

HB

411

Alaska State Legislature

REPRESENTATIVE
HUGH "BUD" FATE

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 452-4448
Fax: (907) 456-3346



House Of Representatives

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4976
Fax: (907) 465-3883

House District 33

Memorandum:

Date: February 13, 2002

TO: Representative Fred Dyson
Chair, Health, Education & Social Services Committee

FR: Rep. Hugh Fate
District 33

RE: Request for Hearing

I would respectfully request a hearing for 411 which is a bill related to the Physician Assistant who is licensed to practice medicine under AS 08.64.107, AS 08.64.170 and 12AAC 40.400 through 12AAC 40.490. The purpose of this bill is to ensure that they are covered under the following laws; relating to medical malpractice actions, covered under insurance laws relating to unfair discrimination, under laws relating to special registration plates, and to make sure the insurance changes of sec. 2 effective with new or renewed policies and contracts.

Alaska State Legislature

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House District 33

House Of Representatives Sponsor Statement HB 411

“An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date.”

HB 411 was at the request of the Alaska Academy of Physician Assistants who submitted three resolutions to be considered for inclusion in the state laws.

The resolutions were drafted in order to update existing state laws and to include physician assistants as recognized providers of medical care described in the particular statutes. It is believed that when the laws were drafted and passed, physician assistants were not prevalent as health care providers in the state of Alaska. However, over the ensuing years physician assistants have become integral to providing health care to rural and urban areas around the state.

The three resolutions are attempts to rectify problematic areas in the statutes, as they do not list physician assistants as recognized health care providers. This has hindered appropriate medical follow up for patients of physician assistants. The statutory changes will also prevent any discriminatory action against physician assistants without the opportunity to be assessed by their peers.

The attached resolutions as well as the current statutes they refer to will hopefully elaborate the academy's position and request. I respectfully request that you review the requests and support and pass HB 411 from committee.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 11, 2002

SUBJECT: Physician Assistants (Work Order No. 22-LS1329\C)

TO: Representative Hugh Fate
Attn: Sharon

FROM: Terri Lauterbach
Legislative Counsel 

Enclosed is the bill you requested, related to physician assistants.

Section 1 puts the physician assistants under the laws relating to medical malpractice actions.

Section 2 puts the physician assistants under the insurance laws relating to unfair discrimination.

Section 3 puts the physician assistants under laws relating to special registration plates. Since AS 28.10.465(c) refers to AS 28.10.181(d), sec. 3 also has the effect of placing physician assistants under laws relating to handicapped parking permits.

Section 4 makes the insurance change of sec. 2 effective with new or renewed policies and contracts. This clarifies that the legislature is not attempting to unconstitutionally change contracts that are already in place.

Section 5 gives sections 2 and 4 a special effective date based on the calendar year. It is my understanding that such is commonly done when insurance is involved. See, for instance, ch. 50, SLA 1998, when marital and family therapists were added to AS 21.36.090(d). Sections 1 and 3 of the bill would take effect 90 days after the bill becomes law. If you want a different effective date, just let me know.

TML:med
02-128.med

Enclosure



alaska academy of physician assistants

P.O. Box 74187 • Fairbanks, AK 99707-4187
(800) 478-8684 • (907) 455-4649
Fax (907) • 452-8373 * Email akapa@gci.net



RESOLUTION

TO AMEND AS 21.36.090 (d) TO PROTECT PHYSICIAN ASSISTANTS FROM UNFAIR DISCRIMINATION

Board of Directors

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Martha Flores
1-Year Board Member
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WHEREAS, a physician assistant is licensed to practice medicine under AS 08.64.107, AS 08.64.170, and 12 AAC 40.400 through 12 AAC 40.490. A physician assistant practices medicine under a "plan of collaboration" with a collaborating physician. The physician assistant has the same scope of practice as the collaborating physician. AS 08.64.170; 12 AAC 40.430.

WHEREAS, there are 250 physician assistant licensees in the state of Alaska. Physician assistants have been providing medical care in Alaska for over twenty years.

WHEREAS, physician assistants care for over 50,000 Alaskans every month, in a wide variety of institutions. Physician assistants are critical for the provision of medical care in remote areas and villages.

WHEREAS, AS 21.36.090(d) prohibits insurance companies and health maintenance organizations from discriminating against a medical care "provider" for payment of medical services, if the service is within the scope of the provider's occupational license.

WHEREAS, AS 21.36.090(d) defines "provider" to mean a licensed physician, dentist, osteopath, optometrist, chiropractor, nurse-midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, and certified direct-entry midwife.

WHEREAS, due to a legislative oversight, physician assistant was omitted from the definition of "provider" in AS 21.36.090(d). The current statute does not protect physician assistants from unfair discrimination.

WHEREAS, physician assistants are crucial to the provision of quality medical care in Alaska. Physician assistants are entitled to protection from unfair discrimination.

THEREFORE, BE IT RESOLVED that the Alaska Academy of Physician Assistants wishes to amend AS 21.36.090(d) to include "physician assistant".

VISIT OUR WEBSITE @ akapa.org

The purpose of this Academy is to render loyal and honest service to the medical profession and to the public, to develop and enforce continuing educational programs for the Physician Assistant and the Academy membership, to promote the Physician Assistant concept through education of professional and lay people, and to promote similar interest in the student societies.



alaska academy of physician assistants

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Board of Directors

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Don Hussen
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Martha Flores
 1-Year Board Member
 Bethel, AK

RESOLUTION

TO AMEND AS 28.10.181d TO INCLUDE PHYSICIAN ASSISTANTS AS RECOGNIZED PROVIDERS OF CARE TO THE DISABLED

WHEREAS, a physician assistant is licensed to practice medicine under AS 08.64.107, AS 08.64.170, and 12 AAC 40.400 through 12 AAC 40.490.

WHEREAS, there are approximately 250 physician assistant licensees in the State of Alaska. Physician assistants have been practicing medicine in Alaska for more than 20 years.

WHEREAS, physician assistants care for over 50,000 Alaskans every month, in a wide variety of institutions. Physician assistants are critical for the provision of medical care in remote areas and villages of Alaska as well as urban areas.

WHEREAS, AS 28.10.181d identifies providers who may provide proof of disability as physicians or nurse practitioners.

WHEREAS, physician assistants are licensed clinical practitioners equivalent to nurse practitioners.

WHEREAS, disabled patients of physician assistants have been denied issuance of temporary or permanent disabled parking permits that have been applied for by physician assistants on behalf of their patients.

WHEREAS, AS 28.10.181d currently discriminates against physician assistants as well as creates unnecessary obstacles for disabled patients of physician assistants.

THEREFORE, BE IT RESOLVED that the Alaska Academy of Physician Assistants wishes to amend AS 28.10.181d to include "physician assistant under AS 08.64".

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alaska academy of physician assistants

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RESOLUTION

TO AMEND AS 09.55.560 TO INCLUDE PHYSICIAN ASSISTANTS IN MEDICAL LIABILITY STATUTE

Board of Directors

Jeanne Clark
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Anchorage, AK

Lori Landstrom
Secretary-Treasurer
Soldotna, AK

Don Hussen
2-Year Board Member
Fairbanks, AK

Martha Flores
1-Year Board Member
Bethel, AK

WHEREAS, a physician assistant is licensed to practice medicine under AS 08.64.107, AS 08.64.170, and 12 AAC 40.400 through 12 AAC 40.490.

WHEREAS, there are approximately 250 physician assistant licensees in the state of Alaska. Physician assistants have been practicing medicine in Alaska for more than 20 years.

WHEREAS, physician assistants care for over 50,000 Alaskans every month, in a wide variety of institutions. Physician assistants are critical for the provision of medical care in remote areas and villages of Alaska.

WHEREAS, in 1976 the legislature codified the law with regard to medical liability. AS 09.55.530 – AS 09.55.560. The purpose of the statutes was to codify the law of medical malpractice in order to establish that the law in Alaska in this regard is the same as elsewhere. AS 09.55.530.

WHEREAS, the medical liability statutes apply only to "health care providers", as specifically defined by AS 09.55.560. The definition of "health care provider" includes acupuncturists, audiologists, speech-language pathologists, chiropractors, dental hygienists, dentists, nurses, opticians, naturopaths, optometrists, pharmacists, physical therapists, occupational therapists, physicians, podiatrists, psychologists and psychological associates. AS 09.55.560.

WHEREAS, due to a legislative oversight, physician assistants were not included in the definition of "health care provider" under AS 09.55.560. As a result, physician assistants are not covered by the medical liability statutes.

WHEREAS, the law of medical liability should apply uniformly to all health care providers licensed to practice medicine in the state of Alaska, including physician assistants.

Therefore be it resolved that the Alaska Academy of Physician Assistants wishes to amend AS 09.55.560(1) to include the words "physician assistant licensed under AS 08.64" in the definition of health care provider.

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The purpose of this Academy is to render loyal and honest service to the medical profession and to the public, to develop and enforce continuing educational programs for the Physician Assistant and the Academy membership, to promote the Physician Assistant concept through education of professional and lay people, and to promote similar interest in the student societies.

THE
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a full disclosure would have a substantially adverse effect on the patient's condition.
7 ch 102 SLA 1976)

NOTES TO DECISIONS

Physician must explain risk in lay terms. — Identifying a risk does not necessarily provide patient with the information necessary for an informed decision. For a trial court to decide on summary judgment that doctor has disclosed sufficient information to allow a reasonable patient to make an informed decision about treatment, the record must establish that the physician explained to the patient in lay terms the nature and severity of the risk and the likelihood of its occurrence. *Korman v. Mallin*, 858 P.2d 1145 (Alaska 1993).

Expert testimony as to disclosure standards required. — The scope of disclosure required under subsection (a) must be measured by what a reasonable patient would need to know in order to make an informed and intelligent decision about the proposed treatment. Under the reasonable patient standard, a physician must disclose those risks which are "material" to a reasonable patient's decision concerning treatment. Under this view, expert testimony concerning the professional standard of disclosure is

not a necessary element of the plaintiff's case because the scope of disclosure is measured from the standpoint of the patient. *Korman v. Mallin*, 858 P.2d 1145 (Alaska 1993).

Signed informed consent. — The requirements set forth in 7 AAC 12.120 (c) are not inconsistent with this section. The regulations, simply impose a supplemental requirement that the patient's medical record contain a "signed informed consent" before a surgical procedure may begin. *Sweet v. Sisters of Providence*, 895 P.2d 484 (Alaska 1995).

Validity of regulation. — The trial court in an evidentiary hearing did not adequately investigate the application of 7 AAC 12.120(c) which requires a signed informed consent before a surgical procedure because there was an insufficient factual basis from which to conclude that the regulation either was or was not obscure and whether or not it could be fairly interpreted to set the standard of care. *Sweet v. Sisters of Providence*, 895 P.2d 484 (Alaska 1995).

Collateral references. — Modern status of views as to general measure of physician's duty to inform patient of risks of proposed treatment, 88 ALR3d 1008.

Duty of medical practitioner to warn patient of subsequently discovered danger from treatment previously given, 12 ALR4th 41.

Liability for failure of physician to inform patient of

alternative modes of diagnosis or treatment, 38 ALR4th 900.

Medical practitioner's liability for treatment given child without parents' consent, 67 ALR4th 511.

Malpractice: physician's duty, under informed consent doctrine, to obtain patient's consent to treatment in pregnancy or childbirth cases, 89 ALR4th 799.

✓ Sec. 09.55.560. Definitions. In AS 09.55.530 — 09.55.560, *This is where we need to add Physician Assistant*

(1) "health care provider" means an acupuncturist licensed under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned or operated hospital; an employee of a health care provider acting within the course and scope of employment; an ambulatory surgical facility and other organizations whose primary purpose is the delivery of health care, including a health maintenance organization, individual practice association, integrated delivery system, preferred provider organization or arrangement, and a physical hospital organization;

(2) "board" means an arbitration board established under AS 09.55.535;

(3) "panel" means an expert advisory panel established under AS 09.55.536;

(4) "professional negligence" means a negligent act or omission by a health care provider in rendering professional services;

(5) "professional services" means service provided by a health care provider that is within the scope of services for which the health care provider is licensed and that is not prohibited under the health care provider's license or by a facility in which the health care provider practices. (§ 37 ch 102 SLA 1976; am § 24 ch 177 SLA 1978; am § 6 ch 56 SLA 1986; am § 9 ch 131 SLA 1986; § 26 ch 2 FSSLA 1987; am § 9 ch 6 SLA 1990; am § 1 ch 14 SLA 1991; am §§ 26, 27 ch 26 SLA 1997)

§ 21.36.080

ALASKA INSURANCE LAWS

§ 21.36.080 Boycott, coercion, and intimidation

A person may not enter into an agreement to commit, or by any concerted action commit, an act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

History.—§ 1, ch. 120, SLA 1966.

✓ § 21.36.090 Unfair discrimination

(a) A person may not make or permit unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for a contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract.

(b) A person may not make or permit unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for a policy or contract of health insurance or in the benefits payable, or in any of the terms or conditions of the contract, or in any other manner whatever.

(c) A person may not make or permit arbitrary or unfair discrimination between insureds or property having like insuring or risk characteristics, in the premium or rates charged for a policy or contract of property, casualty, surety, marine, wet marine or transportation insurance, or in the dividends or other benefits payable on the insurance, or in the selection of it, or in any other terms and conditions of the insurance.

↘ *Text of subsection (d) effective until July 1, 1998*

(d) Except to the extent necessary to comply with AS 21.42.265 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, dentist, osteopath, optometrist, chiropractor, nurse midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, psychologist, psychological associate, or licensed clinical social worker, or certified direct-entry midwife.

Subject Parking

AS 28.10.181d

(d) Vehicles owned by disabled veterans, including persons disabled in the line of duty while serving in the Alaska Territorial Guard, or other persons with disabilities. Upon the request of a person with a disability that limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one passenger vehicle in the name of the person without charge; and (2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; and (B) the standard symbol of disability (the wheelchair logo). A disabled veteran who is not otherwise qualified under this subsection, but who presents to the department written proof that the person is at least 70 percent disabled or medically handicapped as a consequence of service in the Alaska Territorial Guard or the armed forces of the United States, may register one passenger vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the standard handicap symbol and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

Note this does not auth Chiropractor or Poditrist, It is questionabe maybe poditrist is covered

My Guess that CFR 1235 is the criteria used on the application.

Sec. 28.10.495. Parking permit for vehicle transporting disabled person.

(a) Upon application by a disabled or medically handicapped person, or by an organization that transports disabled or medically handicapped persons, the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle that is being used for the transportation of a disabled or medically handicapped person.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for a disabled or handicapped person. Upon the death of a disabled or handicapped person to whom a special permit has been issued, the special permit shall be returned to the department. If an organization to which a special permit has been issued ceases transporting disabled or handicapped persons, or ceases operating, it shall return the special permit to the department.

(c) Proof of disablement or medical handicap, for the purpose of this section, shall be the same as that required for the purposes of AS 28.10.181(d).

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 411
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act relating to physician BRU Motor Vehicles
assistants; Component _____
 Sponsor Representative Fate
 Requester H(HES) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 3

Current law allows licensed physicians and advanced nurse practitioners to sign the form allowing a person to receive a parking permit for persons with disabilities. This bill would add physician assistants to those authorized to sign the form.

This change has no fiscal impact. The other sections of the bill have no impact on DMV.

Prepared by: Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 2/14/02 3:35 pm
 Approved by: Jim Duncan, Commissioner Date 2/14/2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 411
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title An Act relating to physician assistants BRU Insurance (116)
 Component Insurance Operations
 Sponsor Representative Fate
 Requester (H) Health & Social Services Component No. 354

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would add physician assistants to the list of health care providers in AS 21.36.090(d). This would have the effect of prohibiting an insurer from refusing to cover a service if it is provided by a physician assistant, if the service is otherwise covered under the group health insurance plan of the patient/insured. No fiscal impact on the Division of Insurance is expected.

Prepared by: Robert A. Lohr, Director Phone 907-269-7900
 Division: Insurance Date/Time 2/19/02 9:38 AM
 Approved by: Deborah B. Sedwick, Commissioner Date 2/19/2002
 Agency: Department of Community & Economic Development

Sec. 09.55.560. Definitions.

In AS 09.55.530 - ~~09.55.560~~,

(1) "health care provider" means an acupuncturist licensed under AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned or operated hospital; an employee of a health care provider acting within the course and scope of employment; an ambulatory surgical facility and other organizations whose primary purpose is the delivery of health care, including a health maintenance organization, individual practice association, integrated delivery system, preferred provider organization or arrangement, and a physical hospital organization;

(2) "board" means an arbitration board established under AS 09.55.535;

(3) "panel" means an expert advisory panel established under AS 09.55.536;

(4) "professional negligence" means a negligent act or omission by a health care provider in rendering professional services;

(5) "professional services" means service provided by a health care provider that is within the scope of services for which the health care provider is licensed and that is not prohibited under the health care provider's license or by a facility in which the health care provider practices.

History -

(Sec. 37 ch 102 SLA 1976; am Sec. 24 ch 177 SLA 1978; am Sec. 6 ch 56 SLA 1986; am Sec. 9 ch 131 SLA 1986; Sec. 26 ch 2 FSSLA 1987; am Sec. 9 ch 6 SLA 1990; am Sec. 1 ch 14 SLA 1991; am Sec. 26, 27 ch 26 SLA 1997; am Sec. 19 ch 42 SLA 2000)

Cross References -

For a statement of legislative intent relating to the provisions of ch. 26, SLA 1997, see Sec. 1, ch. 26, SLA 1997 in the 1997 Temporary and Special Acts. For severability of the provisions of ch. 26, SLA 1997, see Sec. 56, ch. 26, SLA 1997 in the 1997 Temporary and Special Acts.

Amendment Notes -

The 1990 amendment inserted "an acupuncturist licensed under AS 08.06" near the beginning of paragraph (1).

The 1991 amendment, effective January 1, 1992, in paragraph (1), deleted "a corporate entity covered under AS 21.88.050(b)(11)" following "governmentally owned or operated hospital."

The 1997 amendment, effective August 7, 1997, in paragraph (1), added the language beginning "an ambulatory surgical facility" to the end and made minor stylistic changes; and added paragraphs (4) and (5).

The 2000 amendment, effective October 1, 2000, inserted "or speech-language pathologist" in paragraph (1).

Editors Notes -

Section 55, ch. 26, SLA 1997 provides that the provisions of ch. 26, SLA 1997 apply "to all causes of action accruing on or after August 7, 1997."

Sec. 21.36.090. Unfair discrimination. *Section 1 - Unfair Discrimination*

(a) A person may not make or permit unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for a contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract.

(b) A person may not make or permit unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for a policy or contract of health insurance or in the benefits payable, or in any of the terms or conditions of the contract, or in any other manner whatever.

(c) A person may not make or permit arbitrary or unfair discrimination between insureds or property having like insuring or risk characteristics, in the premium or rates charged for a policy or contract of property, casualty, surety, marine, wet marine or transportation insurance, or in the dividends or other benefits payable on the insurance, or in the selection of it, or in any other of the terms and conditions of the insurance.

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, dentist, osteopath, optometrist, chiropractor, nurse midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, or licensed clinical social worker, or certified direct-entry midwife.

History -

(Sec. 1 ch 120 SLA 1966; am Sec. 5 ch 163 SLA 1976; am Sec. 1 ch 80 SLA 1983; am Sec. 28 ch 2 FSSLA 1987; am Sec. 1 ch 56 SLA 1988; am Sec. 1 ch 150 SLA 1988; am Sec. 139 ch 67 SLA 1992; am Sec. 3 ch 39 SLA 1993; am Sec. 1 ch 51 SLA 1993; am Sec. 28, 29 ch 56 SLA 1996; am Sec. 1 ch 50 SLA 1998; am Sec. 1 ch 60 SLA 1998)

Amendment Notes -

The 1996 amendment, effective September 9, 1996, substituted "health" for "disability" in subsection (b) and substituted "health insurance" for "disability" in subsection (d).

The first 1998 amendment, effective January 1, 1999, inserted "marital and family therapist," in the second sentence in subsection (d).

The second 1998 amendment, effective August 30, 1998, inserted "health maintenance organization or a" in the first sentence in subsection (d).

Editors Notes -

Section 2, ch. 50, SLA 1998 provides that the amendment to subsection (d) made by ch. 50, SLA 1998 applies to a policy of insurance issued or renewed on or after January 1, 1999.

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes.

(a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and 28.10.441; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) Historic vehicles. The owner of an historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and issue two permanent registration plates of distinctive design and color bearing no date. These plates remain with the vehicle as long as it is registered under this subsection. Vehicles qualifying for registration under this subsection shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1."

(c) Special request plates. Upon application by the owner of a passenger vehicle, motorcycle, noncommercial van or pick-up truck, or motor home, the department shall design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) Vehicles owned by disabled veterans, including persons disabled in the line of duty while serving in the Alaska Territorial Guard, or other persons with disabilities. Upon the request of a person with a disability that limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one passenger vehicle in the name of the person without charge; and (2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; and (B) the standard symbol of disability (the wheelchair logo). A disabled veteran who is not otherwise qualified under this subsection, but who presents to the department written proof that the person is at least 70 percent disabled or medically handicapped as a consequence of service in the Alaska Territorial Guard or the armed forces of the United States, may register one passenger vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the standard handicap symbol and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state.

Every certificate of registration and registration plate issued to the state, a municipality, or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality, or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality, or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing must include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection must be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a nonprofit association, corporation, society, or other entity organized, incorporated, or headquartered in the state for educational, cultural, scientific, or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on noncommercial motor vehicles owned and driven by the official. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection remain with the owner of the vehicle only during the official's term of office.

(g) *[Repealed, Sec. 9 ch 20 SLA 1990].*

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and that is used exclusively to transport (1) the person's own ranch, farm, or dairy products, or greenhouse or nursery products, including vegetables, plants, grass seed, sod, or tree seedlings, to and from the market, or (2) supplies, commodities, or equipment to be used on the person's ranch, farm, or dairy, or in the person's greenhouse or nursery, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates must be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. A vehicle permitted to have dealer plates must be affixed with two plates issued under this subsection. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

(k) *[Repealed, Sec. 3 ch 8 SLA 1993].*

(l) Vehicles owned by Pearl Harbor survivors and former prisoners of war. The department, upon receipt of written proof, shall issue without charge special registration plates for one noncommercial motor vehicle to a person who was on active military duty in Pearl Harbor on December 7, 1941, or who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations. The design and color of the Pearl Harbor survivor or prisoner of war plates shall be solely within the discretion of the commissioner.

(m) Special request plates for Alaska National Guard personnel. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home who presents satisfactory proof of current membership in the Alaska National Guard, the department may design and issue registration plates that identify the vehicle as registered to a member of the Alaska National Guard. The owner shall return the registration plates to the department within 10 days following discharge from the Alaska National Guard.

(n) *[Repealed, Sec. 9 ch 20 SLA 1990].*

(o) Special request university plates. Upon application by the owner of a passenger vehicle, van or pick-up truck, or motor home, the department may design and issue registration plates representing the University of Alaska Anchorage, University of Alaska Fairbanks, University of Alaska Southeast, or Prince William Sound Community College. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(p) Vehicles owned by veterans. The department, upon receipt of written proof that the veteran is a sole or joint owner of a noncommercial motor vehicle, shall issue special registration plates for the noncommercial motor vehicle to a requesting person who is a veteran or retired veteran of the armed forces of the United States. The commissioner, after consulting with the director of the division of veterans affairs, shall determine the design and color of the veteran or retired veteran plates.

(q) Vehicles owned by recipients of the Purple Heart. The department, upon receipt of written proof that the person is the sole or joint owner of a noncommercial motor vehicle, shall issue special registration plates for the noncommercial motor vehicle to a requesting person who has received the Purple Heart medal awarded for wounds suffered in action against an armed enemy or as a result of the hostile action of an armed enemy. The commissioner, after consulting with the director of the division of veterans affairs, shall determine the design and color of the Purple Heart medal recipient plates.

(r) Special request custom collector plates. Upon application by the owner of a custom collector vehicle, the department may design and issue registration plates appropriate for custom collector vehicles. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(s) Special request dog mushing plates. Upon application by the owner of a passenger vehicle, van or pick-up truck, or motor home, the department may design and issue registration plates representing the sport of dog mushing in the state. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(t) Special request Alaska children's trust plates. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home, the department may design and issue registration plates representing the Alaska children's trust under AS 37.14.200. The department may disapprove the issuance of registration plates under this subsection when the

requested plates are a duplication of an existing registration.

(u) Special request plates commemorating the arts. Upon application by the owner of a passenger vehicle, van or pick-up truck, or motor home, the department may issue registration plates commemorating the arts. The commissioner, after consulting with the Alaska State Council on the Arts, shall determine the design and color of plates commemorating the arts. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

History -

(Sec. 7 ch 178 SLA 1978; am Sec. 2 ch 54 SLA 1979; am Sec. 1 ch 151 SLA 1984; am Sec. 5 ch 60 SLA 1986; am Sec. 3 - 5 ch 24 SLA 1988; am Sec. 1 ch 72 SLA 1989; am Sec. 1 ch 91 SLA 1989; am Sec. 9 ch 20 SLA 1990; am Sec. 12, 13 ch 93 SLA 1991; am Sec. 1, 2 ch 16 SLA 1992; am Sec. 3 ch 8 SLA 1993; am Sec. 55, 56, 79 ch 63 SLA 1993; am Sec. 2 ch 97 SLA 1996; am Sec. 1 ch 36 SLA 1998; am Sec. 1 - 4 ch 88 SLA 1998; am Sec. 1 ch 11 SLA 1999)

Revisors Notes -

Subsections (p) and (q) were enacted as (o) and (p), respectively. Renumbered in 1989.

Subsection (u) was enacted as subsection (t). Relettered in 1998.

Amendment Notes -

The 1990 amendment, effective April 21, 1990, repealed subsections (g) and (n).

The 1991 amendment, effective September 30, 1991, amended subsections (d) and (p) to include provisions relating to the Alaska Territorial Guard.

The 1992 amendment, effective August 6, 1992, in subsections (p) and (q), inserted references to "sole or joint owner of a noncommercial motor vehicle", inserted "requesting", and made a stylistic change.

The first 1993 amendment, effective January 1, 1994, added subsection (r) and repealed subsection (k).

The second 1993 amendment, effective July 1, 1993, rewrote subsection (d), added the fourth sentence in subsection (j), and also repealed subsection (k).

The 1996 amendment, effective September 23, 1996, added subsection (s).

The first 1998 amendment, effective August 16, 1998, added subsection (t).

The second 1998 amendment, effective September 10, 1998, rewrote subsection (h); in subsections (o) and (s) deleted "noncommercial" preceding "van or pick-up truck"; and added subsection (u).

The 1999 amendment, effective August 4, 1999, added the last sentence of subsection (d).

Editors Notes -

Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Section 1, ch. 97, SLA 1996 provides that it is "the intent of the legislature that the division of motor vehicles of the Department of Public Safety consult with dog mushing organizations when designing special request plates" authorized by ch. 97, SLA 1996.

Collateral Refs -

7A Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 75 to 84.

60 C.J.S., Motor Vehicles, Sec. 63 to 65.

Sec. 28.10.190. , 28.10.200 Transfer of special plates; annual tax. [Repealed, Sec. 7 ch 178 SLA 1978].

Repealed or Renumbered

Sec. 28.10.495. Parking permit for vehicle transporting disabled person.

(a) Upon application by a disabled or medically handicapped person, or by an organization that transports disabled or medically handicapped persons, the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle that is being used for the transportation of a disabled or medically handicapped person.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for a disabled or handicapped person. Upon the death of a disabled or handicapped person to whom a special permit has been issued, the special permit shall be returned to the department. If an organization to which a special permit has been issued ceases transporting disabled or handicapped persons, or ceases operating, it shall return the special permit to the department.

(c) Proof of disablement or medical handicap, for the purpose of this section, shall be the same as that required for the purposes of AS 28.10.181(d).

History -

(Sec. 24 ch 178 SLA 1978; am Sec. 1 ch 11 SLA 1980; am Sec. 1 ch 11 SLA 1987; am Sec. 7, 8 ch 20 SLA 1990; am Sec. 62 ch 63 SLA 1993)

Amendment Notes -

The 1990 amendment, effective April 21, 1990, inserted "or by an organization that transports disabled or medically handicapped persons" in the first sentence in subsection (a); in subsection (b), inserted "to whom a special permit has been issued" in the second sentence and added the third sentence; and made minor stylistic changes.

The 1993 amendment, effective July 1, 1993, substituted "the same as that required for the purposes of" for "provided as specified in" in subsection (c).

Editors Notes -

Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

**SUNSHINE COMMUNITY HEALTH CENTER**

P.O. BOX 787 - (MILE 4.4 TALKEETNA SPUR RD.)
TALKEETNA, ALASKA 99676

TELEPHONE: (907) 733-2273 FAX: (907) 733-1735
"UNITED WAY PARTICIPATING AGENCY"

Fax Cover Sheet

Date: 2/21/02

To: Sharon Clark
Representative Fate

Telephone number: 907-465-4530

Fax number: 907-465-3883

From: Susan Mason-Bouterse and Jessica Stevens

Number of pages (including cover sheet): 3

Message: Written testimony in support of HB 411 scheduled for a hearing in the HHESS Committee today. We will be calling in to testimony. Thank you for including us.

RECEIVED

FEB 21 2002

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P.O. Box 787 • Mile 4.4 Talkeetna Spur Road • Talkeetna, AK 99676 (ph) (907)733-2273 • (fax) (907)733-1735 • schc@alaska.net

Testimony for HB411
HHESS Committee
February 21, 2002

I would like to express my wholehearted support for this proposed legislation!

I work as the Executive Director of Sunshine Community Health Center in Talkeetna. We are currently a mid-level clinic and have 4 physician's assistants providing primary care. They are working under a collaborative agreement with Dr. Barb Doty in Wasilla. These providers are critical to the ongoing health care of residents in the communities we serve as well as to the ongoing functioning of this health center.

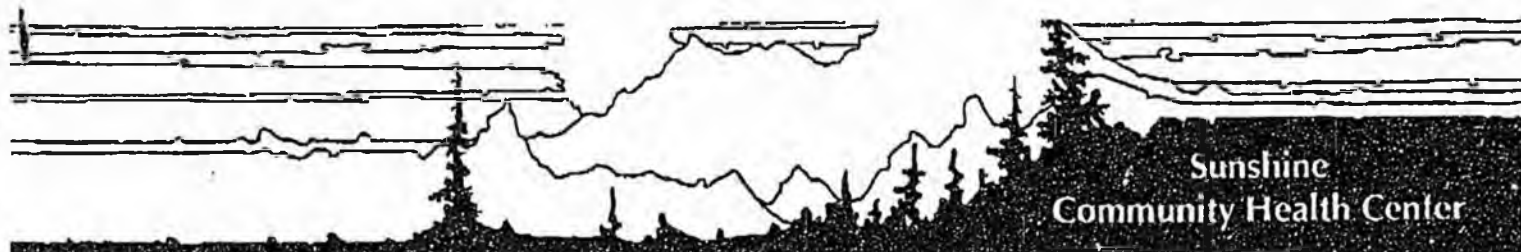
Because our current state statutes do NOT include physician's assistants in the listing of "health care providers", we periodically have our billing for medical services denied by third party payors.

This represents a significant barrier to health care for individuals with health insurance as well as clinics being able to maximize potential revenues. Particularly for small, rural health clinics, every potential revenue source is critical to ongoing support of clinic operations.

I would urge this committee to support passage of this important legislation.

Susan Mason-Bouterse
Executive Director
Sunshine Community Health Center





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Testimony for HB411
HHESS Committee
February 21, 2002

I am a physician assistant and the Medical Director of Sunshine Community Health Center. I have been working as a rural PA for over ten years and want to wholeheartedly support this legislation. As a clinician working in a health center staffed exclusively by PA's we are continually affected by this exclusion. The major impact is felt by our patients. We have over the years collected many examples of insurance companies citing the statute and refusing to reimburse services provided by PA's. For some of our patients this has meant they do not obtain health care, and for others it has meant traveling one or two hours to obtain basic health care that is already provided right in their community. We have many disabled clients who come here, and then end up having to drive two hours to repeat the exam, in order to obtain a DMV permit. Our collaborative physician willingly co-signs these forms also, but this is an inconvenience both to her and significantly extends the wait for our patients.

As PA's we are trained to provide primary, emergency and specialty health care and have received our degrees from various Universities including Duke and Stanford. Since PA's provide much of the health care in rural Alaska, in locations where physicians are often unwilling to practice, we feel that this oversight in not including PA's in the list could be expeditiously rectified, to improve both access to care, and improved financial stability for our rural community clinics.

Jessica Stevens
Medical Director
Sunshine Community Health Center



FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 411
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act relating to physician BRU Motor Vehicles
assistants; Component _____
 Sponsor Representative Fate Component No. 2348
 Requester H(HES)

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 3

Current law allows licensed physicians and advanced nurse practitioners to sign the form allowing a person to receive a parking permit for persons with disabilities. This bill would add physician assistants to those authorized to sign the form.

This change has no fiscal impact. The other sections of the bill have no impact on DMV.

Prepared by: Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 2/14/02 3:35 pm
 Approved by: Jim Duncan, Commissioner Date 2/14/2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 411
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title An Act relating to physician assistants BRU Insurance (116)
Component Insurance Operations
Sponsor Representative Fate
Requester (H) Health & Social Services Component No. 354

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would add physician assistants to the list of health care providers in AS 21.36.090(d). This would have the effect of prohibiting an insurer from refusing to cover a service if it is provided by a physician assistant, if the service is otherwise covered under the group health insurance plan of the patient/insured. No fiscal impact on the Division of Insurance is expected.

Prepared by: Robert A. Lohr, Director Phone 907-269-7900
Division Insurance Date/Time 2/19/02 9:38 AM
Approved by: Deborah B. Sedwick, Commissioner Date 2/19/2002
Agency Department of Community & Economic Development

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LEO

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- ~~LOW PRICE THE ORIGINAL SCOR~~
 - LIABILITY FOR NOT TELLING WHAT WE KNOW