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189

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 4/6/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035
2/24/89

DATE TURNED INTO OFFICE 4/11/89

Mr. President:

HESS

Committee considered

SB 189

examination of intoxicated or incapacitated persons in protective custody

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached ³ zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]

[Signature]

Carl Triebel (Do Pass)
Chairman signature and recommendation

Committee backup attached

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX H
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

MAR 07 1989

March 2, 1989

The Honorable Paul Fischer
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Senator Fischer:

The Governor has recently introduced SB 189 which proposes changes to the way in which medical services are provided to individuals who are taken into protective custody because they are incapacitated by alcohol. As the Governor's transmittal letter notes, this change will maintain quality services to incapacitated individuals while allowing alcohol programs the flexibility to provide cost effective services. I respectfully request that this bill be heard by the Senate HESS Committee at the earliest available date.

Thank you.

Sincerely,



Myra M. Munson
Commissioner

MM:JL:nb



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 24, 1989

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

Dear Mr. President:

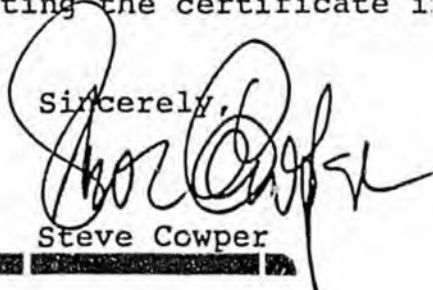
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the examination of intoxicated or incapacitated persons in protective custody.

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

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
 Division: Administrative Services
 Approved by: Dorothy Humphrey-Barnett
 Agency: Department of Corrections

Phone: _____
 Date: 2-10-89
 Date: 2-10-89

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Examination of intoxicated/incapacitated persons in protective custody
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Public Safety
BRU: _____
Component: _____

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
Division: Office of the Commissioner

Phone: 465-4322
Date: 2/9/89

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

Date: 2/9/89

FISCAL NOTE

Revision Date: _____ Agency Affected: Health & Social Services
 Title: "An Act relating to examination of
Public Inebriates in Protective Custody;
 Sponsor: Rules Committee date: _____
 Requestor: Governor 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
REVENUE	0	0	0	0	0	0

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: Myra H. Munson *Myra H. Munson* Date: 2/12/89
 Agency: Health & Social Services

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



Summary of SB 189

PURPOSE

* CHANGES CURRENT LAW SO THAT THE EXAMINATION OF AN INTOXICATED PERSON WHO IS TAKEN INTO PROTECTIVE CUSTODY CAN BE DONE BY A HEALTH PRACTITIONER OTHER THAN A PYSICIAN.

* IN MANY AREAS OF THE STATE, PHYSICIANS ARE NOT AVAILABLE 24 HOURS A DAY TO CONDUCT THESE EXAMINATIONS. THIS LEGISLATION PROVIDES A PRACTICAL, LESS EXPENSIVE BUT SAFE ALTERNATIVE TO THE CURRENT STATUTORY REQUIREMENT.

* THE DEPARTMENT WILL, BY REGULATION, IDENTIFY THE TYPES OF PROVIDERS WHO WILL CONDUCT THE EXAMINATIONS. THE REGULATION DRAFTING PROCESS WILL CONSIDER THE SCOPE OF PRACTICE OF DIFFERENT TYPES OF PROVIDERS SO THAT NO PROVIDER WILL BE IN THE POSITION OF PRACTICING BEYOND THEIR APPROPRIATE LEVEL.

CHANGES FROM THE BILL THAT PASSED THE SENATE

* SECTION 1 OF SB 189 PROVIDED THAT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES WOULD BY REGULATION (1) ESTABLISH THE SCOPE OF THE EXAMINATION TO BE PERFORMED AND (2) DETERMINE THE MINIMUM QUALIFICATIONS FOR HEALTH PRACTITIONERS TO BE AUTHORIZED TO PERFORM THE EXAMINATIONS. SECTION 2 OF SB 189 PROVIDED THAT EXAMINATIONS RELATED TO INVOLUNTARY COMMITMENTS OF ALCOHOLICS COULD BE CONDUCTED BY A PROVIDER OTHER THAN A PHYSICIAN, ALTHOUGH A CERTIFYING PHYSICIAN WOULD STILL HAVE TO SIGN THE CERTIFICATE IN SUPPORT OF THE COMMITMENT.

IN CSSB 189, REFERENCE TO THE SCOPE OF EXAMINATION WAS REMOVED AS THIS WAS TO DIRECTIVE REGARDING THE PRACTICE OF MEDECINE AND TO RESTRICTIVE REGARDING THE INDEPENDENT JUDGEMENT OF HEALTH PROVIDERS.

ADDITIONALLY, SECTION 1 WAS CHANGED SO THAT THE DEPARTMENT, RATHER THAN DETERMINING THE MINIMUM QUALIFICATIONS OF PROVIDERS TO PERFORM THE EXAMINATION, WOULD DETERMINE THE PROVIDERS WHO ARE QUALIFIED TO DO THE EXAMINATION. THIS IS NOT A SIGNIFICANT CHANGE IN PRACTICE BUT SEEMED MORE PRACTICAL IN TERMS OF WRITING REGULATIONS AND IMPLEMENTATION IN LIGHT OF THE STATES OCCUPATIONAL LICENSING LAWS.

SECTION 2 OF THE BILL WAS REMOVED COMPLETELY BECAUSE DECISIONS REGARDING EMERGENCY COMMITMENTS SHOULD ONLY BE MADE AFTER AN EXAMINATION BY A PHYSICIAN.