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Alaska State Legislature



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Senate

Sponsor Statement for SB 323

Several health care practitioners' groups have recognized the problem of health care practitioners who have become professionally impaired as a result of chemical dependency. These groups wish to find a solution that does not result in loss of licensure. Currently, if a chemically impaired practitioner voluntarily comes forward, or is reported to his or her licensing board, disciplinary action is taken.

Senate Bill 323 amends existing law to allow the Department of Commerce and Economic Development to contract with public agencies and private professional organizations to provide education, recommend treatment, and monitor recovery for certain persons licensed as medical practitioners who abuse alcohol, other drugs, or other substances.

Often a medical professional is hesitant to come forward to seek treatment for substance abuse because he or she is afraid of a possible license revocation. This legislation would provide a formal means by which intervention and monitoring can be done to meet the standards required by the licensing boards.

As this legislation progressed we became aware of a difference between the cost to the Department for regulating occupational licensing boards and the amount of funding received from licensing fees. This difference results in a shortfall in excess of \$300,000. The bill was amended to direct the Department of Commerce and Economic Development to review fee levels for occupational boards and to adopt fee levels that approximately equal the cost to the Department for regulating those boards.

Sponsor statement

SECTIONAL ANALYSIS
SENATE BILL 323

SECTION 1:

Authorizes the Department of Commerce and Economic Development to contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances.

The contracting would be at the request of one of the following boards:

- (1) Board of Clinical Social Work Examiners;
- (2) Board of Dental Examiners;
- (3) Board of Dispensing Opticians;
- (4) State Medical Board;
- (5) Board of Nursing;
- (6) Board of Examiners in Optometry;
- (7) Board of Pharmacy;
- (8) State Physical Therapy and Occupational Therapy Board;
- (9) Board of Psychologist and Psychological Associate Examiners; and
- (10) Board of Veterinary Examiners.

SECTION 2: (Applies to all boards addressed in AS 08.01.010)

Directs the Department to establish fee levels for occupations which approximately equal the actual cost to the Department for that occupation. Calls for the department to annually review fee levels. If the fee levels are not equal to the actual costs to the Department the Department shall calculate fee adjustments and adopt regulations to implement the adjustments. Recommendations of the effected Board will be considered prior to the increase in fee levels.

SECTION 3:

Releases from any liability those individuals who are involved in reporting, investigating, or hearing a complaint when that complaint relates to the abuse of alcohol, other drugs, or other substances by a licensed individual.

SECTION 4:

Repeals AS 08.01.065(b). Allows the Department to implement fee increases without direct approval of the effected board.

sectional analysis

SSSB 323 (L&C):

"An Act relating to substance abuse by certain persons who are licensed under state law."

This bill contains provisions encouraging early intervention and a nondisciplinary approach for handling licensed health care providers who abuse addictive substances. In addition, the bill provides immunity and indemnity for persons who act in good faith in reporting suspected abuse or who assist the board in intervention, peer review, and other activities deemed necessary to rehabilitate or discipline an impaired practitioner.

Section 1 of the bill adds a new subsection which allows specific health care licensing boards to request the department to contract with a professional association or public agency to provide assistance and treatment to persons who abuse addictive substances. The State Medical Board currently has this provision in 08.64.101 (6), and has had an agreement with the Alaska State Medical Association and its Impaired Physician's Committee since June, 1988. Thus far, it has demonstrated effectiveness.

Denial of the disease and threat of licensing discipline prevent many impaired professionals from entering treatment, thus, putting the public at risk for a greater period of time. Co-workers might be more willing to report someone they thought was abusing if the result were treatment, not punishment. With this legislation, the department could enter into contracts which reflect individual board concerns and philosophies. The contracts would include provisions for identifying, confronting, assisting into treatment, and the monitoring of recovery activities of health care professionals in substance abuse recovery.

The department's Division of Occupational Licensing currently has staff members who have responsibilities in the area of investigation, education, and monitoring of professionals in recovery who have entered into disciplinary probation agreements with the boards. This problem is growing rapidly nationally and we have no reason to believe Alaska will not have a like increase in impaired practitioners. Having the ability to contract as provided in this bill might ease a strain on staff resources that we are beginning to feel.

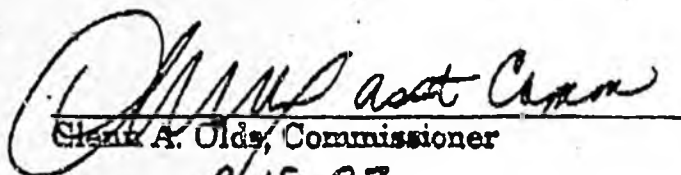
Section 2 of the bill extends the limitation of liability protections currently in place for persons assisting the medical board to those other professionals assisting the other health care licensing boards in carrying out their duties. There is considerable fear about litigation or other retaliation for reporting a fellow practitioner. Reports made in good faith should be protected. Failure to provide this protection would preclude members of the professions from participating in the intervention and monitoring committees.

Commerce Position

POSITION PAPER
SSSB 323 (L&C)
Page 2

The boards will continue to maintain the ability to discipline the chemically addicted professionals who fail to comply with terms of the optional program of treatment and monitoring among those licensed to practice. The department, not the individual boards, will be entering into the contract with the association or private care provider. The bill is permissive, not mandatory. For these reasons, the department is comfortable with the bill as written.

The department supports passage of SSSB 323 (L&C).



Clark A. Olds, Commissioner
Date: 2.18.92

NOTE

Bill Version: SSSB-323

(S) Publish Date: 3-13-92

Effective Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act relating to substance abuse by certain BRU: Occupational Licensing
persons who are licensed under state law. Component: Administration
 Sponsor: Sen. Sturgulewski and Pearce
 Requestor: Senator Sturgulewski COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
OPERATING						
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

PITAL	0.0	0.0	0.0	0.0	0.0	0.0
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VENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

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

EMPLOYMENTS:

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

Estimated of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

SSSB 323 will allow the department to contract with public and private organizations at the request of any of the ten health care boards listed in the bill, to provide assistance and treatment to licensees who abuse alcohol, other drugs, or other substances.

Prepared By: Jennifer Strickler Phone: 465-2144
 Division: Occupational Licensing Date: 02/14/92
 Approved by Commissioner: Glen A. Olds

Changes in CS SSB 323 (Fix) Date: 2-14-92

have no fiscal impact. This legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies) fiscal note is appropriate.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSSB 323

Because of the permissive language used in the bill which provide that the department "may" contract with an organization at the request of the board, new funding will not be necessary to implement the bill at the onset. Currently, the division is aware of only one licensing board committed to a substance abuse type program. As additional licensing boards become involved with similar programs, the department may require additional staff support at that time to coordinate activities between the division and the substance abuse programs.

When additional staff support becomes necessary, licensees may be asked to cover costs associated with the program through an increase in fees. The fees can be accounted for separately and the Legislature could make an appropriation from the account to fund activities of the substance abuse programs.

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 10, 1992

FURTHER REFERRALS:

Labor & Commerce
Finance

Date of Committee Action: 4-22-92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSSSB 323(FIN)

CS FOR SPON. SUB. FOR SEN. BILL #323(FIN) SUBSTANCE ABUSE BY LIC. PERSONS; FEES

"An Act relating to substance abuse by certain persons who are licensed under state law; and relating to occupational licensing fees."

RECOMMENDATIONS: the same title
be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Commerce 4/14/92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Mary Miller	✓				
Betty Davis	✓				
J. B. [Signature]	✓				
Cheri Davis	✓				
Mark [Signature]	X				

[Signature]
CHAIRMAN'S SIGNATURE