

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

February 12, 2024

1:35 p.m.

**MEMBERS PRESENT**

Senator Jesse Bjorkman, Chair  
Senator Click Bishop, Vice Chair  
Senator Elvi Gray-Jackson  
Senator Kelly Merrick  
Senator Forrest Dunbar

**COMMITTEE CALENDAR**

EO 127 ELIMINATING THE BOARD OF MASSAGE THERAPISTS

- HEARD

SENATE SPECIAL CONCURRENT RESOLUTION NO. 4  
Disapproving Executive Order No. 127.

- MOVED SSCR 4 OUT OF COMMITTEE

EO 129 ELIMINATING THE BOARD OF BARBERS AND HAIRDRESSERS

- HEARD

SENATE SPECIAL CONCURRENT RESOLUTION NO. 6  
Disapproving Executive Order No. 129.

- MOVED SSCR 6 OUT OF COMMITTEE

EO 130 ELIMINATING THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

- HEARD

SENATE SPECIAL CONCURRENT RESOLUTION NO. 7  
Disapproving Executive Order No. 130.

- MOVED SSCR 7 OUT OF COMMITTEE

SENATE BILL NO. 197

"An Act relating to residential building codes; relating to construction contractors and residential contractor

endorsements; establishing the Alaska State Building Code Council; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 183

"An Act relating to the workers' compensation benefits guaranty fund; 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."

- HEARD & HELD

#### **PREVIOUS COMMITTEE ACTION**

BILL: SSCR 4

SHORT TITLE: DISAPPROVE EO 127

SPONSOR(s): RULES

02/12/24	(S)	READ THE FIRST TIME - REFERRALS
02/12/24	(S)	L&C
02/12/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SSCR 6

SHORT TITLE: DISAPPROVE EO 129

SPONSOR(s): RULES

02/12/24	(S)	READ THE FIRST TIME - REFERRALS
02/12/24	(S)	L&C
02/12/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SSCR 7

SHORT TITLE: DISAPPROVE EO 130

SPONSOR(s): RULES

02/12/24	(S)	READ THE FIRST TIME - REFERRALS
02/12/24	(S)	L&C
02/12/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 197

SHORT TITLE: RESIDENTIAL BUILDING CODE

SPONSOR(s): SENATOR(s) BJORKMAN

01/22/24 (S) READ THE FIRST TIME - REFERRALS  
01/22/24 (S) L&C, FIN  
02/12/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 183

SHORT TITLE: WORKERS' COMP BENEFITS GUARANTY FUND  
SPONSOR(S): LABOR & COMMERCE

01/16/24 (S) READ THE FIRST TIME - REFERRALS  
01/16/24 (S) L&C, FIN  
02/12/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

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)

**WITNESS REGISTER**

LAURA ACHEE, Staff  
Senator Jesse Bjorkman

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented SB 197 on behalf of the sponsor.

JEFF TWAIT, Owner  
Cornerstone Custom Homes and Designs  
Soldotna, Alaska

**POSITION STATEMENT:** Testified by invitation on SB 197.

ERIC VISSER, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 197.

DAVID OWENS, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of SB 197.

AARON WELTERLEN, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 197.

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

**POSITION STATEMENT:** Presented SB 183 on behalf of the Senate Labor and Commerce Standing Committee, Senator Bjorkman, Chair.

CHUCK COLLINS, Director  
Division of Workers' Compensation  
Juneau, Alaska

**POSITION STATEMENT:** Testified by invitation on SB 183.

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

**POSITION STATEMENT:** Spoke as the sponsor of HB 57.

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

**POSITION STATEMENT:** Gave a presentation on HB 57.

BRIAN WEBB, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified by invitation on HB 57.

DR. TIM PETERSON, Capital City Fire Rescue (CCFR)  
Juneau, Alaska

**POSITION STATEMENT:** Testified by invitation on HB 57.

DR. MICHAEL LEVY, representing self  
Eagle-River, Alaska

**POSITION STATEMENT:** Testified by invitation on HB 57.

#### **ACTION NARRATIVE**

[1:35:24 PM](#)

**CHAIR JESSE BJORKMAN** called the Senate Labor and Commerce Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Gray-Jackson, Dunbar, Merrick, Bishop, and Chair Bjorkman.

#### **SSCR 4-DISAPPROVE EO 127**

#### **EO 127 ELIMINATING THE BOARD OF MASSAGE THERAPISTS**

[1:38:01 PM](#)

CHAIR BJORKMAN announced the consideration of [Executive Order (EO) 127 and SENATE SPECIAL CONCURRENT RESOLUTION NO. 4 Disapproving Executive Order No. 127].

[1:38:11 PM](#)

CHAIR BJORKMAN found no discussion and solicited the will of the committee.

[1:38:28 PM](#)

SENATOR BISHOP moved EO 127 with individual recommendations be reported from committee, and SSCR 4 with individual recommendations and attached fiscal note(s) be reported from committee for further consideration in the Senate.

[1:38:58 PM](#)

CHAIR BJORKMAN reminded members that this does not reflect any intent by any of the members to vote for or against a special concurrent resolution disapproving this executive order in joint session.

[1:39:16 PM](#)

CHAIR BJORKMAN found no objection and EO 127 and SSCR 4 were reported from the Senate Labor and Commerce Standing Committee.

[1:39:29 PM](#)

At ease

**SSCR 6-DISAPPROVE EO 129**  
**EO 129 ELIMINATING THE BOARD OF BARBERS AND HAIRDRESSERS**

[1:42:23 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of [Executive Order (EO) 129 and SENATE SPECIAL CONCURRENT RESOLUTION NO. 6 Disapproving Executive Order No. 129].

[1:42:48 PM](#)

CHAIR BJORKMAN found no discussion and solicited the will of the committee.

[1:42:54 PM](#)

SENATOR BISHOP moved EO 129 with individual recommendations be reported from committee, and SSCR 6 with individual recommendations and attached fiscal note(s) be reported from committee for further consideration in the Senate.

[1:43:23 PM](#)

CHAIR BJORKMAN reminded members that this does not reflect any intent by any of the members to vote for or against a special concurrent resolution disapproving this executive order in joint session.

[1:43:35 PM](#)

CHAIR BJORKMAN found no objection and EO 129 and SSCR 6 were reported from the Senate Labor and Commerce Standing Committee.

[1:43:46 PM](#)

At ease

**SSCR 7-DISAPPROVE EO 130**  
**EO 130 ELIMINATING THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES**

[1:45:03 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of [Executive Order (EO) 130 and SENATE SPECIAL CONCURRENT RESOLUTION NO. 7 Disapproving Executive Order No. 130].

[1:45:16 PM](#)

CHAIR BJORKMAN found no discussion and solicited the will of the committee.

[1:45:29 PM](#)

SENATOR BISHOP moved EO 130 with individual recommendations be reported from committee, and SSCR 7 with individual recommendations and attached fiscal note(s) be reported from committee for further consideration in the Senate.

[1:45:48 PM](#)

CHAIR BJORKMAN reminded members that this does not reflect any intent by any of the members to vote for or against a special concurrent resolution disapproving this executive order in joint session.

[1:46:03 PM](#)

CHAIR BJORKMAN found no objection and EO 130 and SSCR 7 were reported from the Senate Labor and Commerce Standing Committee.

[1:46:16 PM](#)

At ease

### **SB 197-RESIDENTIAL BUILDING CODE**

[1:47:41 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 197, "An Act relating to residential building codes; relating to construction contractors and residential contractor endorsements; establishing the Alaska State Building Code Council; and providing for an effective date."

[1:48:14 PM](#)

LAURA ACHEE, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, presented SB 197 on behalf of the sponsor. She read from the following statement:

[Original punctuation provided.]

When an Alaskan buys a new home or has a custom home built, they should have confidence that the home that they and their family are living in is safe.

There are municipalities in Alaska that have municipal residential building codes, but for homes that are built outside of those communities, Senate Bill 197 would establish a statewide residential building code.

The bill directs the Alaska Housing Finance Corporation to adopt by regulation the 2018

International Residential Building Code published by the International Code Council, with allowances for Alaska-specific amendments and adopting updated versions of the Code.

The residential building code would not supersede municipal codes where they currently exist or are adopted in the future, and it would not interfere with any other state building codes or the statutory requirements for other contractors such as plumbers and electricians.

[1:49:59 PM](#)

JEFF TWAIT, Owner, Cornerstone Custom Homes and Designs, Soldotna, Alaska, testified by invitation on SB 197. He said he is a member of the Kenai Peninsula Builders Association (KPBA) and the Alaska State Home Building Association (ASHBA). He has been working over the last decade with ASHBA to place a statewide residential building code. He explained that the backbone of SB 197 is to provide a minimum building standard in areas without building code jurisdiction. This will help level the playing field for licensed builders and provide protection for purchasers who may not be aware of potential building deficiencies. He compared a home to a human body - a set of systems that need to work together and make the house affordable, healthy, comfortable, and sustainable over time. He shared an example of the way various systems within a home need to work together to ensure safety and proper functioning.

[1:53:00 PM](#)

MR. TWAIT explained that, currently, a contract between the builder and the purchaser is meant to ensure that minimum building standards are met; however, there is little to no recourse in the event that the builder does not hold to this agreement. He compared a declaration that a builder is "building to the code" to attaining a D- in school and added that this is not a high bar to attain. Therefore, creating a statewide building code should not be considered something that will add extra costs to building a house. Additionally, he shared his belief that codifying statewide building standards would lengthen the housing life cycle and create healthier markets and more efficient homes. He stated that housing affordability is a big concern and explained that while this might appear to raise housing costs, it will reduce total costs of the home over time by lowering the costs of utilities and maintenance, and an increased appreciation in value. He said that federal funds require the adoption of the energy code and building code. He

opined that ASHBA experts are the right people to help create a statewide building code and suggested that AHFC oversight combined with recommendations made by volunteer industry experts would mean a minimal fiscal burden and large benefit.

[1:54:55 PM](#)

SENATOR GRAY-JACKSON expressed concern that recreational cabins and owner-built homes are exempt.

[1:55:33 PM](#)

MR. TWAIT expressed his agreement. He explained that recreational cabins are exempt primarily because some energy codes included in the updated building codes can be difficult to obtain in remote locations. He shared his personal agreement that owner-built homes should be included and expressed hope that they will be included at a later date. He offered his understanding that several legislators have districts with a low number of contract builders and a high number of owner-builders and suggested that this may be why this group was left out of SB 197.

[1:56:54 PM](#)

SENATOR DUNBAR asked if the building code would only apply to structures of 1-4 units.

[1:57:17 PM](#)

MR. TWAIT replied yes. He explained that when a building is a fourplex or larger, the international building code kicks in, which is under the jurisdiction of the State Fire Marshal.

[1:57:41 PM](#)

SENATOR DUNBAR commented that there is interest in increasing housing construction and housing density in Alaskan cities. He expressed his understanding that the international building code restricts the construction of certain types of buildings with single stairwells. He asked for clarification that this does not apply to SB 197.

[1:58:13 PM](#)

MR. TWAIT said that he is not familiar with this issue.

[1:58:30 PM](#)

SENATOR DUNBAR shared his understanding that the US is one of the only countries in the world that forbids single stairwells in buildings with more than four units due to fire code concerns. He said that this has limited multi-family construction in certain places. He reiterated his understanding

that SB 197 does not apply to this issue, because buildings with more than four units are under the purview of the Fire Marshal. He asked if this is correct.

[1:58:55 PM](#)

MR. TWAIT replied yes.

[1:59:35 PM](#)

CHAIR BJORKMAN provided his rationale for sponsoring SB 197. He explained his hope that, when Alaskans hire someone to build a home for them, they hire a contractor who is qualified and builds a home to a standard that is safe for them to live in. He stated that professionals are expected to have a certain level of training and expertise and to perform a certain level of care to a standard set by government licensing requirements. He explained that there have been several instances in his home community where builders have built unsafe homes. He added that, without a statewide building code to refer to as the minimum standard to which homes should be built, Alaskans have little recourse in these situations. He stated that SB 197 is a consumer protection bill and pointed out that it only applies to contractors who are licensed by the state as builders - it does not apply to someone who is building their own house. He shared his belief that someone who is building their own house can take their own risks; however, when a contractor advertises themselves as a professional who can build a safe house - and receives money in exchange for this service - a minimum standard should be in place.

[2:01:50 PM](#)

CHAIR BJORKMAN opened public testimony on SB 197.

[2:02:23 PM](#)

ERIC VISSER, representing self, Anchorage, Alaska, testified in support of SB 197. He said he is a past president for both the Alaska State Home Building Association (ASHBA) and Anchorage Home Builders Association (AHBA). He said that ASHBA has been working to create a statewide building code for the past 10-15 years. He stated that ASHBA has learned from previous legislation that was introduced and opined that SB 197 "strikes the right balance," adopting a building code that is already in place. He estimated that 99 percent of ASHBA members already build to the code requirements in SB 197. He stated that the Alaska Housing Finance Corporation adopts this code regularly - and most builders are familiar with this standard. He explained that adopting a statewide building code protects the consumer from outliers who do not build to this standard.

[2:03:50 PM](#)

SENATOR DUNBAR inquired about the standard of Anchorage's building code.

[2:04:17 PM](#)

MR. VISSER replied that the housing code has a lot of grey area, which is left up to the authority with jurisdiction. He explained that Anchorage does not have a good building official to make these determinations, and shared his belief that this drives up the cost of housing in Anchorage.

[2:04:55 PM](#)

SENATOR DUNBAR asked if the current structure of Anchorage's building code would meet the standard set by SB 197.

[2:05:09 PM](#)

MR. VISSER replied yes.

[2:05:14 PM](#)

SENATOR GRAY-JACKSON thanked Mr. Visser for his testimony.

[2:05:28 PM](#)

DAVID OWENS, representing self, Wasilla, Alaska, testified in support of SB 197. He said that he owns Owen's Inspection Services in Palmer, Alaska and has been a building inspector for almost 40 years. He shared his belief that SB 197 is well thought out and addresses concerns that need to be addressed. He shared his understanding that it applies to contractors with a residential endorsement, giving them a minimum standard to inspect to. He said that it gives inspectors a minimum level to inspect to and builders a minimum level to build to. In answer to an earlier question from Senator Dunbar, he explained that the amount of stairwells in a building depends on the amount of occupants in the building. The occupancy must be very low to have a single exit or stairwell. He said that this is why nationwide fire and building codes have this standard in place.

[2:07:26 PM](#)

AARON WELTERLEN, representing self, Fairbanks, Alaska, testified in support of SB 197. He said he is a past president of the Interior Alaska Building Association (IABA) and the Alaska State Home Builders Association (ASHBA). He said that ASHBA has been working on a statewide building code for a long time as a form of consumer protection. He explained that Fairbanks has a small city building department and most structures are built outside of the city. He acknowledged that certain home financing

organizations will require that homes pass inspection standards. However, SB 197 provides long-term protection for consumers. A statewide building code would provide a standardized building system so that consumers know they are protected.

[2:09:47 PM](#)

CHAIR BJORKMAN closed public testimony and held SB 197 in committee.

[2:10:04 PM](#)

At ease

**SB 183-WORKERS' COMP BENEFITS GUARANTY FUND**

[2:13:45 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 183, "An Act relating to the workers' compensation benefits guaranty fund; and providing for an effective date."

[2:14:24 PM](#)

LAURA ACHEE, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, presented SB 183 on behalf of the Senate Labor and Commerce Standing Committee, Senator Bjorkman, Chair. She read from the following statement:

[Original punctuation provided.]

In recent years the Workers' Compensation Benefits Guaranty Fund has had difficulties making timely payments to injured workers because the Fund has been subject to Constitutional Budget Reserve sweeps. Sweeping the Fund balance to zero each year has created a hurdle to paying claims until its regular revenues or supplemental budget appropriations become available. Senate Bill 183 would rectify this problem by moving the Fund from the General Fund to the State Treasury, leaving its balance intact at the end of the fiscal year as it would no longer be subject to the CBR sweep.

[2:15:54 PM](#)

CHUCK COLLINS, Director, Division of Workers' Compensation, Juneau, Alaska, testified by invitation on SB 183. He said that the Workers' Compensation Benefits Guaranty Fund was established in 2005 so that employees whose employers had neglected to insure for on the job injuries would have a way to be covered in

the event of injury. He stated that over the years the fund has paid out several million dollars in benefits. These funds support injured workers and their families. He said that currently there are over 20 ongoing cases, several cases are children of injured workers who were not able to return to work due to the severity of their injury. He explained that the fund is made up of settlements and penalties paid by employers who were fined for not being properly insured. In the past, the fund was held aside and only accessed when it was needed. However, he stated that several years ago the fund was swept. He explained that it was a non-reverse sweep and to date, just over \$4 million has been taken from the fund. He said that there are several pending claims in addition to ongoing claims. He explained that the division has anywhere from 6-12 claims yearly. The division works to bring in revenue from stipulations. Referring to AS 23.30.082, he stated that the division would like to see protections for the fund so that the money would not lapse - thus ensuring that the funds are available to those who need them. He referred to a member of Chair Bjorkman's community who was badly burned while working - and who continues to receive support from the guaranty fund.

[2:20:25 PM](#)

SENATOR BISHOP asked what the current fund balance is.

[2:20:30 PM](#)

MR. COLLINS replied that the fund balance varies daily and is currently around \$300 thousand.

[2:20:42 PM](#)

SENATOR BISHOP asked if the fund is owed \$4.4.

[2:20:46 PM](#)

MR. COLLINS replied that this is correct.

[2:20:48 PM](#)

SENATOR DUNBAR asked why the guaranty fund was changed from a non-swept fund to a swept fund. He shared his understanding that there are constitutional prohibitions on dedicated funds and asked how SB 183 can avoid the constitutional prohibition.

[2:21:28 PM](#)

MR. COLLINS replied that he cannot speak to the legal terms; however, he explained that all funds are subject to the sweep action, as there are no dedicated funds. He stated that oftentimes, the legislature will protect funds from the sweep by voting for a reverse sweep - which did not happen in this case.

he explained that the division approached the attorney general's office and SB 183 is the best solution.

[2:22:30 PM](#)

SENATOR GRAY-JACKSON asked if there is a plan to make the fund whole.

[2:22:46 PM](#)

MR. COLLINS replied that there is no plan to make the fund whole. He explained that it is the will of the Alaska Worker's Compensation Board is to have the money returned to the fund. He clarified that the division and the department do not have an opinion.

[2:23:21 PM](#)

SENATOR GRAY-JACKSON shared her belief that there should be a plan in place to make this fund whole.

[2:23:35 PM](#)

SENATOR BISHOP said that he has a plan to make the fund whole. He shared his belief that sweeping the fund was a travesty and that Alaskan workers need to know that the state cares about them - one way to do this is to make the fund whole.

[2:24:28 PM](#)

CHAIR BJORKMAN held SB 183 in committee.

[2:24:34 PM](#)

At ease

**HB 57-EMERGENCY MED. SVCS: REVIEW ORGANIZATIONS**

[2:26:43 PM](#)

CHAIR BJORKMAN reconvened the meeting and 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."

[2:27:19 PM](#)

REPRESENTATIVE STANLEY WRIGHT, District 22, Alaska State Legislature, Juneau, Alaska, sponsor of HB 57, read the following statement:

[Original punctuation provided.]

This legislation corrects an inequity that has long affected our emergency medical services (EMS) in Alaska. This bill seeks to extend the same quality assurance program protections to EMS workers that fixed healthcare facilities have benefitted from for years.

This is not an unprecedented request, several other states have already recognized and acted upon the need to provide these protections to their EMS systems. Alaska's EMS system, particularly in our rural and super rural areas, operates largely on the strength of volunteerism.

It's important to understand that these volunteers are not just our emergency technicians and paramedics, but include volunteer medical directors as well. These selfless individuals, many of whom are physicians, play a crucial role in ensuring their communities have access to state-certified Emergency Services.

However, a glaring discrepancy exists: while these physicians enjoy quality assurance protections in their primary roles within clinics and hospitals, they are stripped of these protections when serving as EMS medical directors in the same communities. This discrepancy not only poses a risk to the health and safety of Alaskans but also threatens the very existence of our rural EMS systems.

This amendment is critical for maintaining the viability of our EMS programs, and the health and safety of our communities across Alaska.

[2:29:41 PM](#)

RACHEL GUNN, Staff, Representative Stanley Wright, Alaska State Legislature, Juneau, Alaska, gave a presentation on HB 57. She read the following statement:

[Original punctuation provided.]

Emergency Medical Services in Alaska stands as a hybrid organization, intersecting transportation, safety, medical, and public health disciplines, with an unwavering commitment to saving lives outside the walls of primary care facilities.

Many emergency physicians are involved with the direct care provided in the field by EMTs and Paramedics, and these Emergency medicine specialists are pivotal, extending their expertise beyond hospital walls to guide EMT and Paramedics in the field. Through "medical control," they issue treatment orders, ensuring immediate and appropriate care. Furthermore, pre-hospital protocols, or standing orders, empower EMS teams with clear guidelines for patient care before hospital arrival.

In emergency care, every second counts, and decisions are made in the blink of an eye. These decisions, often made under extreme conditions, can have profound effects on patient outcomes. After the dust settles, our EMS professionals, including EMTs, paramedics, and their medical directors, engage in critical self-reflection through Peer Review Boards and Quality Assurance programs.

The Peer Review Process is comprised of providers with similar competencies evaluating the care provided to the patient and encourages EMS providers to evaluate and refine their patient care systems continually. A successful Quality Assurance committee is essential, usually comprised an auditor, a medical director, and a feedback provider. This team focuses on patient outcomes, leveraging data to pinpoint and implement process improvements. Here they dissect each decision and action, asking, "Could we have handled that better? What can we learn from this?" This reflective practice is crucial for continual learning and improvement, ensuring better patient care in future emergencies.

Under the current framework, any admission by EMS personnel, any acknowledgment of potential improvement areas, could be misconstrued as liability in a lawsuit. Protections that are inherent for medical directors administering care as a doctor or surgeon within the walls of the hospital do not extend to the review process for the EMS cases they oversee. A considerable portion of EMS providers and the physicians and medical directors guiding them in Alaska serve voluntarily, and the absence of protective measures for them is a glaring neglect of our frontline workforce.

This fear stifles open, honest review and discussion—a cornerstone of medical improvement and patient safety. Our proposed legislation seeks to shield these frank discussions from being weaponized in legal battles.

It does not prevent an EMS provider or a Medical Director from being sued, it simply limits the information gleaned from Peer Review Programs and Quality Assurance meetings allowable for discovery. It's not about evading responsibility; it's about creating a safe space for EMS professionals to learn, grow, and enhance the quality of care they provide without the constant fear of legal repercussions. This proactive approach to continuous learning and improvement is vital for the evolution of emergency medical services and protecting our Medical Directors and EMS providers the way we protect our healthcare.

CHAIR BJORKMAN announced invited testimony on HB 57.

[2:33:16 PM](#)

BRIAN WEBB, representing self, Anchorage, Alaska, testified by invitation on HB 57. He said he has been an Alaska Emergency Medical Services (EMS) clinician since 1978 and currently volunteers for Alaska EMS improvement and advocacy efforts. He stated that Alaska EMS services should be afforded the same program protections that fixed facilities enjoy and requested that the legislature correct this inequity. Referring to Alaska Statute definitions, he explained that this wording does not include pre-hospital personnel or activities. Therefore, HB 57 seeks to change this definition. He said that EMS does not experience a two-way flow of information. He explained the lack of protections has had a chilling effect for many, as what is discussed or presented by EMS is discoverable outside of the EMS process. As a result, EMS providers are often concerned about privacy issues. He said that this effects both the educational growth and patient care improvement systems. He added that protecting this process allows EMS providers to safely grow in their craft and become better patient care advocates. He compared EMS to a three-legged stool and explained that it is able to survive due to its volunteerism of services, volunteerism of EMS clinicians, and EMS medical directors. He said that all three of these must be balanced to ensure the safety of citizens.

[2:35:15 PM](#)

MR. WEBB explained that HB 57 seeks to fix a crack in one leg of the stool that is impacting volunteer EMS clinicians and EMS medical directors. He stated that, nationwide, EMS recruitment has faced challenges. He stated that losing valuable volunteer EMS clinicians and EMS medical directors would result in a lack of protection. He pointed out that most of these individuals are no longer willing to risk their financial or professional futures because of this disclosure. He said that during the day, EMS medical directors have protection, yet when they switch gears after daytime working hours and volunteer for EMS services, they no longer have protection. This has resulted in the loss of many volunteers. He emphasized that a lack of volunteers means no EMS to respond - and no EMS services. He listed states that have enacted these protections.

[2:37:03 PM](#)

SENATOR BISHOP asked if this definition change would result in a lower insurance premium.

[2:37:50 PM](#)

MR. WEBB said that this issue was discussed during committee hearings in the House. He explained that HB 57 precludes many things that can be discovered through lawsuits. He stated that indemnity for medical directors is a separate issue and noted that many regional offices are working to build insurance-based solutions for volunteer EMS medical directors, but added that this is a very long process.

[2:39:00 PM](#)

DR. TIM PETERSON, Capital City Fire Rescue (CCFR), Juneau, Alaska, testified by invitation on HB 57. He said he has been an emergency physician at Bartlett Regional Hospital since 1989 and has dealt with EMS volunteers from around the state when patients have required medivac. He said he is co-chair of Alaska Council for Emergency Medical Services (ACEMS), which recently finished a four-year project relating to scope of medical practices. He stated that information regarding updated scope of medical practices must be provided to those in the industry via training and education. He said he is also the medical director for Southeast Regional EMS Council (SEREMS), which covers remote areas that are volunteer-dependent. He explained that the volunteer EMS system was strained during the Covid-19 pandemic. He added that many older volunteers simply quit, and they are in the process of rebuilding. The job, he said, is to ensure that Alaska EMS services are operating to a standard of care that is equivalent to the standard of care across the country. He stated that "quality assurance" refers to the quality of the services

offered. He explained that for many small communities, "run reviews" are done. In rural communities, few doctors have malpractice insurance because they don't know where or how to get it, or the associated costs. He emphasized the importance of open and honest dialogue around what is working and what is not - and expressed a desire to have bullet points of what is discussed at meetings (with all personal identifying information removed).

[2:42:53 PM](#)

SENATOR BISHOP commented that HB 57 would allow EMS professionals to discuss issues and keep records that they can then share with their peers around the state and hopefully avoid repeating problematic behaviors.

[2:43:37 PM](#)

DR. PETERSON replied that he would like to be able to attend conferences and discuss cases with others in the profession in order to learn from other people's mistakes, which is not possible currently.

[2:44:11 PM](#)

DR. MICHAEL LEVY, representing self, Eagle-River, Alaska, testified by invitation on HB 57. He said he is the immediate past president of the National Association of EMS Physicians (NAEMSP) and State of Alaska EMS Medical Director. He is the EMS Medical Director for various state EMS agencies and has practiced in Alaska since 1989. He said he is board certified with an EMS medicine specialty and explained that EMS medicine is a sub-specialty that offers board certification by the American Board of Medical Specialties since 2013. He added that this is an acknowledgement that EMS medicine is a distinct practice of medicine - and that EMS is part of the healthcare system. He said that many states have established laws providing peer-review protection for EMS agencies, which ensures that information gathered for the purposes of improving quality of health remains non-discoverable in legal proceedings. He provided a list of examples of this information. He stated that EMS is evolving as a versatile community health resource that is integral to local and regional systems of care. He added that EMS is clearly a public health entity and must be people centered. He stated that EMS treatments should include processes, protocols, and practices that are designed to have the best practices for individuals. EMS clinicians should deliver care by evidence-based practices. He pointed out that peer review and quality of care have long been accepted as fundamental tools for improved care; however, protection from

discovery has not explicitly included EMS. He commented that many EMS providers question whether they did the right thing - yet they are not able to receive feedback on their decisions. He emphasized the value of feedback for improvement and added that HB 57 is a step toward supporting EMS practitioners by adding protections already provided by other states.

[2:48:10 PM](#)

SENATOR DUNBAR commented that Dr. Levy and others with the Anchorage Fire Department did tremendous work leading to nation leading results in cardiac arrest survival rates. He pointed out that in the United States military, certain investigations can lead to punitive actions; however, they also have safety investigations that are for improved safety going forward. He explained that information provided during a safety investigation cannot lead to punishment.

[2:49:18 PM](#)

SENATOR GRAY-JACKSON echoed Senator Dunbar's comments.

[2:49:37 PM](#)

DR. LEVY expressed appreciation.

[2:49:49 PM](#)

CHAIR BJORKMAN expressed gratitude for the work Dr. Levy has done in his district.

[2:50:01 PM](#)

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

[2:50:40 PM](#)

CHAIR BJORKMAN held HB 57 in committee.

[2:51:02 PM](#)

There being no further business to come before the committee, Chair Bjorkman adjourned the Senate Labor and Commerce Standing Committee meeting at 2:51 p.m.