

S B

189

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

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Mary Van Nimwegen

SB 189

H. HESS

1/20/90

H. HESS

5/2/90

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 19, 1989

FURTHER REFERRALS:

Date of Committee Action: 4/20/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: SB 189

SENATE BILL NO. 189

[EXAMINE PERSONS IN PROTECTIVE CUSTODY]

"An Act relating to examination of intoxicated or incapacitated persons in protective custody."

RECOMMENDATIONS:

- be replaced with HCSSB 189 (HESS) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) 2/24/89 / DHS-Corr.
- zero fn/analysis 2/24/89 / DPS

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend

[Signature]
 Chairman's Signature

SB 189

Amendment # 1

Offered by the Department of Health and Social Services

Page 1, lines 13 - 15:

Replace all underlined material with " The Department shall, by regulation, determine which health practitioners may be authorized to perform the examination. "

SB 189

Amendment # 2

Offered by the Department of Health and Social Services

Delete all of section 2

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Examine Persons in Protective
Custody
Sponsor: Senate Rules
Requestor: House HESS

Agency Affected: Public Safety
BRU: AST & Contract Jails

Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Gayle A. Horetski, Deputy Commissioner
Division: _____

Phone: 465-4322
Date: 4/23/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 4/23/90
Page 1 of 1

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Health & Social Services
 Title: An Act relating to examination of Public Inebriates in Protective Custody; . . . BRU: _____
 Sponsor: Rules Committee Components: _____
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY92	FY93	FY94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)
FY 90 fiscal impact is "0".

Prepared by: Matthew C. Felix, Acting Director Phone: 586-6201
 Division: Alcohol and Drug Abuse Date: 4/23/90
 Approved by Commissioner: Myra M. Munson Date: 4/23/90
 Agency: Department of Health and Social Services

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

ALASKA STATE MEDICAL ASSOCIATION

REC'D APR 11 1991

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

April 11, 1990

Jim

Honorable Johnny Ellis
Chairman
Health, Education and Social Services Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ellis:

The Alaska State Medical Association urges the passage of Senate Bill 189.

The question of responsibility for public inebriates is probably as old as human society. The greatest public outcry is generated when a public inebriate dies in a jail, on the street, or in some other unattended setting; of importance also, is the inebriate who is lying down and is severely intoxicated in a public setting.

In Anchorage, a small number (70-100) constitute the repeat public inebriate group. This was well documented in a study done by the University of Alaska. These are people who do not take responsibility for themselves. They have unhealthy behavior and die at high rates. A study was also done at the Alaska Native Medical Center of high utilizers of care followed over a six year period of time. Most of the male high utilizers had chronic alcoholism. At the end of this study period 1 out of 4 had died.

No matter what the public and human services response is to this group of people, there is not study which suggests that any intervention would have made a difference in the outcome. Unfortunately, there is a public perception that if these people were appropriately screened, care for and under some type of health care supervision, deaths could be prevented. This is true only in exceptional circumstances. The data suggests that injury and death are due to unhealthy life-styles and personal risky behavior on which no institution or public program will have much impact.

Honorable Johnny Ellis
April 11, 1990
Page 2

In Anchorage, public inebriates are visible and in the recent past a politically important problem. Fortunately, we have multiple resources in the community, and over the years have been able to negotiate a public and human service agency response. However, the most acute problem is in the small rural communities such as Dillingham, Barrow, Nome, Kotzebue and other Southeaster communities. During off hours there is not an in-house physician and emergency room nursing coverage is very limited. Likewise, there is minimal staffing in the public safety facilities. The hospitals are under continued pressure to provide acute medical services for obstetrics and acute emergency room care. The un-injured public inebriates is a low priority in this setting. There simply are not enough resources to provide the kinds of services which are available in the larger communities.

Unfortunately, recent legislation has been interpreted by the public to place more responsibility in physicians hands for this group of public inebriates. We do not feel this is appropriate nor necessary.

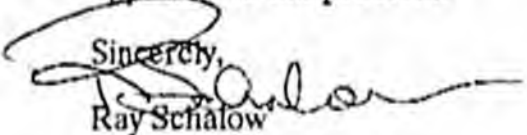
Bringing public inebriates to emergency rooms for medical evaluations requires the investment of a large amount of time by public safety officers. Since these patients are not viewed by physicians or nurses as a high priority (in general), much time is spent "waiting for evaluation."

We believe that there are rather simple protocols which could be developed and used by less expensive personnel than physicians. These protocols would screen those patients at high risk for catastrophic events and would provide a simple monitoring system which would identify those patients needing further evaluations and/or an evaluation by a physician. Senate Bill 189 would provide for this protocol. However, it must be made clear that even under these circumstances there will still be occasional patients who have catastrophic outcomes.

The burden in the private sector medical practice, especially in a small community hospital in rural Alaska, is untenable. In that setting there is the additional burden of uncompensated care, and the issue of liability is more pronounced.

We urge your support of Senate Bill 189 which provides a more realistic approach to this problem.

Sincerely,



Ray Schialow
Executive Director

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

189

February 24, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

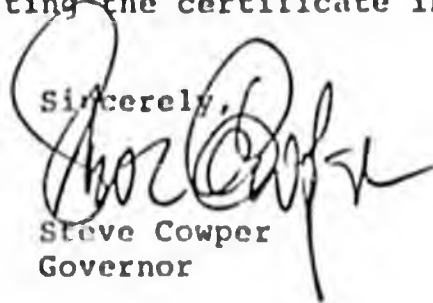
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the examination of intoxicated or incapacitated persons in protective custody.

Present law provides for the examination, by a physician, of intoxicated or incapacitated persons taken into protective custody. AS 47.37.170(c). Section 1 of the bill amends AS 47.37.170(c) to allow those examinations to be conducted by qualified health practitioners other than physicians. The Department of Health and Social Services may, by regulation, determine the extent of the examinations and necessary qualifications for the practitioners who conduct them.

This change merely reflects the reality of service provision in Alaska, particularly in rural areas. Most alcohol programs will not have a physician available to conduct examinations on individuals taken into protective custody.

AS 47.37.180(b) currently provides that an application for emergency commitment of an intoxicated or incapacitated person must be accompanied by a certificate from a physician supporting the need for emergency treatment. This bill does not change the requirement that a physician complete that certificate. However, to be consistent with the amendment proposed in sec. 1 of this bill, sec. 2 amends AS 47.37.180(b) to allow the certificate to state that the physician or another qualified health practitioner has examined the person sought to be committed. Additionally, the certifying physician must review the results of the examination before executing the certificate in support of emergency commitment.

Sincerely,



Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to examination of Public Inebriates in Protective Custody;
 Sponsor: Rules Committee date: _____
 Requestor: Governor
 Agency Affected: Health & Social Services
 BRU: Alcohol and Drug Abuse Services
 Components: Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES					11	
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Matthew C. Felix *Matthew Felix* Phone: 586-6201
 Division: Office of Alcoholism and Drug Abuse Date: 2/8/89

Approved by Commissioner: Mrs. H. H. Johnson *Mrs. H. H. Johnson* Date: 2/12/89
 Agency: Health & Social Services

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Examination of intoxicated/incapacitated persons in protective custody
 BRU: _____
 Sponsor: Rules Committee Component: _____
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will not have a fiscal impact on the Department of Public Safety; under AS 33.30.071(a) the Department of Public Safety is not responsible for the expenses of caring for intoxicated persons taken to local jails under AS 47.37.170.

Prepared by: Gayle A. Horetski, Deputy Commissioner Phone: 465-4322
 Division: Office of the Commissioner Date: 2/9/89

Approved by Commissioner: Arthur English Date: 2/9/89
 Agency: Department of Public Safety

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to examination
of intoxicated or incapacitated."
Sponsor: Rules
Requestor: Governor

Agency Affected: Department of Corrections
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Susan E. Knight, Director Phone: 2-10-89
Division: Administrative Services Date: 2-10-89
Approved by: Commissioner Susan Humphrey-Barnett Date: 2-10-89
Agency: Department of Corrections

Distribution (by preparer):

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- Impacted Agency(ies)