moved that the consideration of Dr. David Paulson, appointee to the State Medical Board, be forwarded to a Joint Session of the legislature. He reminded members that signing the report(s) regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

[3:50:42 PM](#)

CHAIR WILSON found no objection.

[In accordance with AS 39.05.080, the Senate Health and Social Services Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

State Medical Board
David Paulson - Anchorage

[3:50:54 PM](#)

At ease

SB 181-CHILD PLACEMENT; DILIGENT SEARCH

[3:52:50 PM](#)

CHAIR WILSON reconvened the meeting and announced the consideration of SENATE BILL NO. 181 "An Act relating to placement of a child in need of aid; relating to adoption; and providing for an effective date."

CHAIR WILSON stated that at the committee's last hearing CSSB 181, version Y, was adopted.

[3:53:52 PM](#)

CHAIR WILSON solicited a motion.

[3:53:46 PM](#)

SENATOR KAUFMAN moved to adopt Amendment 1, work order 33-LS0348\Y.1, to SB 181.

33-LS0348\Y.1
Bergerud
3/5/24

A M E N D M E N T 1

OFFERED IN THE SENATE

TO: CSSB 181(HSS), Draft Version "Y"

Page 1, line 13:

Delete "has the status of an intervenor for purposes of that hearing"

Insert "does not become a party to the case"

[3:53:49 PM](#)

CHAIR WILSON objected for purposes of discussion.

[3:53:59 PM](#)

SENATOR JESSE BJORKMAN, District D, Alaska State Legislature, Juneau, Alaska, sponsor of SB 181, explained that the need for Amendment 1 (Y.1) arose due to conflicting opinions between the drafters of the law and the court system, which is responsible for implementing it. He stated that it was decided, for the sake of prudence, that those in charge of implementing and applying the law should have their perspective prevail.

[3:54:41 PM](#)

CHAIR WILSON asked for a brief overview of SB 181.

[3:54:44 PM](#)

LAURA ACHEE, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, provided an overview of SB 181 and an explanation of the proposed amendment. She stated that the overall purpose of SB 181 is to amend the state's Child in Need of Aid law to allow foster parents to request a hearing when necessary. It also grants courts and the Department of Family and Community Services more discretion in making placements that serve the best interests of the child.

[3:55:21 PM](#)

At ease

[3:55:39 PM](#)

CHAIR WILSON reconvened the meeting.

[3:55:42 PM](#)

MS. ACHEE said SB 181 establishes clear statutory requirements for the Office of Children's Services to conduct family searches, ensuring timely placement of children with an adult family member or family friend, if available. In SB 181, version Y, Section 1, language was added to address concerns from both

the Alaska Court System and the Department of Family and Community Services. It clarifies that while foster parents may request a hearing, they are not a party to the case. An agreement was reached to address the court's concerns, adding clarity without changing the bill's intent.

[3:56:54 PM](#)

SENATOR GIESSEL asked the meaning of "a party to the case."

MS. ACHEE stated her belief that being "a party to the case" gives a person greater precedence in the case and grants complete access to files, including private and confidential information.

[3:57:29 PM](#)

SENATOR GIESSEL asked Ms. Achee to incorporate that information into the sentence being amended and clarify the full meaning of "a party to the case."

[3:57:55 PM](#)

SENATOR GIESSEL interjected to clarify that she was not asking how the amendment would look in SB 181 but wanted to understand what the application of being "a party to the case" would mean in practice.

MS. ACHEE explained her understanding that under the original statute, a "party" to the case, such as a parent, could request a hearing. The concern arose that allowing a foster parent to request a hearing without clarification might lead courts to interpret this as making foster parents a party to the case, giving them full access rights to information. The change allows foster parents to request a hearing, but it makes clear they do not receive all the rights and access that are given to a party.

[3:59:06 PM](#)

CHAIR WILSON removed his objection; finding no further objection Amendment 1 (Y.1) was adopted.

[3:59:14 PM](#)

CHAIR WILSON stated that before the committee is CSSB 181, as amended.

[3:59:26 PM](#)

SENATOR BJORKMAN thanked the committee for their consideration as SB 181 goes a long way in making sure there are better outcomes for children facing foster care.

[3:59:49 PM](#)

CHAIR WILSON solicited a motion.

[3:59:53 PM](#)

SENATOR KAUFMAN moved to report CSSB 181, work order 33-LS0348\Y, as amended, from committee with individual recommendations and attached fiscal note(s).

[4:00:09 PM](#)

CHAIR WILSON found no further objection and CSSB 181(HSS) was reported from the Senate Health and Social Services Standing Committee.

[4:00:32 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 4:00 p.m.