

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672  
4765 HJUD SB 315 - SB 322 (FILE 1)

337

authority of the certifying body. (Eff. 1/13/80, Reg. 73; am 12/1/84, Reg. 94)

Authority: AS 08.68.100

**12 AAC 44.430. SCOPE OF PRACTICE.** The board recognizes advanced and specialized acts of nursing practice as those described in the scope of practice statements for nurse practitioners certified by national certification bodies recognized by the board. (Eff. 1/13/80, Reg. 73)

Authority: AS 08.68.100(a)(1)

**12 AAC 44.435. ADVANCED NURSE PRACTITIONER IN REMOTE LOCATION.** Repealed 12/1/84.

**12 AAC 44.440. PRESCRIPTIVE AUTHORITY.** (a) The board will, in its discretion, authorize an advanced nurse practitioner or "ANP" to prescribe legend drugs in accordance with applicable state and federal laws.

(b) The board will transmit to the Board of Pharmacy a list of all ANPs with prescriptive authority. The list will include

- (1) the name of the authorized ANP;
  - (2) the prescriber's identification number assigned by the board; and
  - (3) the effective date of prescriptive authority.
- (c) A registered nurse who applies for authorization to prescribe drugs shall
- (1) be currently designated as an ANP in Alaska;
  - (2) provide evidence of completion of 15 contact hours of education in pharmacology and clinical management of drug therapy within the two-year period immediately before the date of application; and
  - (3) submit a completed, notarized application, on a form provided by the board, accompanied by a nonrefundable fee of \$10.
- (d) Authorized prescriptions by an ANP must

(1) comply with all applicable state and federal laws; and

(2) be signed by the prescriber with the initials "ANP" and the prescriber's identification number assigned by the board.

(e) Prescriptive authorization will, in the board's discretion, be terminated if the ANP has

- (1) not maintained current authorization as an ANP; or
- (2) prescribed outside the ANP scope of practice or for other than therapeutic purposes.

(f) ANP prescriptive authority must be renewed biennially with the ANP authorization. Documentation of eight contact hours of pharmacology during the previous two years must be submitted at the time of renewal.

(g) The board will notify the Board of Pharmacy within 24 hours after termination of, or change in, an advanced nurse practitioner's prescriptive authority. (Eff. 1/13/80, Reg. 73; am 12/1/84, Reg. 91)

Authority: AS 08.68.100

**12 AAC 44.450. TEMPORARY AND NON-RENEWABLE ADVANCED NURSE PRACTITIONER PERMITS.** (a) The board will, in its discretion, grant a temporary permit to practice as an advanced nurse practitioner to an applicant who is currently certified as an advanced nurse practitioner in another state or jurisdiction with requirements at least equivalent to those of this state.

(b) The board will, in its discretion, grant a nonrenewable permit to practice as an advanced nurse practitioner to an applicant who meets the requirements of 12 AAC 44.400(a)(1), (2), (4), (5), (6) and (7) of this chapter; and

(1) has been accepted to take the next specialty board examination; or

(2) is awaiting certification results.

(c) A temporary permit granted under (a) of this section is nonrenewable and is valid for a period not to exceed four months.

(d) A nonrenewable temporary permit granted under (b)(1) of this section is valid only until the publication of the results of the first examination the applicant is eligible to take after the permit is issued.

(e) A nonrenewable permit granted under (b)(2) of this section is valid only until the applicant receives notice of certification results.

(f) An applicant who fails the certifying examination shall surrender a nonrenewable permit issued under this section. (Eff. 1/13/80, Reg. 73; am 12/1/84, Reg. 91)

Authority: AS 08.68.100  
AS 08.68.210

**12 AAC 44.460. PRECEPTORSHIP PERMITS.** (a) The board will, in its discretion, grant a preceptorship permit to an applicant whose certifying body requires clinical practice in order to take the specialty board examination or who is engaged in a course of study which meets the requirements of 12 AAC 44.400(a)(1)(A).

(b) The applicant must meet the requirements of 12 AAC 44.400(a)(2), (5), (6), and (7) and submit documented evidence of a preceptorship arrangement to be approved by the board.

(c) A preceptorship permit expires and must be surrendered to the board at the time the preceptorship arrangement is terminated. (Eff. 1/13/80, Reg. 73)

Authority: AS 08.68.100(1)  
AS 08.68.410(5) and (9)

**12 AAC 44.465. IDENTIFICATION.** An ANP shall conspicuously display

(1) on his or her uniform or clothing, a name plate including designation as an ANP; and

(2) in his or her customary place of employment, a current authorization to practice as an ANP; and

(3) a sign at least five inches by eight inches in size informing the public of the definition of an advanced nurse practitioner in AS 08.68.410(1). (Eff. 12/1/84, Reg. 91)

Authority: AS 08.68.100

**12 AAC 44.470. RENEWAL OF AUTHORIZATION.** (a) An applicant for renewal of authorization to practice as an advanced nurse practitioner shall submit to the board

(1) evidence of continued national certification since the date of original authorization or reauthorization in the applicant's specialty area;

(2) repealed 12/1/84;

(3) repealed 12/1/84;

(4) a completed renewal application on a form provided by the board, accompanied by a nonrefundable renewal fee of \$25.

(b) The date for renewal of authorization to practice as an advanced nurse practitioner will coincide with the renewal of the applicant's RN license. (Eff. 1/13/80, Reg. 73; am 12/1/84, Reg. 91)

Authority: AS 08.68.100

**12 AAC 44.480. UNPROFESSIONAL CONDUCT.** Repealed 4/27/83.

Editor's Note: The substance of former 12 AAC 44.480 is included in 12 AAC 44.905.

**12 AAC 44.490. APPLICABILITY.** (a) The provisions of 12 AAC 44.400 - 12 AAC 44.490 of this chapter are applicable only to a registered professional nurse whose authorization to perform acts of medical diagnosis and prescription of medical, therapeutic, and corrective measures comes from the nurse's educational preparation, national certification, and authorization to practice in compliance with regulations established by the board.

(b) Nothing in 12 AAC 44.400 - 12 AAC 44.490 limits the usual and customary practice of a registered professional nurse or licensed vocational nurse in the State of Alaska. (Eff. 1/13/80, Reg. 73)

Authority: AS 08.68.100(a)(1)

**ARTICLE 5.  
REGISTERED NURSE ANESTHETISTS**

**Section**

- 500. Requirements for initial authorization
- 510. Scope of practice
- 520. Written guidelines required
- 530. Nonrenewable registered nurse anesthetist permits
- 540. Renewal of authorization
- 550. (Repealed)
- 560. Applicability

**12 AAC 44.500. REQUIREMENTS FOR INITIAL AUTHORIZATION.** An applicant for initial authorization to practice as a registered nurse anesthetist shall

(1) submit documentation of having satisfactorily completed an educational program prescribed by a school of anesthesia accredited by a nationally recognized accrediting agency approved by the United States Department of Health and Welfare and the Board of Nursing;

(2) submit documentation of having successfully passed an examination administered by a nationally recognized certifying agency for nurse anesthetists following completion of the educational program described in (1) of this section;

(3) submit evidence of current national certification;

(4) hold a current license to practice as a registered nurse in Alaska;

(5) complete the application form provided by the board; and

(6) submit a nonrefundable application fee of \$25. (Eff. 10/8/81, Reg. 80)

Authority: AS 08.68.100

**12 AAC 44.510. SCOPE OF PRACTICE.** (2) To ensure available nurse anesthesia to the Alaska public in accordance with the standards set forth by the national certifying body for nurse anesthetists, a registered nurse anesthetist in Alaska is authorized within the scope of his or her educational preparation to

(1) evaluate the immediate preoperative condition of the patient as it relates to anesthesia;

(2) select anesthetic agent with the approval of the anesthesiologist, primary physician or dentist responsible for the patient's care;

(3) induce and maintain anesthesia and manage the relief of pain;

(4) take responsibility for support of life functions during anesthesia;

(5) take responsibility for recognition of abnormal responses to anesthesia or to any medication or other form of therapy used adjunctive to anesthesia and to take action to correct any abnormal response; and

(6) provide observation and resuscitative care during the immediate post-operative period.

(b) A registered nurse anesthetist shall maintain complete and accurate records of anesthesia used and of any abnormal response to anesthesia.

(c) a registered nurse anesthetist is authorized to administer anesthesia

(1) under the supervision of the director of the anesthesia service or a qualified designee of the director; or

(2) under the supervision of the primary physician or qualified physician designee of the primary physician or of the dentist responsible for the patient's immediate care. (Eff. 10/8/81, Reg. 80)

Authority: AS 08.68.100

**12 AAC 44.520. WRITTEN GUIDELINES REQUIRED.** A registered nurse anesthetist must maintain written guidelines developed with a primary physician, anesthesiologist or the medical staff of the employing institution and practice in accordance with guidelines. The guidelines must specify the degree to which supervision, collaboration and independent action are required of the registered nurse anesthetist. The board will, on request, review the guidelines to determine whether they meet standards of practice which adequately protect patients. The board will, in its discretion, require changes in the guidelines to meet the appropriate standards. (Eff. 10/8/81, Reg. 80)

Authority: AS 08.68.100

**12 AAC 44.530. NONRENEWABLE REGISTERED NURSE ANESTHETIST PERMITS.**

(a) The board will, in its discretion, grant a non-renewable permit to practice as a registered nurse anesthetist to an applicant who meets the requirements of 12 AAC 44.500(1), (4), (5) and (6); and

(1) has been accepted to take the next scheduled certified registered nurse anesthetist examination; or

(2) is awaiting results of the examination.

(b) A nonrenewable permit granted under (a)(1) of this section is valid only until the date of the first available certification examination if the applicant fails to sit for the examination, or, if the applicant does sit for the certification examination, until the applicant receives notification of having successfully passed the certification examination on the third attempt or earlier.

(c) A nonrenewable permit granted under (a)(2) of this section is valid until the applicant receives notification of having successfully passed the certification examination.

(d) The holder of a nonrenewable permit to practice as a registered nurse anesthetist granted under (a)(1) or (a)(2) of this section who fails to successfully pass the certification examination on three consecutive occasions must surrender his or her nonrenewable permit to the board within 48 hours of receiving notification of the third failure.

(e) The holder of a nonrenewable permit granted under this section may practice only in an anesthesia service supervised by an anesthesiologist. (Eff. 10/8/81, Reg. 80)

Authority: AS 08.68.100

**12 AAC 44.540. RENEWAL OF AUTHORIZATION.** (a) An applicant for renewal of authorization to practice as a registered nurse anesthetist shall submit to the board

(1) evidence of current national certification; and

(2) a completed renewal application on a

form provided by the board accompanied by a nonrefundable renewal fee of \$25.

(b) The date of renewal of authorization to practice as a registered nurse anesthetist will coincide with the renewal of the applicant's registered nurse license. (Eff. 10/8/81, Reg. 80)

Authority: AS 08.68.100

**12 AAC 44.550. UNPROFESSIONAL CONDUCT.** Repealed 4/27/83.

Editor's Note: The substance of former 12 AAC 44.550 is included in 12 AAC 44.905.

**12 AAC 44.560. APPLICABILITY.** (a) The provisions of 12 AAC 44.500 - 12 AAC 44.550 are applicable only to a registered nurse whose authorization to perform acts of anesthesia service comes from the nurse's educational preparation, national certification and authorization to practice in compliance with regulations established by the board.

(b) Nothing in 12 AAC 44.500 - 12 AAC 44.550 limits the usual and customary practice of a registered professional nurse or licensed vocational nurse in the State of Alaska. (Eff. 10/8/81, Reg. 80)

Authority: AS 08.64.100

**ARTICLE 6.  
GENERAL PROVISIONS**

**Section**

- 900. License renewal
- 905. Unprofessional conduct
- 910. Reinstatement of a suspended license and/or authorization
- 920. Reinstatement of a revoked license and/or authorization
- 930. Change of name
- 940. Definitions

**12 AAC 44.900. LICENSE RENEWAL.** (a) A licensed practical nurse license must be renewed biennially by September 30. A registered nurse license must be renewed biennially by November 30. Notice of renewal with inventory questionnaire will be mailed to every currently licensed nurse at least 60 days before the renewal date.

(b) A license not renewed by the last day of the last month of the licensing period will be automatically cancelled on the first day of the following month.

(c) A cancelled license will be reinstated upon receipt of payment of license renewal fees and all applicable penalty fees. (Eff. 1/13 80, Reg. 73; am 12/1 84, Reg. 91)

Authority: AS 08.68.100

**12 AAC 44.905. UNPROFESSIONAL CONDUCT.** Nursing conduct which could adversely affect the health and welfare of the public constitutes unprofessional conduct under AS 08.68.270(8) and includes the following:

(1) failing to use sufficient knowledge, skills or nursing judgment in the practice of nursing as defined by the level of licensure;

(2) assuming duties and responsibilities, on repeated occasions, without sufficient preparation or for which competency has not been maintained;

(3) knowingly delegating a nursing care function, task, or responsibility to another who is not licensed under AS 08.68 to perform that function, task, or responsibility, when the delegation is contrary to AS 08.68 or 12 AAC 44 or involves a substantial risk or harm to a client;

(4) failing to exercise adequate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

(5) failing to perform acts within the nurse's scope of competence which are necessary to prevent substantial risk or harm to a client;

(6) violating the confidentiality of information or knowledge concerning a client;

(7) physically or verbally abusing a client;

(8) using alcohol or other drugs to the extent that the use interferes with nursing functions;

(9) violating state or federal laws regulating drugs, including but not limited to forging prescriptions or unlawfully distributing drugs or narcotics;

(10) failing to maintain a record for each client which accurately reflects the nursing problems and interventions for the client, or falsifying a client's records or intentionally making an incorrect entry in a client's chart;

(11) leaving a nursing assignment without properly notifying appropriate personnel;

(12) permitting another person to use his or her nursing license or permit for any purpose;

(13) failing to report, through proper channels, facts known to the individual regarding incompetent, unprofessional or illegal practice of any health care provider;

(14) engaging in fraud, misrepresentation, or deceit in writing the licensing examination;

(15) for any person not authorized to practice acts of medical diagnosis or medical therapeutics as an advanced nurse practitioner, to use the title nurse practitioner or advanced nurse practitioner, or the abbreviation NP or ANP or any other words, letters, signs, or figures to indicate that the person is an advanced nurse practitioner;

(16) for an advanced nurse practitioner to perform duties other than those specified in 12 AAC 44.430;

(17) for any person not authorized to practice as a registered nurse anesthetist to use the title registered nurse anesthetist, nurse anesthetist or certified registered nurse anesthetist or the abbreviation CRNA or any other words, letters, signs, or figures to indicate that the person is a registered nurse anesthetist; and

(18) for a registered nurse anesthetist to perform duties outside the scope of practice described in 12 AAC 44.510. (Eff. 4/27/83, Reg. 86)

Authority: AS 08.68.100  
AS 08.68.270

**12 AAC 44.910. REINSTATEMENT OF A SUSPENDED LICENSE AND/OR AUTHORIZATION.** A suspended license or authorization may be reinstated in the termination of suspension only if the requirements in the

suspension order have been met. (Eff. 1/13/80, Reg. 73)

Authority: AS 08.68.100

**12 AAC 44.920. REINSTATEMENT OF A REVOKED LICENSE AND OR AUTHORIZATION.** (a) One year after revocation of a license or authorization, the licensee or authorized nurse practitioner may apply to the board in writing for reinstatement.

(b) The applicant for reinstatement shall appear before the board.

(c) The board will, in its discretion, request, as a condition for temporary reinstatement, the applicant to work in a supervised relationship approved by the board for a specified length of time.

(d) The applicant is responsible for providing a written evaluation from the employer regarding his or her performance and will be evaluated by the board to determine whether or not the license or authorization will be reinstated. (Eff. 1/13/80, Reg. 73)

Authority: AS 08.68.100

**12 AAC 44.930. CHANGE OF NAME.** A licensee authorized to practice under this chapter shall notify the board of a change of mailing address or name within 60 days after the change. A report of a change of name must be made in writing and must be accompanied by one of the following to verify the change of name:

(1) a completed affidavit supplied by the board;

(2) a certified copy of a marriage certificate;

(3) a certified copy of a divorce decree; or

(4) a certified copy of a court ruling. (Eff. 1/13/80, Reg. 73; am 12/1/84, Reg. 91)

Authority: AS 08.68.100

**12 AAC 44.940. DEFINITIONS.** As used in this chapter

(1) "accreditation" means the approval granted a school of professional or practical

nursing which has met the minimum requirements of the board:

(2) "associate degree program" includes general academic and nursing courses, is conducted within a community or junior college; and prepares a person for an associate degree in nursing;

(3) "baccalaureate program" is a program conducted in a senior college or university and which is in an academic department, division, school or college of the senior college or university, which prepares persons for a baccalaureate degree in nursing;

(4) "board" means Alaska Board of Nursing;

(5) "clinical facility" means any facility which provides laboratory experience for the education of students in a school of professional or practical nursing;

(6) repealed 12/1/84;

(7) "contact hour" means a 50-minute classroom instructional session or three laboratory or clinical practice hours;

(8) "preceptorship" is that portion of the ANP course of study consisting of clinical experiences under the auspices of a qualified preceptor for the purpose of correlating theory to practical application of the expanding role of the nurse; the setting must provide an environment which permits observation and active participation in the delivery of health care;

(9) "qualified preceptor" is an advanced nurse practitioner currently authorized to practice as an ANP in the state or a currently licensed, practicing physician or a physician specifically exempted by AS 08.64.370(1) and approved by the board; the functions of the preceptor include supervision, teaching, and evaluation of a student's performance in the clinical setting;

(10) "school" or "program" means a division in a college or university which is responsible for

these activities and contact with clients do not exceed 20 working days within a licensing period.

(b) For purposes of this section the word "nurses" includes registered and practical nurses, and "nursing" means registered and practical nursing. (Art. IX, ch 90 SLA 1957; am § 10 ch 129 SLA 1974; am § 24 ch 14 SLA 1982)

**Effect of amendments.** — The 1982 amendment in subsection (a), inserted "epidemic" in paragraph (2), deleted "or" from the end of paragraph (3), substituted "an individual" for "a nurse" and the language beginning "program or course of study" for "refresher course" in paragraph (4), and added paragraph (5). In subsection

(b), the amendment substituted "registered" for "professional" in two places.

**Editor's notes.** — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.68.410. Definition . in this chapter.**

(1) "advanced nurse practitioner" means a registered nurse authorized to practice in the state who, because of specialized education and experience, is certified to perform acts of medical diagnosis and the prescription of medical, therapeutic, or corrective measures under regulations adopted by the board;

(2) "board" means the Board of Nursing;

(3) "incompetent" means that a nurse does not possess the skills, knowledge, and awareness of the nurse's limitations and abilities to safely practice nursing;

(4) "licensed practical nurse" is equivalent to the title "licensed vocational nurse" and to the name suffix abbreviations L.P.N. and L.V.N.;

(5) "licensed registered nurse" is equivalent to the common title "registered nurse" and the name suffix abbreviation R.N.;

(6) "nurse anesthetist" means a registered nurse authorized to practice in the state who, because of specialized education and experience, is certified to select and administer anesthetic and give anesthesia care under regulations adopted by the board;

(7) "practice of practical nursing" means the performance for compensation or personal profit of nursing functions that do not require the substantial specialized skill, judgment, and knowledge of a registered nurse;

(8) "practice of registered nursing" means the performance for compensation or personal profit of acts of professional service that requires substantial specialized knowledge, judgment, and skill based on the principles of biological, physiological, behavioral, and sociological sciences in assessing and responding to the health needs of individuals, families, or communities through services that include

- (A) assessment of problems, counseling, and teaching
- (i) clients to maintain health or prevent illness; and

- (ii) in the care of the ill, injured, or infirm;
- (B) administration, supervision, delegation, and evaluation of nursing practice;
- (C) teaching others the skills of nursing;
- (D) execution of a medical regimen as prescribed by a person authorized by the state to practice medicine;
- (E) performance of other acts that require education and training that are recognized by the nursing profession as properly performed by registered nurses;
- (F) performance of acts of medical diagnosis and the prescription of medical therapeutic or corrective measures under regulations adopted by the board. (§ 2 ch 90 SLA 1957; am § 5 ch 37 SLA 1970; am § 3 ch 67 SLA 1973; am §§ 11, 12 ch 129 SLA 1974; am § 25 ch 14 SLA 1982)

**Effect of amendments.** — The 1982 amendment rewrote the section.

remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, ALS 1982.

**Editor's notes.** — This section was redrafted by the revisor of statutes to

### Chapter 70. Nursing Home Administrators.

**Section**

- 10. Creation of Board of Nursing Home Administrators
- 20. Membership board; source of appointments; term of office
- 30. Election of officers
- 40. Board meetings: Quorum
- 50. Duties and powers of the board
- 55. Removal of board members
- 60 — 70. [Repealed]
- 80. License required
- 90. Application
- 110. Licensing

**Section**

- 120. Examination
- 130. Provisional licenses
- 140. Expiration and renewal
- 150. Fees
- 155. Grounds for imposition of disciplinary sanctions
- 160. Disciplinary sanctions
- 170. Penalties
- 180. Definitions
- 190. Facilities operated by religious organizations

**Collateral references.** — 58 Am. Jur. 2d, Occupations, Trades and Professions, §§ 17-22.

Licensing and regulation of nursing or rest homes. 97 ALR2d 1187.

**Sec. 08.70.010. Creation of Board of Nursing Home Administrators.** There is established the Board of Nursing Home Administrators. (§ 1 ch 123 SLA 1975)

**Sec. 08.70.020. Membership board; source of appointments; term of office.** (a) The board consists of five members: two nursing home administrators licensed under this chapter and practicing in the

Position Paper

SB 315

For an Act entitled: "An Act relating to third party reimbursement for advanced nurse practitioner services."

This Act amends Section 1. AS 21.36.090(d) to include the advanced nurse practitioner as a provider eligible for third-party reimbursement for services provided within the scope of the occupational license.

Background

The professional nurse practitioner provides direct patient care to individuals, families, and other groups in a variety of public health settings. In some cases, the nurse practitioner engages in independent decision making about the needs of clients and collaborates with other health professionals such as the physician, psychologist, social worker, and nutritionist in making decisions about other health needs. The nurse practitioner working in an expanded role practices in primary, acute, and chronic health care settings. As a member of the health care team, the nurse practitioner plans and institutes health care programs.

In the past two decades, the number of nurse practitioners and their responsibilities for providing care to patients have increased. Today approximately 15,400 nurse practitioners are practicing in the United States; 170 are certified to practice in Alaska. The use of nurse practitioners affects the quality of care, access to care, productivity of providers, and the costs of care.

The weight of evidence indicates that within their areas of competencies, nurse practitioners provide care comparable in quality to that provided by physicians. This determination is made by examining patient satisfaction with care provided by nurse practitioners and assessing physicians' acceptance of such care.

In addition to improving access to care in underserved populations and areas, nurse practitioners provide care in certain institutional settings, such as jails, and to specific populations, such the elderly and poor women and their infants. Nurse practitioners also affect access (as well as quality) by providing person-oriented services, such as communicating thoroughly with patients, counseling, promoting self-help, and attending to patients' emotional needs. Nurse practitioners reduce financial barriers to access by providing care at relatively low cost. Productivity studies indicate that nurse practitioners working under physicians' supervision can increase the total practice output by some 20-50 percent.

Although the evidence indicates that nurse practitioners have made positive contributions to the delivery of health care, these practitioners have not been used to their fullest potential. Major obstacles to the greater employment and appropriate use of nurse practitioners have been that

most third-party payers do not cover many services that are typically and characteristically provided by physicians. In these instances, payments are often indirect (i.e., to the employing physician or institution rather than direct to the nurse practitioner).

Impact of Bill

Third-party payment to nurse practitioners for providing services typically and characteristically performed by physicians will dramatically increase the nurse practitioner's ability to establish fee-for-service practices as autonomous providers independent from physicians. Advanced nurse practitioners could provide the full range of services for which they are trained and licensed. Passage of this bill would encourage the employment of advanced nurse practitioners within community mental health centers, particularly in areas of the state in which recruitment of other mental health professionals has been difficult.

The effects of third-party reimbursement of nurse practitioners and paying directly for their services would undoubtedly be influenced by the markets for their services. For example, some third-party payers are paying prospectively for hospital in-patient services (e.g., Medicare is paying on the basis of diagnosis related groups), and capitation is a growing mode of payment. These changes, along with the fact that an increasing proportion of the population is age 65 or older and thus in need of a significant amount of health care services, have major implications for the employment of nurse practitioners and health care costs.

Position

The Department of Health and Social Services supports this bill. Third-party reimbursement for services of advanced nurse practitioners could benefit the health status of certain segments of the population currently not receiving adequate care.

Recommended by: Elizabeth Ward  
Elizabeth Ward, Director  
Division of Public Health

Date: January 22, 1988

Approved by: Myra M. Munson  
Myra M. Munson, Commissioner  
Department of Health and  
Social Services

Date: Jan 22, 1988

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to third party reimbursement...  
Sponsor: Sturgilewski  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: State Health Services  
Components: Nursing

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

The enactment of SB 315 would have no direct fiscal impact on the Department of Health and Social Services.

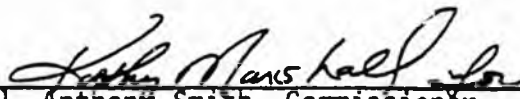
Prepared by: Elizabeth Ward, Director Phone: 465-3090  
Division: Public Health Date: 1-13-88

Approved by Commissioner: Kam Quilley Date: 1/22/88  
Agency: Department of Health & Social Services


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

SB 315: "An Act relating to third party reimbursement for advanced nurse practitioner services."

The Administration supports this bill. This bill is aimed at allowing advanced nurse practitioners the ability to bill and receive third party reimbursement for their services. This generally means a disability insurer or a hospital/medical service corporation. The aim is accomplished with a simple modification of AS 21.36.090(d). It is appropriate for a medical practitioner to have access to reimbursement by an insurance company if the coverage provided by the insurer can be performed within the scope of that practitioner's occupational license.

  
\_\_\_\_\_  
J. Anthony Smith, Commissioner  
Department of Commerce & Economic  
Development

Date: 1/25/88

  
\_\_\_\_\_  
John L. George, Director of Insurance

Date: 1/25/88

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: SB 315  
PUBLISH DATE: 01/11/88

FISCAL NOTE

REQUEST:

Revision Date: 01/11/88  
 Title: Third party reimbursement for advanced nurse practitioners services  
 Sponsor: Sturgulewski  
 Requester: \_\_\_\_\_  
 Agency Affected: Commerce & Econ. Dev.  
 BRU: Insurance  
 Components: Public Protection

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John L. George, Director Phone: 465-2515  
 Division: Division of Insurance Date: January 25, 1988

Approved by Commissioner: J. Anthony Smith Date: January 25, 1988  
 Agency: Department of Commerce and Economic Development

Distribution (by preparer):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

0642K-3/12588a

S B

320

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Judiciary:*

*1988 ~ May 4*

*May 5*

# HOUSE COMMITTEE REPORT

(7)

Date referred: 4/25/88

FURTHER REFERRALS:

DATE: May 5, 1988

The Judiciary Committee has considered CSSB 320(Jud)

"An Act relating to damages for death of a minor and the distribution of a minor's estate."

**RECOMMENDS:**

- replace with HCS CSSB 320(HESS)  the same title
- 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):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 2/1/88
- zero with analysis

**SIGNING DO PASS:**

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

[Signature]

[Signature] (NO REC)

[Signature] (NO REC)

[Signature] - no rec

[Signature] no rec

[Signature]

Chairman's signature

4/21/88

SENATOR JIM DUNCAN

T E S T I M O N Y

CS SENATE BILL 320 (JUD)  
DAMAGES FOR DEATH OF A MINOR AND DISTRIBUTION OF A  
MINOR'S ESTATE

CS SENATE BILL 320 WILL PROHIBIT A PARENT OR OTHER HEIR OF A CHILD WHO CAUSED THEIR CHILD'S DEATH THROUGH A CRIMINAL ACT FROM RECOVERING DAMAGES FOR THAT DEATH THROUGH THE ESTATE OF THE CHILD. THE EXISTING LAWS OF INHERITANCE SOMETIMES PROVIDE A BIZARRE RESULT BECAUSE PARENTS ARE REWARDED FOR THEIR CRIMINAL ACTS WHICH RESULT IN THE DEATH OF THEIR CHILD.

AT PRESENT, EVEN IF A PARENT CAUSES THE DEATH OF THEIR CHILD THROUGH MANSLAUGHTER OR CRIMINAL NEGLIGENCE, THE LAWS OF INHERITANCE ALLOW THEM TO RECEIVE THE PROCEEDS OF THAT CHILD'S ESTATE. THIS RESULTS IN ESPECIALLY DISTRESSING OUTCOMES WHEN THIRD PARTY LAWSUITS, SUCH AS THOSE AGAINST THE STATE, ARE INVOLVED. THIS BILL WOULD REMOVE SUCH A PARENT OR PARENTS FROM THE LINE OF INHERITANCE AS IF THEY HAD PREDECEASED THE CHILD. THE PROCEEDS OF THE ESTATE WOULD THEN GO TO OTHER CHILDREN OR RELATIVES OF THE DECEASED. SECTION 2 MAKES THIS CHANGE TO THE CODE OF CIVIL PROCEDURES AND SECTION 3 CHANGES THE PORTION OF THE STATUTE DEALING WITH DECEDENT'S ESTATES.

THIS BILL DOES NOT ADDRESS AN IMAGINARY SITUATION, THERE  
HAVE BEEN A NUMBER OF CASES IN ALASKA AND A RECENT CASE IN JUNEAU  
WHICH WOULD BE AFFECTED BY THIS CHANGE TO THE STATUTES. THE BILL  
IS SUPPORTED BY THE ATTORNEY GENERAL AND THE LOCAL DISTRICT  
ATTORNEY.

I URGE YOU TO APPROVE THIS LEGISLATION AND CLOSE THIS  
LOOPHOLE IN THE LAW.

*Rick Sobotny, local DistAtt.  
Bill Mellow, Asst. Att. Gen'l.*

# HOUSE COMMITTEE REPORT

(7)

Date referred: 2/24/88

FURTHER REFERRALS:

Judiciary

DATE: 4-26-88

The Health, Education and Social Services Committee has considered CSSB 320(Jud)

"An Act relating to damages for death of a minor and the distribution of a minor's estate."

**RECOMMENDS:**

- replace with HCS CSSB 320 (HESS)  the same title
- 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):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*W. F. Kopona*  
*Bill Woods*  
*Miss Thunberg*  
*H. Ellis*  
*Robert Harvey*  
*ROSE E. HARRIS*

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*H. Ellis*  
 Co. Chairman's signature  
*W. F. Kopona*

STATE OF ALASKA 1988 LEGISLATIVE SESSION  
FISCAL NOTE

FEH 4 1988

CSB320(JUDICIARY)

REQUEST: \_\_\_\_\_

Bill Version:  
Publish Date:

SENATE (2/12/88)  
Alaska Court System  
Trial Courts

Revision Date:  
Title: An act to amend the Alaska Constitution to provide for the death of a person who is found guilty of a capital offense.  
Sponsor: Duncan  
Requestor: Senate Judiciary

Agency Affected:  
Comments:

EXPENDITURES/REVENUES: (Thousands of Dollars)						
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
Personal Services	••••	••••	••••	••••	••••	••••
Travel	••••	••••	••••	••••	••••	••••
Contractual	••••	••••	••••	••••	••••	••••
Supplies	••••	••••	••••	••••	••••	••••
Equipment	••••	••••	••••	••••	••••	••••
Land & Structures	••••	••••	••••	••••	••••	••••
Grants & Claims	••••	••••	••••	••••	••••	••••
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	••••	••••	••••	••••	••••	••••
REVENUE	••••	••••	••••	••••	••••	••••

FUNDING: (Thousands of Dollars)						
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	••••	••••	••••	••••	••••	••••
Other	••••	••••	••••	••••	••••	••••
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	••••	••••	••••	••••	••••	••••
Part-time	••••	••••	••••	••••	••••	••••
Temporary	••••	••••	••••	••••	••••	••••

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*  
 Jan Strandberg, General Counsel  
 Division: Alaska Court System  
 Phone: 264-8228  
 Date: 2-1-88  
 Approved by: *Stephanie Cole, for*  
 Arthur H. Snowden, II, Administrative Director  
 Date: 2-1-88  
 Agency: Alaska Court System

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

**Legislative Intent.** — The intent of the legislature inferred from the 1949 amendment to predecessor statute, in that actions no longer abate when the wrongdoer dies, but do abate when the injured party succumbs from noncausally connected matters. *O'Dey v. Maloon*, 17 Alaska 763 (1958).

Section 43-3-10, ACLA 1949, did not repeat by implication this section and AS 13.20.340. *Anderson v. Pacific S.S. Co.*, 2 Alaska 291 (1931).

**Joinder of parents as third party defendants.** — In an action for the wrongful death of a minor without dependents brought by the parents of the minor in their representative capacity, the parents could be joined in the individual capacity as third party defendants and were liable for their negligent supervision of the child. *Macey v. United States*, 454 F.

Supp. 684 (D. Alaska 1974).

**No portion of settlement attributable to survivorship claim.** — The superior court correctly determined that no portion of the total settlement should be attributed to the survivorship claim for relief where there was nothing in the record which indicated that any pain and suffering which decedent may have suffered was other than momentary. *Horsford v. Estate of Horsford*, Sup. Ct. Op. No. 1394 (File No. 2653), 631 P.2d 722 (1977).

Applied in *Anderson v. Edwards*, Sup. Ct. Op. No. 2274 (File No. 4586), 625 P.2d 282 (1981).

Cited in *Larman v. Kudink Elec. Ass'n*, Sup. Ct. Op. No. 950 (File No. 1827), 514 P.2d 1275 (1973); *State Farm Mut. Ins. Co. v. Wainwright*, 439 F. Supp. 840 (D. Alaska 1977).

**Collateral references.** — 1 Am. Jur. 2d, Abatement, Survival, and Revival, § 1 et seq.

1 C.J.S., Abatement and Revival, § 1 et seq.

**Liability for additions to deficiencies for fraud, imposed by income tax laws, as surviving taxpayer's death**, 15 ALR2d 1036.

**Conflict of laws as to survival or revival of wrongful death actions against estate of personal representative of wrongdoer**, 17 ALR2d 690.

**Constitutionality and construction of statute authorizing continuation of pending action against foreign representative of deceased nonresident driver of motor vehicle, arising out of accident occurring in state**, 18 ALR2d 544.

**Survival of action based on delay in passing upon application for insurance**, 32 ALR2d 537.

**Claim for negligently damaging or destroying personal property as surviving tortfeasor's death**, 40 ALR2d 533.

**Statutory liability for physical injuries inflicted by animal as surviving defendant's death**, 40 ALR2d 543.

**Survival of obligation of guaranty**, 41 ALR2d 1243.

**Conflict of laws as regards survival of cause of action and revival of pending**

**action upon death of party**, 42 ALR2d 1170.

**Beneficiary's death as affecting right of action under death statute**, 43 ALR2d 1291.

**Medical malpractice action as abating upon death of either party**, 50 ALR2d 1445.

**Action or claim for punitive damages as surviving death of person wronged**, 63 ALR2d 1327.

**Death as terminating coexecutor's, administrator's, or testamentary trustee's liability for defaults or wrongful acts of fiduciary in handling**, 65 ALR2d 1126.

**Abatement or survival of action for attorney's malpractice or negligence upon death of either party**, 65 ALR2d 1211.

**Effect, on proceedings below, of death of defendant pending appeal from criminal conviction**, 83 ALR2d 864.

**Survivability of cause of action created by civil rights statute**, 83 ALR2d 1153.

**Survival of cause of action under liquor dealer's bond**, 94 ALR2d 1145.

**Validity of exception for specific kind of tort action in survival statute**, 77 ALR3d 1349.

**Effect of death of beneficiary upon right of action under death statute**, 13 ALR4th 1060.

**Sec. 09.55.580. Action for wrongful death.** (a) When the death of a person is caused by the wrongful act or omission of another, the personal representatives of the former may maintain an action therefor against the latter, if the former might have maintained an action, had the person lived, against the latter for an injury done by the same act or omission. The action shall be commenced within two years after the death, and the damages therein shall be the damages the court or jury may consider fair and just. The amount recovered, if any, shall be exclusively for the benefit of the decedent's spouse and children when the decedent is survived by a spouse or children, or other dependents. When the decedent is survived by no spouse or children or other dependents, the amount recovered shall be administered as other personal property of the decedent but shall be limited to pecuniary loss. When the plaintiff prevails, the trial court shall determine the allowable costs and expenses of the action and may, in its discretion, require notice and hearing thereon. The amount recovered shall be distributed only after payment of all costs and expenses of suit and debts and expenses of administration.

(b) The damages recoverable under this section shall be limited to those which are the natural and proximate consequence of the negligent or wrongful act or omission of another.

(c) In fixing the amount of damages to be awarded under this section, the court or jury shall consider all the facts and circumstances and from them fix the award at a sum which will fairly compensate for the injury resulting from the death. In determining the amount of the award, the court or jury shall consider but is not limited to the following:

(1) deprivation of the expectation of pecuniary benefits to the beneficiary or beneficiaries, without regard to age thereof, that would have resulted from the continued life of the deceased and without regard to probable accumulations of what the deceased may have saved during the lifetime of the deceased;

(2) loss of contributions for support;

(3) loss of assistance or services irrespective of age or relationship of decedent to the beneficiary or beneficiaries;

(4) loss of consortium;

(5) loss of prospective training and education;

(6) medical and funeral expenses.

(d) The death of a beneficiary or beneficiaries before judgment does not affect the amount of damages recoverable under this section.

(e) The right of action granted by this section is not abated by the death of a person named or to be named the defendant. (§ 4 ch 78 SLA 1972)

**Editor's notes.** — This section was taken from § 61-7-3, ACLA taken from former AS 13.20.340 which, in turn, was taken from § 61-7-3, ACLA 1949, as amended.

A commentary on ch. 51 SLA 1984 (SB 513) which amended this section, appears in the 1984 House and Senate Joint Journal Supp. No. 21, at pp. 5 - 6.

NOTES TO DECISIONS

Quoted in *Linck v. Barokas & Martin*, Sup. Ct. Op. No. 2701 (File No. 6786), 667 P.2d 171 (1983).

**Sec. 13.11.300. Effect of divorce, annulment and decree of separation.** (a) A person who is divorced from the decedent or whose marriage to the decedent has been annulled is not a surviving spouse unless, by virtue of a subsequent marriage, the person is married to the decedent at the time of death. A decree of separation which does not terminate the status of husband and wife is not a divorce for purposes of this section.

(b) For purposes of AS 13.11.005 — 13.11.140 and AS 13.16.065, a surviving spouse does not include

(1) a person who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, which decree or judgment is not recognized as valid in this state, unless they subsequently participate in a marriage ceremony purporting to marry each to the other, or subsequently live together as husband and wife;

(2) a person who, following a decree or judgment of divorce or annulment obtained by the decedent, participates in a marriage ceremony with a third person; or

(3) a person who was a party to a valid proceeding concluded by an order purporting to terminate all marital property rights. (§ 1 ch 78 SLA 1972; am § 10 ch 56 SLA 1973)

Legislative history reports. For report on ch. 56, SLA 1973 (HCS SB 140), see 1973 Senate Journal Supplement No. 9, 1973 House Journal, p. 819.

Collateral references. Annulment of marriage; prior institution of annul-

ment proceedings or other attack on validity of one's marriage as barring or estopping one from entitlement to property rights as surviving spouse. 31 ALR4th 1190.

**Sec. 13.11.305. Effect of homicide on intestate succession, wills, joint assets, life insurance and beneficiary designations.** (a) A surviving spouse, heir or devisee who feloniously and intentionally kills the decedent is not entitled to any benefits under the will or under this chapter, and the estate of the decedent passes as if the killer had predeceased the decedent. Property appointed by the will of the decedent to or for the benefit of the killer passes as if the killer had predeceased the decedent.

(b) A joint tenant who feloniously and intentionally kills another joint tenant thereby effects a severance of the interest of the decedent

so that the share of the decedent passes as the decedent's property and the killer has no rights by survivorship. This provision applies to joint tenancies and tenancies by the entirety in real and personal property, joint and multiple-party accounts in banks, savings and loan associations, credit unions and other institutions, and any other form of co-ownership with survivorship incidents.

(c) A named beneficiary of a bond, life insurance policy, or other contractual arrangement who feloniously and intentionally kills the principal obligee or the person upon whose life the policy is issued is not entitled to any benefit under the bond, policy or other contractual arrangement, and it becomes payable as though the killer had predeceased the decedent.

(d) Any other acquisition of property or interest by the killer shall be treated in accordance with the principles of this section.

(e) A final judgment of conviction of felonious and intentional killing is conclusive for purposes of this section. In the absence of a conviction of felonious and intentional killing the court may determine by a preponderance of evidence whether the killing was felonious and intentional for purposes of this section.

(f) This section does not affect the rights of any person who, before rights under this section have been adjudicated, purchases from the killer for value and without notice property which the killer would have acquired except for this section, but the killer is liable for the amount of the proceeds or the value of the property. Any insurance company, bank or other obligor making payment according to the terms of its policy or obligation is not liable by reason of this section unless before payment it has received at its home office or principal address written notice of a claim under this section. (§ 1 ch 78 SLA 1972; am § 1 ch 36 SLA 1979)

Collateral references. Constitutionality of statute precluding inheritance by murderer of decedent. 6 ALR 1408. Disqualification of heir who murdered intestate as affecting rights of others in

respect of the intestate estate. 156 ALR 623, 161 ALR 118.

Homicide as precluding taking under will or by intestacy. 25 ALR4th 787.

13.11.310 . . .

be considered in determining recklessness with regard to circumstances surrounding one's conduct. *Neitzel v. State*, Ct. App. Op. No. 172 (File No. 6243), 655 P.2d 325 (1982).

Assault with a dangerous weapon. — The supreme court declined to hold that

intoxication ought to be considered with respect to the general criminal intent necessary to the commission of the former crime of assault with a dangerous weapon. *Menard v. State*, Sup. Ct. Op. No. 1623 (File No. 2865), 578 P.2d 966 (1978), decided under former AS 11.70.C30.

Collateral references. — Drunkenness as affecting murder in second degree, 8 ALR 1052.

Intoxication as affecting deliberation, 79 ALR 901.

Modern status of rules as to voluntary intoxication as defense to criminal charge, 8 ALR3d 1236.

Drug addiction or related mental state as defense to criminal charge, 73 ALR3d 16.

When intoxication deemed voluntary as to constitute a defense to criminal charge, 73 ALR3d 195.

Sec. 11.81.640. Application of AS 11.81.600 — 11.81.630. AS 11.81.600 — 11.81.630 apply only to this title. (§ 10 ch 166 SLA 1978)

#### NOTES TO DECISIONS

Stated in *Neitzel v. State*, Ct. App. Op. No. 172 (File No. 6243), 655 P.2d 325 (1982).

#### Article 6. Definitions.

Section  
900. Definitions

Sec. 11.81.900. Definitions. (a) For purposes of this title, unless the context requires otherwise,

(1) a person acts "intentionally" with respect to a result described by a provision of law defining an offense when the person's conscious-objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective;

(2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance;

(3) a person acts "recklessly" with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk;

(4) a person acts with "criminal negligence" with respect to a result or to a circumstance described by a provision of law defining an offense when the person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

(b) In this title, unless otherwise specified or unless the context requires otherwise,

(1) "affirmative defense" means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the defendant has the burden of establishing the defense by a preponderance of the evidence;

(2) "benefit" means a present or future gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary;

(3) "building", in addition to its usual meaning, includes any propelled vehicle or structure adapted for overnight accommodation of persons or for carrying on business; when a building consists of separate units, including apartment units, offices, or rented rooms, each unit is considered a separate building;

(4) "cannabis" has the meaning ascribed to it in AS 11.71.900(10), (11), and (14);

(5) "conduct" means an act or omission and its accompanying mental state;

(6) "controlled substance" has the meaning ascribed to it in AS 11.71.900(4);

(7) "correctional facility" means premises, or a portion of premises, used for the confinement of persons under official detention;

(8) "credit card" means any instrument or device, whether known as a credit card, credit plate, courtesy card, or identification card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining property or services on credit;

(9) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

# HOUSE COMMITTEE REPORT

9726

Date referred: 4/13/88

FUT REFERRALS:

Judiciary  
Finance

DATE: 4-26-88

The Health, Education and Social Services Committee has considered CSSB 371(Fin)

"An Act relating to alcoholic beverages in an area that has prohibited or restricted the sale of alcoholic beverages by local option election; and to delivery, purchase, and municipal regulation of alcoholic beverages."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- 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):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*[Handwritten signatures]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

*[Handwritten notes]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*[Handwritten signature]*  
 \_\_\_\_\_  
 Co Chairman's signature  
*[Handwritten signature]*

SB

322

file 1

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Judiciary:*

4-6-88

4-11-88

4-12-88

4-13-88

4-14-88

4-15-88

4-16-88

4-18-88

4-19-88

4-25-88

4-28-88

Date referred: 3/17/88

FURTHER REFERRALS:

Finance

4/28

DATE: Apr. 28, 1988

The Judiciary Committee has considered CSSB 322(L&C)

"An Act relating to workers' compensation; and providing for an effective date."

**RECOMMENDS:**

- replace with HCS CS SB 322(Jud)  the same title
- 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):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING TO PASS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chairman's signature

11/6/88

(1)

SB 722

Bob Anders:

Co chair Labor/Management Task

S Labor

Bob Anders:

S Management

May Pierce:

CSBB 222

Sec 7: Problem w/ how it will work.

Enforcement:

① Urban vs Rural enforcement

② Employees in higher risk areas will be penalized.

Assign risk pool:

- Insurance rip off.

possible

- Rate of surcharge in assigned risk pool

Voc Rehab

Prop J Mandatory  
 controlled by carriers  
 employee has little to say what occupation  
 will be rehabbed in.

Propose:

- voluntary
- employee have choice

TTO paid while in voc rehab.

propose - limit until Medical Stability -

limit to 2 years - ok

Medical Benefits.

- litigation and dispute:

Try to limit abuse of system.  
 Medical - Ins - Lawyer -

Medical,

Chairman Doctor

→ repr for release to work for  
 few of Malpractices

Propose IME - Independent Medical ~~Examine~~ Examine.

Limit Mal fees to "usual customary fee"

→ IME:

↳ work for Board

→ paid by employer

Chosen ~~Dr~~ by from a list of doctors by -

p17 line 14 may to shall

p18 line 4 → eliminate unanimous requirement

p21 line 17

Andrus.

- Benefits for workers.

Reservation of rights pgs 21 line 17 - 29

Payment to by last employer essential

Benefit Package	
Max	1100 → 700
Min	110 → 154

1985 data used -

only 11 over 700 in 1985.

Cost of living adjustment: p24 line 18-22

A.P.D. Wholesome ~~Concept~~ Concept =

4/6/88

(5)

D

~~to~~

Spentable Weekly Wage  
Unscheduled Injuries.

P29 line 20  $\frac{1}{2}$   $\rightarrow$  projected gross weekly.

P32 Stress:

Summary

Voc Rehn

Emf

PPD

As wage

Unscheduled Injury w/ PPD

4/11/98

Levin Property:

Atty for labor.

Forms of problems in WC.

(1) Whole premium \$ - 50 to worker.

- (a) Atty
- (b) Medical
- (c) Voc Rehab
- (d) Ins Company

Premium in AK 157 M per year 1987

Medical to injured worker.

Med cost: UCR - Unpaid, Customary

Frequency of (baseline):  
→ set standards can be exempted

Substantive as  
6 1/2 rate  
decrease

Voc Rehab:

~~Mandatory~~ Voluntary:

4/11/88

Korn Company:  
Voc. Rates:

\* Sec 25, Benefit Payment During Contingency

Sec 5. | p 3 L14

Sec 38 → Distribution

Benefits:  
PPP -  
included:  
scheduled:

Widow's Allowance: \$240,000

MAX 1100

MAX 700

53322

4/1/88

Kenn D.

Byzantium v \_\_\_\_\_;

Existing Law  
only paid for last wagon

Brown v.  
COVA →

STRESS:

Doctor Shopping:

Dave Galtstein:

Sec 2, Safety Programs Rebate  
want out  
Surcharge need Rating.

Delicate Balance  
Window of Opportunity  
Squaky Clean

4/11/88

IME:

Sec. 18: →

Medical stability.

degree of injury:

P18. L4 →

Mental stress issue → needs to be covered.

PPD

Goal was to break even

More benefit to major injuries

---

Jackie McClintock's

Medical Care.

4/11/88

Leslie McClintock:

~~Books~~

ATTY Fees:

Approval of ~~B~~ ATY Fees by Bd

- (1) disputed
- (2) settlement

4/13/88

James McClintock

PTD → Car Insurance  
PTD & PTD =

TTD →

2 year limit:

Corporate loss amount  
\$9,000

new

\$144,000

Living:

Cash:

Grant = 1985  
76.7

Estimated =

Vos Rehab

4/13/88.

Mylene Linden

~~Vos Rehab:~~

10 years in system:

S.B. 322 →

Medical Stability - Issue

Chiropractor Amendment

Bl's right to information vs hearing  
process.

is inappropriate:

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

4/13/88

Lester McIntosh

~~PTD~~ PTD → continued.

TTD & PTD =

TTD →

2 year limit:

Complete loss ann  
current 59,000

new \$144,000

Housing:

Cash

Grant = 1485  
76 of

---

Unscheduled =

Va. Rehab

Myra Linko

~~Linko~~

10 years in system

SB, 322 →

Medical Stability - Issue

Chiropractor Amendment

Also right to information vs privacy process -

for appointments

4/13/88

4/13/88

APP:

Jerry Brinkley

302 Operating Engineers.

↓  
→

Glen Rainwater

P5. L10-14

P8 L. 3-8

P9 L 6-7

P9 L 21 - P10 L 2

P26 P3-10; object to 2 year limitation

Erica Mahoney - Injured worker

23.30.041

existing law is not mandatory  
does existing law ~~does not~~ establish voluntary

APP:FB - not penalized for switching to Rehab.

4/13/88

IME

Dr. Lon Godfrey. Chiropractor.

IME: put to much emphasis on  
any IME.

Kathi Brown. IME

"Qualified in field of injury"

Power Post - 73.30.031 (041)

Voc Rehab

↳ not mandatory in existing law.

James Bailey:

① →

② →

4/14/88

John Lewis:

Rate Reduction

Mandated Rates

Maine experience - not relevant to Alaska discussion.

(1) Maine - unusually low for years

Instituted a Use Rehab Program  
mandated 10% reduction.

Florida:

1979 → 15% mandated rate reduction  
did not result in carriers leaving  
and voluntary rate reductions continued

4/14/88

John Lewis

→ Why Mandate

→ No employers are asking for it

Freezes - Hawaii

→ use when concern of data base

give time

Ask Timber Trust  
why lower rates

Why Decrease

① If results of law will reduce costs - present employers should benefit.

② Using tools to reduce costs  
→ Incentive to use the tools if  
not done then loose \$

③ Get everybody's attention.

Bill has reasonable opportunity to reduce costs  
Procedural changes given broadest impact  
even retroactive application.

Best possible

John Lewis

4/1/88

PPD schedule

Fits in the procedural issue

Stress cases

need to make the changes

How does our language compare to other states

(justifies mandatory rate reduction)

in several states adopted

Colo, Ma., Ore,

---

Better no risks ban together

AK, Tim. Just.

time

activity

safety

4/14/88

(A)

John Davis

ok for Mandate Reduction  
or Freeze  
w/ items in Bill.

important:-

Enhancement of data base  
of RSD.

Mitch Gravo.

Chiropractor Team

p15 L16-27

- How will this section work

"multiple treatment of continuous nature"

"written treatment plan"

- does it need approval - by whom

- liability

- approval of plan.

p17: I.M.E.;

4/14/88

Warren Dvorack  
Ave School Dist.

1979 self insured

cut costs by  $\frac{1}{3}$

5000 employees.

880,000 to 1,500,000 in 3 years.

iniquities in law  
unnecessary litigation  
ambiguities in statute

Mandatory Voc Rehab required  
see section 10

where is it  
required under  
present statute

p18 L3-5

④ Situation:

200,000 -

alleged ~~at~~ job caused stress

Wade v Ave School Dist

93 322

4/14/88

Stress

emotional strain

⊗ Tony Smith: Homer  
Carpenter →

Accident prevention

\* State fund advocate Sund/Taylor

\* Enforce OSHA - by State.  
not enforced

Individual worker choice

Charles McKee:

Rate Reduction - temporary:

Elaine Taylor.

4/14/80

779. under 10 employees

Mod. Factor 1.39

Sec 2 of bill:

Good point

\* Can't afford to attend the meetings.

Rating committee

CR committee — public employment

Howard Cutler

Risk Manager

Klyster

President

Risk Managers Ass of Nc

(1) I.M.E.:

Chris 118 visits:

860 employees

59,000 costs. losses

self insure

→ self investigate

Dick Cattaroch

Task Force

4/15/88

p10 L 28 [60%] = 75%

p26 L#15 =  
(240,000) 135,000

p26 L18 - 29 } Relate  
p27 L1 - 24 }

p28 L18

p26 L9 -- two - change to 5 Five

We have ~~also~~ agreed - It does not increase the costs

Change Craft:

~~two~~  
Injured workers?

Disability & impairment

Seriously injured workers

⊕

9/15/88

Disability -

Bill remove compensation based on disability.

Go straight to medical impairment

Impact of legislation →  
unknown

Examples

① Loss of eye  
SES 322 32,000

Transition of TTD - TPD on medical stability.  
→ get there fast

② ~~48~~ 47% - loss of leg

③ Existing Law See p28 L 6-7

§ 32322

4/15/89

draft

Delay: ~~in~~ in decisions.

Sec. 20 of bill → Re. Delet sec 20

Effect:

→ kill all hearings.

→ put cost of depts on TI

→ not preclude from

---

Stress: Claims.

See 40 p31

Eliminate claims of workers in stressful jobs.

7654 - 7655 -

Prof Larson

Stress →

Labor members of Task force did they

SB 322

4/15/88

4/18/88: → Wall St Journal

Stress example:

Use job safety training to reduce  
claims.

~~to~~ Raymond Decision

Bill does not include all fringe  
benefits

Pension issues:

Sec. 37 - - Sec. 38 -

+

Problem

Craft:

4/15/88

Doctor change issues

increase petition to board.

Sec. 10

Sec. 25 good

Rehab

Voluntary → vs. mandatory.

Restore people to a functional status rather than just pay money.

---

Should you have Medical Stability before use Rehab referral

Medical:

All treatment should be considered.  
20 treatment in 60 days use a \$ amount instead of arbitrary visitation.

4/15/97

Craft  
Compensation Ret  
Sec 28 p 23

175 as relates to 220 (9)

are they read together or  
separately  
is 175 an exception.

Social policy  
low income workers get adjustment  
middle - high income can't get

4/15/88

⑧ Stalby Davidson

Depose Atty → from Area

Support SB 322

Voc Rehab:

TTD → end at Medical Stability:

PPD → TTD - Rehab

PPD → Totally scheduled

Trn E:

see

14 L 22.23 - no appeal to board

Stress Purpose of Work Comp  
physical injury on job

Stress to worker not compensable

4/15/88

Rights → Employee v. Employer.

Workers Compensation System:



Burden of proof

Sec 1 - Jcy inter.

Existing law:

AmBIGUITY → interpret for II  
Humanitarian Purpose

TTD → MS → PPD

Sec 20 →

Time table issue.

Due Process for Employer.

← SB 327 →

4/16/88

Ray Bond:  
R&R Scaffold.

Rating Committee  
- standard rate, as of

Pool ⇒ Assigned Risk - problem.

claims. → \$50,000 limit of some insurance companies  
need to help to direct

Iron worker - craft charge is too high  
driving

Need more representatives on Rating Committee

Story

23.50 +10% 1/00

52.00 +20% surcharge 1/00



Rating Bd have a member of industry  
they are rating -

4/16/88

Diane Johnson

want to protect claimants  
Company use system

Slow pace of court system - encourages  
controversies & litigation.

→ Need punitive damage action for mental -

→ Problem of reopening case  
when fraud is present

Doctor exchange - hopping

Subsequent medical problems  
↳ difficult to get payments

Compromise & release →

Under duress → need to get Medical  
coverage.

→ quick action

4/16/88

Allan Tesche

Rebecca Loupro

Atty in Arch

→ Δ lawyer on submission of facts to board

Hard data to suggest

- ① significant portion of cost % of total
- ② are costs unreasonably high
- ③ Does it exist.

Overall fees paid - small amount  
than  
600 claims of  
67 retained counsel

3685/per case per attorney, controverted.

Average hourly rates.

Δ Camp lawyers charge

Even assuming

- ① Δ costs are high
- ② Alternatives.

A. → Recovery of Atty fees on last frivolous employer rule.

B. Penalty for bad faith or frivolous claims

4/16/88

Report requirement  
Costs Reported

Get Disclosure of D costs to Work Camp Bd

Deho

→ 23,301.55 (h)  
→ 23,319.55 ←

Renue Murray.

Management →  
State version of bill.

Scott Watson Services.

#1  
)>  
=

75% increase w/o bill  
5.7% increase w bill  
30.79% Total impact.

#2

△ lawyers reporting costs will devastate  
and ruin the bill.  
(self insured employers)

4/16/88

Atty fees:

Stress claim:

Why not treat the board

Don Cornell

Subjects #1

Turbo machinery.

- A & E T → maintenance K -

Concerns of business people in North Karan.

→ small business people are concerned  
w/ large self insurers.

Whole person

240,000

→

135,000

Rehab portion dropped entirely

- Pay Injured worker to give him ~~money~~ <sup>money</sup>

\* give Rehab Money to EE.

§ 322

4/14/81

Joe Randazzo

PIS 6.16-20

→ oppose 20 of 60 *Restraint Section*

Petitioner Zotal

privilege of being in  
The m

W.C.  $\Delta$  work

Each side gives up rights  
Supreme Court - balance tipped

Stress:

Wide case expands Fox  
set up a Calif standard.  
subjective

Objective standard - need something out  
the ordinary.

§ 322 7-8. - Objective standard used in  
most other cases

4/16/88

Zobell →

▷ atty fees

IP fees.

no request to repeal  
the statute - of criminal

---

Art Robson - United Fairbanks.

p1 L20

- reasonable person

use preponderance of evidence test  
used in most other states

Sec 2 20

Sec 3 and on to end

Sec 4

5

6 ok

7 compare

8 same as is.

Sec 9 = 4322

Sec 10 = Rehab

we have a voluntary system now

Sec 11 - use a waiver rather than a block.

Sec 12 - put more help in A-G.

Sec 13 → Doctor shopping.

limit to state lines

Sec 14 →

Medical Practice problem

Doctors will have to recommend expensive treatments

Sec 15 → licensed in ~~some~~ area of practice.

Sec 16 →

Possible to increase costs usual custom. UCR - set at 90% of rates / percentile - will raise 82% of charges

S13 321

4/16/88

Return

Sr 18 → Medical Community meeting at  
park

Meeting of a single person -  
Meeting

Sr 19 good

Sr 20 good idea  
Sr Capt

parking available at program

Monday from conference  
- both parties agree

Sr 21

Sr 22 on Sr 1

good

Sr 23

annually reporting

Sr 24

will have a book on funds by reading.

Sr 25 good

Sr 26 down from

Return

4/26/88

Sec 27 annual report

Sec 28 no penalty diff on self  
inward and career.

Annually (p) goal idea.

Sec 29 part of essential compromise goal.

6(3) confusing.

Sec 30

Sec 31

Sec 32 → 2 years →  
amend to 5 years.

Sec 33 →

34 → don't understand ??

35 →

36. wages ~~at~~ determination.  
Draft problem

44 - ok

43

42 ok

41 medical details  
not needed

40

39 - Difficult reading.

38 - Discussion

See 37 - follow up

4/1/88

4/16/88

Donna Bailey:

victim of WC.

5 years on WC

unable to go to Bed

\$93.00/wk

support family  
buying home

Va Rehab problem

doesn't work:

was smoking \$10/hr  
now \$3/hr

buying  
own home

own vehicle

- that cuts off a lot programs  
in welfare

3 grandchildren in Geneva

can't leave town - need to be available to

answer phone if Va Reh calls

State Rehab Center

4/16/88

Larry Buchholz:

IDEAS

~~Use Rehab~~

51 years old

- former employee of Work Comp Division

Sec 2 Safety and aspect of refund

positive approach

Bud Jaeger  
Represent

Shattuck & Gorman

Emp 23 years

15 East Wash

Spec A

Threat of ~~work~~ work w/ small business

Pooling → assigned risk rates:

outside contractor advantage issue.

Mandated Rates Issue

affects different carriers differently.

4/16/88

Bud Joeger

Tom Batchelor Atty.      Susan  
Work Comp Joeger.  
Both sides.  
WCCA: ask represent today.

System

- not working
- needs reform
- frustrating.
- can be and made better.

Stress:

Work case:

Apportionment of injury

Last injurious exposure rule

long comment on theory

S03 322

4/16/88

Batchelor:

Purpose is to reduce litigation  
Inside off's:

Sec 18. IME → Super doctor  
~~separate problem~~  
- problem of super doctor issue  
- problem of immunity

Smallwood - objection -

Sec. 20:

And

Sec. 28 - ~~B~~  
[contravened] to resist

Atty fees ~~to~~ Δ:

SB 322

4/14/88

Carl Anderson:

Alaska National Ins Co.

Support SB 322

Rate 5.7%

GR. Alaska Committee

Do not support a mandated Rate Decrease

- ① less competition
- ② increase in assign risk pool
- ③ increase other lines of insurance

4/16/88

Memo Fry → Dick, Cattaneo.

P11 L. 1-10  
Unreasonable

sk so is.

P15 Jan 14

"continuing and multiple treatment  
of a similar nature"



Dick →

~~32~~

32 → 37% per 8 Medical

treatment:  
visit

P18 → L1-5

don't like →

delay

Reasoned done administratively.

use 513 322 language.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

4/16/88

Mano Fry → Dick Cattaneo

p11 L. 1-10 | skc is  
unreasonable

p15 Sec 14

"continuing and multiple treatment  
of a similar nature"



Dick →

33 → 37 1/2 pages 8 Medical

treatment:  
visit

p18 → L1-5

don't like →

delay →

Reason done administratively -  
use 503 322 language.

023 Jan 29

raise bottom to  
154 it's minimum.

024 -

good discussion on Sec 5 & 11

Sec 39 P 31

032 Sec 40 Stress:

---

MANO:

~~Jan Hansen~~  
Jan Hansen

34/8/99

WCB.

Unscheduled P.P.D.

1) most disputed item .120  
.740

→ loss of wage earning capacity.

→ employee has to prove

Cut litigation  
Did it work.

pd1. Sec. 14

Sec. 18 →

↳ have had look at every IME  
will encourage litigation.

Selection:

\*3

Super Doc. →

set up IME panel to start with

4/16/78

Jan Hansen:

Sec 20:

need amendment for escape clause  
5 of ROTH

Vis Rehab. Counselor:

90 day choice → wish Mandatory.

p. 6. L 21. →

p 7 L 16 →

p 7 L 22-24 →

p 10 L 19-23 - limit to \$10,000  
not enough money for small  
communities.

AMEND:

→ Amend  
do not include transportation  
nor cost of living outside

Disagree w/ TIP stop at medical  
stability.

Benefit rollback = in bill.  
Increase in PPO to major benefit  
decrease in TTD

Plus Reporting II control

③ Sec 3 Reporting requirements

② Sec 4 ⇒ Don't like reports for  
only:

① Sec 4 - Don't like.

Alliance of American Insurers.

W.P. Taylor:

Sec 4A

4/14/88

CSB 3m

4/16/88

Phil Palenberg

Benefits are fair or arbitrary

Rating guides do ~~not~~ not track  
with economic loss

PTD def's changed  
to include the whole state  
as labor market

Use Rehab

① 90 day period will eliminate  
because of failure to apply.

② See amendment

Rehab →

IME issue

S 36 problems of implementation:

4/14/89

p1 L14-20

Humanitarian purposes

Employer controls the work force

- negotiations

scales are

HOUSE JUDICIARY COMMITTEE

APRIL 11-16 AGENDA

SB 322 - WORKERS' COMPENSATION

WEDNESDAY, APRIL 6 5:30 - 6:30

OVERVIEW OF SB 322

Bob Anders; Labor-Management Task Force - Labor  
representative  
Workers' Comp Board

DISCUSSION: Remaining areas of controversy  
Labor priorities

Note: Committee will be on listen-only teleconference.

MONDAY, APRIL 11 1:30 - 3:00

INSURANCE SPECIFIC TOPICS

Rate History:

Paul Roller; Director, Division of Insurance  
Don Koch; Special Deputy, Division of Insurance

Assigned Risk Pool:

Stan Sparks; Director, Government, Consumer and Industry  
Affairs - National Council on Compensation  
Insurance (NCCI) (on teleconference from  
Portland)

Alaska Timber Trust experience:

Donna Lewis; Alaska Timber Trust (on teleconference from  
Ketchikan)

Industry aspects:

Gary Purdom; Industrial Indemnity and Alaska  
Classification and Rating (C&R)  
Committee

DISCUSSION:

- 1) Mandated Rate Reduction or Rate Freeze
- 2) Revamping the Assigned Risk Pool
- 3) Rate Reductions for Safety Programs  
Note: Richard Arab; Deputy Director, Occupational  
Safety and Health, will be  
available for questions.

Note: Committee will be on listen-only teleconference