

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SL&C 12638

- 1    \* **Sec. 8.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).
- 2    \* **Sec. 9.** Except as provided by secs. 7 and 8 of this Act, this Act takes effect January 1,
- 3    2009.

# SSNs are Essential for Record Matching and Identity Authentication



- ① LexisNexis gathers records from multiple sources and connects records for a single individual by matching names, social security numbers, addresses, city, state, and other data points.
- ② The SSN allows LexisNexis to distinguish among individuals with the same or similar names. For example, the LexisNexis databases contain entries for over 1,000 individuals with the name Jane Smith (or Jane Smyth, etc) for Chicago, Illinois. The SSN is a critical element of the internal analysis that allows LexisNexis to assign its records and data to these individuals and then to further refine those entries to eliminate any multiple entries.
- ③ When a bank requests information on Jane Smith, SSN 000-12-1234, the record returned excludes data on persons with similar names.
- ④ When a retailer requests information on Jane Smith at a particular address, LexisNexis leverages the SSN in the background to pull the correct information on Jane Smith.

**Note:**

There are over 10,000 Jane Smiths in the United States.

Intelligence  
Analysis

Screening & Identity  
Verification

Customer  
Development

Authentication  
& Screening

Fraud  
Prevention

Database  
Management

LexisNexis

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3/4/2008

Honorable Senator Johnny Ellis  
State Capitol, Room 9  
Juneau, AK 99801-1182

Re: HB 65

Dear Senator Ellis,

I spoke with a staff member from your office today regarding HB65. I very much appreciate the contact and the chance to have some input into this legislation. Based on my discussion with your staff, and with staff from Rep. Coghill's and Rep. Gara's offices, I'd like to pass on some other thoughts about ways to address the issue of investigators and process servers working on behalf of litigants or attorneys on court cases (utilizing SSN's to locate defendants, plaintiffs, witnesses, etc.).

- We discussed the possibility of limiting access to licensed process servers. The Alaska Department of Public Safety licenses civilian process servers and the licensing process is rigorous. HB 65 illustrates the problem of Alaska not licensing private investigators, however. Rep. Roses' office has a PI licensing bill in the legislature and I would urge you to support its passage to help address this problem.
- You may wish to borrow wording from AS 28.10.505, which addresses access and dissemination of personal information in DMV registration records. The statute reads, in part: 28.10.505 (d) Personal information may be disclosed by the department upon proof of the identity of the person requesting a record and representation by the requesting person that the use of the personal information is strictly limited to one or more of the following uses: (1) for use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a private person or entity acting on behalf of a government agency in carrying out its functions; (3) for use in connection with a civil, criminal, administrative, or arbitration proceeding in a court or government agency or before a self-regulatory body, including service of process and the execution of a judgment or court order; (etc.). The wording in the first paragraph wouldn't apply but I'm sure other wording could be substituted.

HB 65  
3/4/2008

- A problem we did not discuss involves private sector investigators working for criminal defense attorneys. I (and others) routinely do contract work for the Office of Public Advocacy and for private attorneys representing criminal defendants. While the current version of HB65 exempts government employees (i.e. staff investigators for OPA and the Public Defender Agency) there is no similar exemption available to private sector investigators doing the same work in HB 65. This creates a disadvantage for private clients and for clients receiving services from a contract investigator instead of a staff investigator. Use of wording similar to 28.10.505 would cure this.
- I sensed confusion about why private investigators or process servers would need to access SSN's in order to locate people. In approximately 50% to 60% of the cases where we have to turn to commercial databases to find someone, it becomes necessary to utilize the SSN to distinguish the individual in question from other people with similar or the same names. The SSN is embedded with all the other information in the database (other names used by the subject, dates of birth, prior addresses, etc.). It frequently isn't possible to run the search without the database kicking out the possible SSN's. However, I see no reason why an investigator or process server would ever have a legitimate need to disclose the SSN to a third party. The SSN's are frequently truncated in these searches (but not always).

Thank you for considering this information. I would be happy to speak with you or your staff about these issues at any time.

Respectfully,

A handwritten signature in black ink, appearing to read 'Andy Klamser', with a stylized, cursive script.

Andy Klamser

January 18, 2008

The Honorable John Coghill  
State Capitol, Room 214  
Juneau, AK 99801-1182

Dear Representative Coghill:

We are writing to express our opposition to HB 65, which would impose security breach notification requirements and Social Security Number use restrictions that significantly diverge from laws enacted in other states. HB 65 would impose significant new compliance burdens on businesses without providing tangible benefits to the security and confidentiality of consumers' personal information.

The security breach notification provisions under HB 65 are vastly different from those imposed under similar state laws.

- ✓ • **Overly Broad Definition of "Personal Information":** The bill would require notification for data elements that are not sensitive. Telephone numbers and addresses, for example, are not the types of sensitive data elements that would render an Alaska resident susceptible to identity theft, fraud, or financial harm. Additionally, in the absence of a financial account number, "account passwords or personal identification numbers" would not facilitate access to an individual's financial account, and thus would pose no risk of identity theft, fraud, or financial harm. Moreover, in requiring notification under circumstances where account passwords have been compromised, notifying entities would be unwittingly tipping off hackers and spammers who may have been responsible for compromising the e-mail or other Internet accounts of Alaskan residents, complicating efforts to identify and prosecute criminals. We urge you to eliminate these features of the definition of "personal information" to make it consistent with the definition of "personal information" found in almost all of the 39 existing state security breach laws.
- **Definition of "Personal Information" Does Not Exempt Publicly Available Records:** The definition of "personal information" does not exempt information that is lawfully made available in public records. This exception exists in almost all of the existing 39 state security breach laws. The exception recognizes the fact that because this information is already publicly available, its breach poses minimal risk.
- **Application to Both Electronic Data and Paper Records:** The security breach provisions in HB 65 apply to personal information "in any form". Identity thieves target databases that contain personal information about consumers because they present a rich and large universe of personal information. The same is not true with respect to paper records, which require physical theft and rarely provide identity thieves with easily ascertainable, sensitive personal information concerning a wide swath of individuals. The current version of the bill would likely require businesses to notify consumers if a

paper file or slip of paper was missing, which happens commonly even if there was no risk of harm to the consumer.

✓ **Notification Is Not Tied to a Risk of Harm:** Under the bill, businesses must notify consumers of any security breach, even where there is no risk of identity theft, fraud, or financial harm. Without a nexus to risk of harm, however, the bill would result in over-notification of consumers where no risk exists at all. A requirement to notify Alaska residents of security breaches in the absence of a risk of harm may have the unintended consequence of encouraging individuals to disregard notices after they receive several security breach notifications where there is no risk. A risk of harm standard ensures that Alaska residents are notified in instances when they should act on the notice -- where a security breach may cause monetary loss.

✓ **Enforcement Provisions Would Encourage Costly Litigation:** HB 65 provides that a failure to notify affected residents of a security breach constitutes an unfair or deceptive act or practice. Alaska residents may enforce violations of the unfair and deceptive acts or practices law through class action lawsuits with statutory damage awards of at least \$500 per violation. Statutory damages are entirely inappropriate for violations of this law because nearly all security breaches result in no harm to consumers whatsoever. The only beneficiary of this provision would be the plaintiff's bar which would extract large settlements from Alaska businesses without showing any actual harm to consumers.

- **Notification by E-Mail Not Authorized:** E-mail is often the exclusive means by which Internet companies communicate with consumers. Customers of Amazon or eBay, for example, would expect to receive a security breach notification via e-mail. The current version of the bill, however, only permits e-mail notice in accordance with the E-SIGN law, which requires businesses to obtain customers' express consent to e-mail notice *prior to the onset* of this breach. This is simply not practicable in many instances. Moreover, the vast majority of state security breach notification laws either implicitly or explicitly authorize notification by e-mail.

HB 65 would also impose restrictions on the use or disclosure of Social Security Numbers (SSNs) that far exceed those imposed by other state laws. Although several exemptions are provide for under the bill, businesses could would be prohibited from using third party authentication services to verify the identify of SSNs of individuals who furnish such information. This would actually weaken businesses' efforts to reduce the incidence of identity theft and fraud. Other legitimate business purposes for the disclosure of SSNs would be barred by the blanket prohibition language in the bill.

**For all of these reasons, we strongly oppose HB 65. Thank you for your time and consideration.**

**Sincerely,**

**AOL  
Google  
Monster.com  
NetChoice  
Reed Elsevier  
Verizon  
Yahoo!**

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2/21/2008

Honorable Senator Johnny Ellis  
State Capitol, Room 9  
Juneau, AK 99801

via facsimile and mail

Re: HB 65

*DO  
call him*

Dear Senator Ellis,

I'm writing with a concern regarding the current version of HB 65. I applaud your efforts to tighten up statutes dealing with identity theft issues.

My concern is that I cannot find a provision in the bill that accommodates those of us in the private sector that work with attorneys to locate witnesses, victims, plaintiffs, defendants etc. in both civil and criminal court cases. We often must locate individuals in connection with court cases to serve court process or to conduct interviews. I'm hoping you can find a way to provide a provision that would cover these situations in connection with litigation or anticipated litigation. The reality is that many records are linked to an individual's SSN and oftentimes the only way we can locate someone is by using their SSN to conduct a search on national databases with information brokers. Those of us doing this type of work must establish our credentials with the firms that offer this information and we must certify each search that we conduct conforms to federal rules under FCRA, DPPA and the Gramm-Leach-Bliley Act. In these situations there is no reason for a private investigator or process server to reveal the SSN or to provide it in any manner to a third party. We merely need to utilize the SSN to identify and locate the correct individual. If we are unable to utilize SSN's for this purpose, I anticipate significant problems with the effective processing of court cases since there is no public agency that does what we do.

Honorable Senator Johnny Ellis

2/21/2008

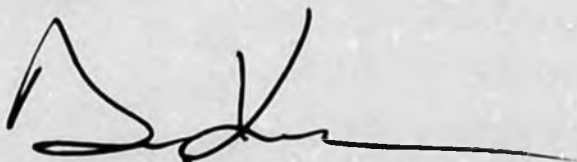
Re: HB 65

As a side note, our state association, the Alaska Investigator's Association, has been advocating for state licensing for more than a decade. Alaska is one of only a half dozen states that still does not regulate private investigators. Rep. Rose's office has a bill that is currently in the legislature that addresses this and we would very much appreciate your support in that regard. We believe licensing of private investigators in Alaska would help with the identity theft problem and with safeguarding personal identifying information, such as SSN's.

I would be happy to discuss this with you or staff at any time.

Thank you for your efforts on behalf of all Alaskans.

Respectfully,



Andy Klamser

*Fed statutes define permissible purposes. See FCRA,  
+ Graham-Leach*

**March 03, 2008**

**Senator Johnny Ellis, Chair  
Members of the Senate Labor and Commerce Committee  
State Capitol  
Juneau, Alaska 99801**

**RE: HB 65-Personal Information and Consumer Credit**

**Dear Senator Ellis and Memembrs of the Committee**

**The Alaska State Chamber of Commerce appreciates your hard work and efforts to offer protection of personal information and allowing for a credit freeze under specified circumstances. We believe these are sound public policy goals and there is value in modeling our legislation after similar legislation adopted in many other states.**

**HB 65 has become a very complex bill, already going through three iterations and encompassing a great deal of material beyond simple identity-theft legislation. The bill is particularly important to businesses operating in the State of Alaska, most of which would be impacted by the legislation. Chamber members are concerned that some elements of the bill will limit business ability to operate in Alaska.**

**To date, more than 39 states have adopted language to address the public policy goals sought by HB 65. What HB 65 attempts to provide consumers in way of protection, may ultimately hinder or obstruct national companies, banks, mortgage companies or insurance companies from offering competitive services in Alaska. As the bill has been transformed in the committee process, many issues, such as: credit freezes, security freezes, definition of credit report, definition of adjusting rates, definition of information recipient, and other issues surrounding computer data, paper copies, etc., have yet to reach any real sense of conformity with regards other state's adopted legislation. While the bill aims to protect the consumer, the bill may lead to litigation as companies are unable to properly navigate interstate commerce successfully.**

**The State Chamber supports the need to provide protection of personal information. We trust that the legislation when adopted is reflective of the reform needed to keep Alaska uniform with other states efforts to provide similar protection measures for individuals.**

**Respectfully,**



**Wayne A. Stevens  
President/CEO**

# Consumers Union

Nonprofit Publisher  
of Consumer Reports

Fees that can be charged by each CRA and for each step in the freeze/lift/removal process impose a high burden on individuals and families because the fee must be paid multiple times. For example, a \$10 fee per step fee would actually cost a two adult household who places the freeze and lifts it just once in the first year a total of \$80, plus another \$60 if they later permanently remove their freezes. (2 adults x 3 CRAs x \$10 to place, + 2 adults x \$10 for one lift = \$80). This is too much to pay to protect against creditors and service providers who extend credit and services to identity thieves.

The security freeze has spread rapidly, with laws enacted in 26 states. The expanded scope of state freeze laws should bring down the cost of providing the freeze in any one state. Some state legislators are insisting on lower fees for their constituents.

These states have enacted laws with lower fees than \$10:

State	Fee to place	Fee to lift	Fee to remove	Seniors	Victims
Minnesota	\$5	\$5	\$5	--	no fee
New York	\$0 first time then \$5	\$5	\$5	--	no fee
New Jersey	\$0	\$5	\$5		no fee
Colorado	\$0 first time	\$10/\$12	\$10		no fees to place
Oklahoma	no fees to place or remove for persons age 65 or older, and no fees for victims				
Louisiana	no fee by placing CRA for persons age 62 and over.				
Illinois	no fee to place, temporarily lift or remove for persons age 65 or older				
Rhode Island	no fee to place, temporarily lift or remove for persons age 65 or older				

A CRA has several means of generating revenue using the consumer reporting file while the freeze is in effect. During the freeze, a CRA can continue to sell access to the file to existing creditors and for other uses which are exempt from the freeze. A CRA can continue to use the information in that file for prescreening, which is permitted under federal law unless the consumer has taken the trouble to opt out. The CRA also can continue to sell credit monitoring or a credit score to the consumer, generating additional fee revenue.

Consumers Union respectfully suggests that there is no reason for other consumers to pay more for the security freeze than the residents of Minnesota, New York and New Jersey currently pay.

The following are current state legislation (many have been voted out of committee, and some out of a house) with expedited methods for temporarily lifting and have fees lower than \$10:

Montana (SB 116)	15 minute lift by January 1, 2009 \$3 fee to place, and temporary lift, no fee to remove
Indiana (SB 403) (HB 1082)	15 minute lift by September 1, 2008 \$5 to place, temporary lift and remove 15 minute lift by September 1, 2008 FREE
West Virginia SB 428/HB 2728	15 minute lift by January 31, 2009 \$5 to place, temporary lift and remove
Nebraska LB 190	15 minute lift by January 31, 2009 \$5 to place, temporary lift and remove
New Mexico SB 165	15 minute lift by September 1, 2008 \$5 to place, \$10 to temporary lift and remove
Wyoming SB 53	15 minute lift by September 1, 2008 \$10 to place, temporary lift and remove
Maryland SB 52	15 minute lift by January 31, 2009 \$10 to place, temporary lift and remove, with an extra \$5 charge for expedited temporary lifting
North Dakota HB 1417	with a goal of placing within 15 minutes \$5 to place, temporary lift and remove

In addition, the three bills in Alaska, AK SB 21, HB 65 and HB 31 all have wording for an immediate lift.

**2. There should be no fees for consumers who have received a notice of security breach.**

Consumers whose information has been breached may have a special need for the security freeze, because the theft of their information creates a heightened risk of identity theft. In addition, a large security breach may generate new revenue for the CRAs, because some consumers whose information is compromised in a security breach will choose to buy credit monitoring, at their own expense or perhaps at the expense of the entity who had the breach. For example, before the missing VA laptop was found, the VA announced that it would pay for credit monitoring for veterans at an expected cost of \$160 million. Thus, security breaches can produce increased revenue for CRAs, which could offset a fee waiver for those consumers who wish to respond to a notice of breach by placing a security freeze.

Consumers who feel a special need for a security freeze after being notified that their own sensitive personal information was compromised in a security breach should not face high fees to place that freeze. Both the consumer and creditors will be better off if that consumer places a freeze which deprives any thief holding the consumers' personal information from using that information to open new accounts. The consumer will be better off because he or she won't

have to resolve the mess created by a false account. The creditor or seller of goods will be better off because it won't get stuck with uncollectible debt incurred by the thief.

**3. There should be no fee to remove a security freeze.**

Nearly all of the state laws permit a fee to remove the security freeze, but such a fee is bad public policy. Consumers will know about a fee to place a security freeze, because they have to pay it to begin the process. A fee to remove the freeze is much more likely to be an unpleasant surprise. Since removing the freeze actually simplifies handling of the consumer file for the CRA, why should the consumer have to pay for the removal? One state, Louisiana, does not permit a fee to remove the freeze.

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## MEMORANDUM

DATE: March 14, 2008

TO: Senator Johnny Ellis, Chair  
Senate Labor and Commerce

FROM: Meagan Foster *M.F.*

RE: Clarification on Gramm Leach Bliley Act (GLBA) exemptions

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I would like to clarify the concerns the sponsors had with ChoicePoint, Lexis/Nexus, and the CDIA proposed amendments for Article 3 of House Bill 65.

The sponsors have worked with these entities over the past two months and made a number of requested changes where they were reasonable. We have concerns about these proposed amendments as follows:

1. GLBA (Gramm-Leach-Bliley Act) does not address the "request or collection" of social security numbers (45.48.410) therefore it makes no sense to create an exemption to the "request and collection" section to GLBA.
2. GLBA exemption in the disclosure section (45.48.430) in the sponsor's opinion is unnecessary. HB 65 already has broad permitted disclosure allowances. Under the CSHB 65 version V we have the following reasons for disclosure of a social security number: a background check on the individual, debt collection, identity verification, fraud prevention, medical treatment, law enforcement or other government purposes, or the individual's employment, including employment benefits. In addition, we allow companies to use social security numbers whenever needed to comply with state or federal law.

In you have any questions please let us know. Thank you.

# ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:****Interim Address:**

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**Session**

**(907)-465-3719  
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State Capitol  
Room 204**

## REPRESENTATIVE JOHN COGHILL

### SECTIONAL

CSHB 65 (FIN) 25-LS0311\O

*"An Act relating to the disclosure of permanent fund dividend applicant records, breaches of security involving personal information, credit report and credit score security freezes, protection of social security numbers, care of records, disposal of records, identify theft, credit cards, and debit cards, and to the jurisdiction of the office of administrative hearings; amending Rules 60, and 82 Alaska Rules of Civil Procedure; and providing for an effective date."*

**Section 1** AS 40.21.110 Care of records – this sets out the ownership of public records and how they are to be managed from creation to disposal.

**Section 2** AS 44.64.030(a) adds a new paragraph (4) AS 45.48.080(c) which is part of the new Chapter 48 Personal Information Protection Act.

**Section 3** AS 45 is amended by adding a new chapter Personal Information Protection Act. This new chapter contains a total of seven (7) Articles with individual sections.

#### **Article 1.**

#### **Breach of Security Involving Personal Information**

**Sec. 45.48.010** Disclosure of breach of security.

Describes what a person who owns or uses personal information must do in case of a breach of information.

**Sec. 45.48.020** Allowable delay in notification.

Describes reasons for delaying notification of a breach of information.

**Sec. 45.48.030** Methods of notice.

Describes the methods to be used to notify a person that there has been a breach of information. Lists exceptions to the methods of notification relating to cost and number of consumers to be notified.

**Sec. 45.48.040 Notification of certain other agencies.**

Describes when it is necessary to notify other consumer reporting agencies about a breach. There are exceptions to these requirements are also set out.

**Sec. 45.48.050 Exception for employees and agents.**

Lists exceptions for acquisition of personal information by an employee or agent of an information collector.

**Sec. 45.48.060 Waivers.**

No waivers of these sections are allowed.

**Sec. 45.48.070 Treatment of certain breaches.**

A breach of information by an information recipient must be reported to the information distributor so they can comply with the notification requirements if the breach occurred to an information system maintained by the information distributor.

**Sec. 45.48.080 Violations.**

Sets out fines for violations of 45.48.010-45.48.090 by a governmental agency that is an information collector, and information collectors who are not governmental agencies. Defines "governmental agency".

**Sec. 45.48.090 Definitions.**

Defines the following terms: breach of the security; covered person, governmental agency, information collector; information distributor; information recipient; and personal information.

**Article 2.**

**Credit Report and Credit Score Security Freeze**

**Sec. 45.48.100 Security freeze authorized.**

Rights of consumers to prohibit release of their personal information.

**Sec. 45.48.110 Placement of security freeze.**

Sets out procedures for a consumer to request a consumer credit reporting agency to freeze their information.

**Sec. 45.48.120 Confirmation of security freeze.**

Describes the responsibility of the consumer credit reporting agency to notify the consumer when a security freeze has been placed.

**Sec. 45.48.130 Access and actions during security freeze.**

Describes how a consumer can allow access to their information by a third party when a security freeze is in place; how an insurer is to treat a consumer's application if a security freeze prevents access to the consumer's information, and what changes are allowed when a security freeze is in place, and notification requirements. Defines "official information" and "technical change".

**Sec. 45.48.140 Removal of security freeze.**

Sets out procedure for removing a security freeze, how the request for the freeze is to be made, how the consumer credit reporting agency shall respond, and what identifiers are necessary to remove the freeze.

**Sec. 45.48.150 Prohibition.**

Sets out guidelines for reporting to third parties when a security freeze is in place.

**Sec. 45.48.160 Charges.**

Charges to a consumer regarding placing and lifting a security freeze.

**Sec. 45.48.170 Notice of rights.**

Additional notices to be given when a consumer is provided a summary of rights under the Fair Credit Reporting Act (FCRA).

**Sec. 45.48.180 Notification after violation.**

Describes the notice required if a consumer credit reporting agency violates a security freeze.

**Sec. 45.48.190 Resellers.**

Requires that a consumer credit reporting agency acting as a reseller honor a security freeze that is placed by another consumer reporting agency.

**Sec. 45.48.200 Violations and penalties.**

Describes the rights of a consumer who suffers damages as a result of a breach of their personal information.

**Sec. 45.48.210 Exemptions.**

Lists exemptions to the use of credit information when a security freeze is in place.

**Sec. 45.48.290 Definitions.**

Defines the following terms: account review, consumer, consumer credit reporting agency, reseller of consumer information, security freeze, and third party.

**Article 3.**

**Protection of Social Security Number**

**Sec. 45.48.400 Use of social security number.**

Sets out guidelines for handling a person's social security number.

**Sec. 45.48.410 Request and collection.**

Sets out prohibitions and exemptions for requesting or collecting an individual's social security number.

**Sec. 45.48.420 Sale, lease, loan, trade, or rental.**

Prohibitions and exemptions regarding third party use of social security numbers.

**Sec. 45.48.430 Disclosure.**

Prohibitions and exemptions regarding disclosure of social security numbers to third parties.

**Sec. 45.48.440 Interagency disclosure.**  
Describes when and to whom disclosure is authorized.

**Sec. 45.48.450 Exception for employees, agents, & independent contractors.**  
Describes when and to whom disclosure is authorized.

**Sec. 45.48.460 Employment-related exception.**  
Describes when use of a social security number should not be restricted.

**Sec. 45.48.470 Agency regulations.**  
Procedures for adopting regulations necessary for a state agency to carry out their duties and responsibilities.

**Sec. 45.48.480 Penalties.**  
Rights of the state and individuals against persons that knowingly violate these sections and what damages and attorney fees may be recovered.

#### **Article 4.** **Disposal of Records**

**Sec. 45.48.500 Disposal of records.**  
This sets out the measures to be followed when disposing of records which contain personal information.

**Sec. 45.48.510 Measures to protect access.**  
Describes the measures that may be taken to comply with Sec. 45.48.500 (above).

**Sec. 45.48.520 Due diligence.**  
Lists procedures that if performed show due diligence.

**Sec. 45.48.530 Policy and procedures.**  
A business or governmental agency shall adopt written policies and procedures relating to records disposal.

**Sec. 45.48.540 Exemptions.**  
Compliance to these sections is not required if a government agency or business is required by federal law to act in another way, or the business is subject to and in compliance with GLBA, or FCRA.

**Sec. 45.48.550 Civil penalty.**  
Liability to the state by an individual, business, or governmental agency for violations of these sections.

**Sec. 45.48.560 Court action.**  
An individual damaged by a violation of these sections may file a civil action.

**Sec. 45.48.590 Definitions.**  
Defines the following terms: business; conducts business; possesses; dispose; governmental agency; personal information; records.

**Article 5.**  
**Factual Declaration of Innocence after Identify Theft,**  
**Right to file Police Report Regarding Identity Theft**

**Sec. 45.48.600 Factual declaration of innocence after identity theft.**

Describes the conditions that should exist in order for an individual to petition the superior court for a determination of innocence of a crime involving the theft of their identity.

**Sec. 45.48.610 Basis for determination.**

Lists the type of information that may be made part of the record for the court to make a determination of factual innocence.

**Sec. 45.48.620 Criteria for determination; court order.**

Sets the criteria that the court may use to determine a victim's factual innocence.

**Sec. 45.48.630 Orders regarding records.**

Describes what the court may order regarding the disposition of incorrect records regarding a victim of identity theft.

**Sec. 45.48.640 Vacation of determination.**

States that a court order may be vacated if there has been a misrepresentation of the material.

**Sec. 45.48.650 Court form.**

Development of a form to be used under 45.48.620

**Sec. 45.48.660 Data base.**

This section allows the establishment and maintenance of a data base of victims of identity theft, and who has authorization to the information.

**Sec. 45.48.670 Toll-free telephone number.**

Establishes a toll-free number that accesses the information in the data base established in 45.48.660.

**Sec. 45.48.680 Right to file police report regarding identity theft.**

Sets out rights of an individual to file a police report if they suspect they are a victim of identity theft, and the responsibility of a law enforcement agency to make the report even if they do not have jurisdiction.

**Sec. 45.48.690 Definitions.**

Defines the following terms: crime, department, identity theft, perpetrator, and victim.

**Article 6.**  
**Truncation of Card Information**

**Sec. 45.48.750** Truncation of card information.

Describes limits on a business regarding the printing of credit or debit card numbers and the exceptions depending on whether the receipt is produced electronically or is handwritten or imprinted. Provides definitions and an effective date.

**Article 7.**  
**General Provisions**

**Sec. 45.48.990** Definitions.

Provides definitions of consumer, consumer credit reporting agency, credit report, information system, person, and state resident.

**Sec. 45.48.995** Short Title.

Alaska Personal Information Protection Act.

**Section 4** AS 45.50.471(b) is amended by adding a new paragraph (53) (A) and (B).

**Section 5** The uncodified law of the State of Alaska is amended by adding a new section to read: INDIRECT COURT RULE AMENDMENTS and lists out those amendments to Rule 60(b) and 82.

**Section 6** The uncodified law is amended by adding a new section TRANSITION; REGULATIONS that will take effect under AS 44.62.

**Section 7** Provides an effective date for AS 45.48.470 enacted by Sec. 3.

**Section 8** Provides an effective date for AS 01.10.070(c) Sec. 6.

**Section 9** Provides for an effective date with exceptions for this bill.

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS (JUD) HB 65  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB065CS(JUD)-DOA-ETS-2-14-08 Dept. Affected: Administration  
 Title: "An Act Relating to Breaches of Security Involving..." RDU: Enterprise Technology Services  
 Sponsor: Reps. Coghill, Gara Component: Enterprise Technology Services  
 Requester: \_\_\_\_\_ Component Number: 2082

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	275.0		319.0	319.0	319.0	319.0	319.0	319.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	1,765.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>2,040.6</b>	<b>0.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>

<b>CAPITAL EXPENDITURES (GF)</b>		<b>2,000.0</b>						
----------------------------------	--	----------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	2,040.6		319.0	319.0	319.0	319.0	319.0	319.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>2,040.6</b>	<b>0.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>	<b>319.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

HB65 has two primary components related to security breaches: 1) Preventative and 2) Remediation. This fiscal note addresses the Preventative component by providing funding to continue the department's efforts to secure the state's networks and data.

For the past three years, the department has been working on strengthening the security components of our network. We have installed Cisco Security Agent (CSA) on desktop computers and servers throughout the state. We are also working to deploy a demilitarized zone (DMZ) that places all of our databases behind two firewalls, with our public-facing servers deployed between the two firewalls. This effort is scheduled to be completed by June 2009 and will involve the coordinated efforts of all state departments.

Prepared by: Dave Blaisdell, Deputy Director  
 Division: Enterprise Technology Services  
 Approved by: Kevin Brooks, Deputy Commissioner  
Department of Administration

Phone (907)465-5094  
 Date/Time 2/14/2008  
 Date 2/14/2008

**FISCAL NOTE**

**STATE OF ALASKA  
2007 LEGISLATIVE SESSION**

**BILL NO. CS (JUD) HB 65**

**ANALYSIS CONTINUATION**

The next phase of this security effort is deployment of encryption hardware and software to protect our network as well as legacy data stored and processed on the state's mainframe computer. This fiscal note will provide funding for security enhancements to insure that data used by state agencies to provide services is secure from known types of attack. This will be an ongoing effort as attackers have become more sophisticated over time.

Previous funding for security efforts is as follows:

FY05 Supplemental \$5,002,500  
FY06 Capital Project \$3,537,500  
FY07 Capital Project \$2,000,000  
FY08 Capital Project \$4,400,000

FY09 Capital Project funding of \$2,000.0 for network security is included in the Governor's budget.

**ANDY KLAMSER**  
CIVIL & CRIMINAL INVESTIGATIONS  
klamser@alaskainvestigations.com



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**CAROL KLAMSER, ANP, MSN, PA-C**  
MEDICO-LEGAL CONSULTING  
cklamser@alaskainvestigations.com

3/4/2008

Honorable Senator Johnny Ellis  
State Capitol, Room 9  
Juneau, AK 99801-1182

Re: HB 65

Dear Senator Ellis,

I spoke with a staff member from your office today regarding HB65. I very much appreciate the contact and the chance to have some input into this legislation. Based on my discussion with your staff, and with staff from Rep. Coghill's and Rep. Gara's offices, I'd like to pass on some other thoughts about ways to address the issue of investigators and process servers working on behalf of litigants or attorneys on court cases (utilizing SSN's to locate defendants, plaintiffs, witnesses, etc.).

- We discussed the possibility of limiting access to licensed process servers. The Alaska Department of Public Safety licenses civilian process servers and the licensing process is rigorous. HB 65 illustrates the problem of Alaska not licensing private investigators, however. Rep. Roses' office has a PI licensing bill in the legislature and I would urge you to support its passage to help address this problem.
- You may wish to borrow wording from AS 28.10.505, which addresses access and dissemination of personal information in DMV registration records. The statute reads, in part: 28.10.505 (d) Personal information may be disclosed by the department upon proof of the identity of the person requesting a record and representation by the requesting person that the use of the personal information is strictly limited to one or more of the following uses: (1) for use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a private person or entity acting on behalf of a government agency in carrying out its functions; (3) for use in connection with a civil, criminal, administrative, or arbitration proceeding in a court or government agency or before a self-regulatory body, including service of process and the execution of a judgment or court order; (etc.). The wording in the first paragraph wouldn't apply but I'm sure other wording could be substituted.

**HB 65**  
**3/4/2008**

- A problem we did not discuss involves private sector investigators working for criminal defense attorneys. I (and others) routinely do contract work for the Office of Public Advocacy and for private attorneys representing criminal defendants. While the current version of HB65 exempts government employees (i.e. staff investigators for OPA and the Public Defender Agency) there is no similar exemption available to private sector investigators doing the same work in HB 65. This creates a disadvantage for private clients and for clients receiving services from a contract investigator instead of a staff investigator. Use of wording similar to 28.10.505 would cure this.
- I sensed confusion about why private investigators or process servers would need to access SSN's in order to locate people. In approximately 50% to 60% of the cases where we have to turn to commercial databases to find someone, it becomes necessary to utilize the SSN to distinguish the individual in question from other people with similar or the same names. The SSN is embedded with all the other information in the database (other names used by the subject, dates of birth, prior addresses, etc.). It frequently isn't possible to run the search without the database kicking out the possible SSN's. However, I see no reason why an investigator or process server would ever have a legitimate need to disclose the SSN to a third party. The SSN's are frequently truncated in these searches (but not always).

Thank you for considering this information. I would be happy to speak with you or your staff about these issues at any time.

Respectfully,

A handwritten signature in black ink, appearing to read 'Andy Kiamser', with a stylized, cursive script.

**Andy Kiamser**

March 03, 2008

Senator Johnny Ellis, Chair  
Members of the Senate Labor and Commerce Committee  
State Capitol  
Juneau, Alaska 99801

RE: HB 65-Personal Information and Consumer Credit

Dear Senator Ellis and Memebtrs of the Committee

The Alaska State Chamber of Commerce appreciates your hard work and efforts to offer protection of personal information and allowing for a credit freeze under specified circumstances. We believe these are sound public policy goals and there is value in modeling our legislation after similar legislation adopted in many other states.

HB 65 has become a very complex bill, already going through three iterations and encompassing a great deal of material beyond simple identity-theft legislation. The bill is particularly important to businesses operating in the State of Alaska, most of which would be impacted by the legislation. Chamber members are concerned that some elements of the bill will limit business ability to operate in Alaska.

To date, more than 39 states have adopted language to address the public policy goals sought by HB 65. What HB 65 attempts to provide consumers in way of protection, may ultimately hinder or obstruct national companies, banks, mortgage companies or insurance companies from offering competitive services in Alaska. As the bill has been transformed in the committee process, many issues, such as: credit freezes, security freezes, definition of credit report, definition of adjusting rates, definition of information recipient, and other issues surrounding computer data, paper copies, etc., have yet to reach any real sense of conformity with regards other state's adopted legislation. While the bill aims to protect the consumer, the bill may lead to litigation as companies are unable to properly navigate interstate commerce successfully.

The State Chamber supports the need to provide protection of personal information. We trust that the legislation when adopted is reflective of the reform needed to keep Alaska uniform with other states efforts to provide similar protection measures for individuals.

Respectfully,



Wayne A. Stevens  
President/CEO



ALASKA STATE  
CHAMBER  
OF COMMERCE

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**HEB**

**108**

# SENATE COMMITTEE REPORT

DATE: 2/28/07

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 108(L&C)

## HB 108 BOARD OF MARINE PILOTS

"An Act extending the termination date for the Board of Marine Pilots; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**  
 Same Title  
 New Title

---

**HOUSE BILL:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

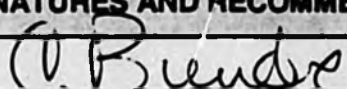


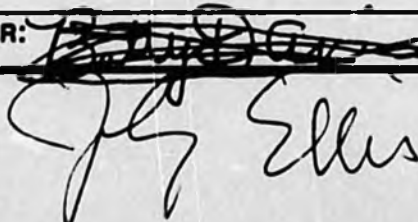
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
Commerce	2/22/07	✓			

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Bunde	✓			
	DAVIS	✓			
	STEARNS	✗			
CHAIR: 	ELLIS	✓			



# ALASKA STATE LEGISLATURE

## HOUSE LABOR & COMMERCE COMMITTEE

**REP. KURT OLSON**

Chairman  
State Capitol, Room 17  
Juneau, AK 99801-1182  
(907) 465-2693 FAX 465-3835

Rep. Mark Neuman, V-Chair  
Rep. Jay Ramras  
Rep. Gabrielle LeDoux

Rep. Carl Gatto  
Rep. Berta Gardner  
Rep. Bob Buch

### CS HB 108 Board of Marine Pilots

CS HB 108 extends the sunset date for the Board of Marine Pilots to 2013, the six year extension recommended by Legislative Audit.

The Board serves a vital public purpose in regulating and licensing qualified individuals who pilot passenger and cargo ships in Alaskan waters.

Since its inception, the Board of Marine Pilots has helped to insure the safe transit of oil tankers and large foreign flagged vessels in Alaskan waters.

Virtually everything we purchase, from food to automobiles, medicines and clothing come to us via cargo vessels. The source of most of our State's revenue travels on tankers with marine pilots on board. Huge cruise ships, with thousands of passengers aboard, enter Alaskan ports each summer.

These vessels transit the pristine bays and inlets of Alaska. Future generations of Alaskan's depend on us to help protect these waters and their beaches from the inadvertent actions of ships captains unfamiliar with Alaskan waters.

The oversight provided by this Board is critical to the continued safe passage of these vessels.

I would appreciate your support of HB 108.



## Alaska Division of Legislative Audit Audit Digest #08-20045-06



\* Requires Acrobat Reader 

**SUMMARY OF:** A Special Report on the Department of Commerce, Community, and Economic Development, Board of Marine Pilots, Sunset Review, October 13, 2006.

### PURPOSE OF THE REPORT

In accordance with Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Marine Pilots (BMP or the board) to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner. As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether BMP should be reestablished. Currently, under AS 44.66.010(a)(1), the board will terminate on June 30, 2007 and will have one year from that date to conclude its administrative operations. Our report objectives were as follows:

1. To determine whether there is a public need for the board and if its existence should be extended.
2. To review the board's major functions of licensing, inspections, and investigations for effectiveness in meeting public need and for efficiency of operation

### REPORT CONCLUSIONS

In our opinion, BMP serves an important public purpose. The termination date of BMP should be extended for six years until June 30, 2013.

Under AS 08.03.010(10), BMP will terminate on June 30, 2007. If the legislature does not take action to extend the board's termination date, then AS 08.03.020 provides the board one year in which to conclude its administrative operations.

The regulation and licensing of qualified marine pilots benefit the public's safety and welfare as well as protection of the environment. The board provides reasonable assurance that the individuals licensed to pilot passenger and cargo ships in Alaskan waters are qualified to do so. However, over the past four years the board has been hindered in effectively executing its statutory requirement to arbitrate over the rate setting process.

### FINDINGS AND RECOMMENDATIONS

BMP's administration of the mandatory drug and alcohol testing is still not consistent with established

regulatory standards and needs improvement. Specifically,

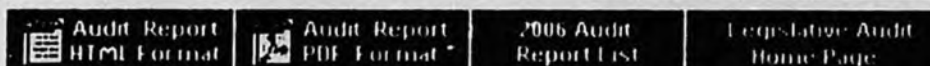
1. BMP should establish more informative and comprehensive reporting requirements so that the marine pilot coordinator (MPC) can confirm that an appropriate number of licensed pilots are consistently being subjected to random testing.
2. BMP should take a more active role in administering the drug testing program. Procedures and processes should be established through enhanced regulations to clarify the role of the pilot associations in meeting compliance requirements. Additionally, the board, through the MPC should actively monitor the pilot associations.
3. BMP should propose mandatory random drug testing regulations over trainees and apprentices seeking a Deputy Marine pilot's license.

Further, BMP should establish procedures to ensure adequate coverage of the marine pilot coordinator's critical investigation functions during a vacancy or extended periods of absence. The board should also consider changes to continuing professional education. Additionally, the legislature should consider statutory changes to direct the usage of pleasure craft exemption fees.

#### AUDITOR COMMENTS

BMP and the Department need to consider alternatives available to remedy difficulties the board has encountered with rate setting. Rate setting has hindered the efficiency of board operations and has increased legal costs incurred by the State on behalf of the board. Conflicting public policy in statute is as follows:

1. Inherent in this makeup is a balance of licensed pilots with an equal number of industry members.
2. The legislature also specifically exempted the board from the Administrative Procedures Act (AS 44.62) resulting in the responsibility of hearing rate setting issues being retained by the board and not automatically assigned to an administrative law judge when there is a dispute.
3. Application of Alaska's Executive Branch Ethics Act (AS 39.52) has caused a disruption of the voting balance on rate setting matters.



\* Requires Acrobat Reader





# SouthEast Alaska Pilots' Association

1621 Tongass Avenue, Suite 300 • Ketchikan, Alaska 99901 • 907-225-9886 • fax 907-247-9886 • pilots@seapa.com

---

Captain Larry Vose, President  
Captain Tom Dundas, Vice President

March 12, 2007

Senator Johnny Ellis  
Chairman  
Senate Labor & Commerce Committee  
State Capitol Building  
Juneau, Alaska 99811

Dear Chairman Ellis;

The South East Alaska Pilots' Association supports CSHB 108 (L&C), and requests that you pass it from your committee as written.

Headquartered in Ketchikan, the South East Alaska Pilots' Association is the largest pilotage organization in the state with forty two (42) pilots, three (03) deputy pilots, and eleven (11) trainees. We actively participate in the Board of Marine Pilots process and believe the board represents the best interests of the citizens of the state by providing a framework for marine safety, environmental protection and professional training.

I apologize for being unavailable for your hearing on HB 108, but at your convenience I am eager to answer any questions you may have regarding HB 108 or marine pilotage in general.

Thank you.

Sincerely,

Captain Larry Vose  
President,  
South East Alaska Pilots' Association

cc: Representative Kurt Olson

**HEB**

**113**

# SENATE COMMITTEE REPORT

DATE: 5/7/07

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 5/10/07

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 113(HES)

## HB 113 OPTOMETRISTS' USE OF PHARMACEUTICALS

"An Act relating to the prescription and use of pharmaceutical agents, including controlled substances, by optometrists."

and recommends:

- be replaced with  SCS or  CS CSHB 113 (L+C)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input checked="" type="checkbox"/>	New Title w/ SCR # <u>TECH</u>

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	1-09	2-10	ENR

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	1-09	2-10	ENR
<del>Commerce</del> <u>Commerce</u>	<u>4/2/07</u>				✓

APPROPRIATION - no fiscal note

SIGNATURE AND RECOMMENDATIONS	PRINTED NAME	Do		Do Not	
		Pass	Not Pass	Pass	Not Pass
<u>C Bunde</u>	<u>Bunde</u>				✓
<u>B Davis</u>	<u>DAVIS</u>				✓
CHAIR: <u>Chris Ellis</u>	<u>ELLIS</u>				✓

*adopted, unan. consent*

25-LS0411V.3

Bullard

5/10/07

**AMENDMENT**

OFFERED IN THE SENATE

TO: SCS CSHB 113(HES)

1 Page 2, line 30:

2 Delete "and"

3

4 Page 3, line 1, following "eye":

5 Insert "; and

6

**(E) is not a derivative of clostridium botulinum"**

7

8 Page 3, line 22:

9 Delete "and"

10

11 Page 3, line 25, following "eye":

12 Insert "; and

13

**(E) is not a derivative of clostridium botulinum"**

Not offered

25-LS0411V.2  
Bullard  
5/10/07

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 113(HES)

1 Page 2, line 15, following "agents;":

2 Insert "and"

3

4 Page 2, lines 16 - 17:

5 Delete all material.

6

7 Renumber the following paragraph accordingly.

8

9 Page 2, line 31, through page 3, line 1:

10 Delete "injected, unless the injection is for emergency anaphylaxis and is not  
11 injected into the ocular globe of the eye"

12 Insert "administered by injection"

13

14 Page 3, line 13, through page 4, line 1:

15 Delete all material.

16

17 Renumber the following bill sections accordingly.

18

19 Page 4, lines 17 - 18:

20 Delete "secs. 1 - 3, 5, and 6"

21 Insert "secs. 1-5"

22

23 Page 4, line 22:

1

Delete all material.

*Not offered*

25-LS0411V.1  
Bullard  
5/10/07

**AMENDMENT**

OFFERED IN THE SENATE

TO: SCS CSHB 113(HES)

1 Page 2, line 30:

2 Delete "and"

3

4 Page 3, line 1, following "eye":

5 Insert "; and

6

(E) has been reviewed and approved by the State Medical

7

Board for prescription and use by optometrists"

8

9 Page 3, line 22:

10 Delete "and"

11

12 Page 3, line 25, following "eye":

13 Insert "; and

14

(E) has been reviewed and approved by the State Medical

15

Board for prescription and use by optometrists"

**Representative Ralph Samuels**

**Sponsor Statement  
House Bill 113**

**"An Act relating to the prescription and use of pharmaceutical agents, including controlled substances, by optometrists."**

House Bill 113 would allow optometrists to prescribe systemic (oral) medications to treat a patient's eyes or for an allergic shock reaction. Currently Alaskan optometrists are limited to prescribing only topical medications, while optometrists in 45 states, the District of Columbia and Guam are able to prescribe systemic (oral) medications.

The course of study that optometrists undergo is comparable or exceeds that required of their peers in the health care professions who are already granted the ability to prescribe medications. Optometry programs include several semesters of pharmacology, in addition to studies in human anatomy, physiology and biochemistry. Optometrists, like dentists and podiatrists, attend four years of graduate school after receiving their undergraduate degree. Yet of these professions, only optometrists are limited to prescribing topical agents.

Regulations are already in place to ensure that only qualified optometrists may prescribe systemic medications. Optometrists must pass an exam, such as the "Treatment and Management of Ocular Disease" from the National Board of Examiners in Optometry, and must show that they have completed the necessary continuing education in pharmacology each year in order to prescribe any medications authorized under statute.

Increasing optometrists' prescribing authority will be of benefit to Alaskan patients, preventing those who require oral or injectible prescriptions from having to visit a general practitioner in addition to their regular optometrist. This will save patients time and money, and allow optometrists greater participation in their patients' care.

1. First Diagnostic Drug Authority, 1971 – Rhode Island (pg 1)
2. First Oral Drug Authority, 1977 – North Carolina (pg 1)
3. Laws establishing or expanding prescriptive authority for ODs have been enacted 164 times in the 50 states, D.C., Guam & Puerto Rico (pg 2)
4. Laws repealing or diminishing prescriptive authority for ODs have never been enacted. (pg 2)
5. 45 States, D.C. & Guam have oral prescriptive authority. (pg 3)
6. 19 states have no restrictions on oral drugs. (pg 3)
7. 29 states have injectable drug authority. (pg 13)
8. 18 states are limited to anaphylaxis only. (pg 13)
9. 36 states did not require additional CE for increased scope of practice. (pg 5)
10. The Alaska Medical Board surveyed Medical Boards throughout the nation in 2001. There were no reported problems. (pg 14)

*[Note: This language is intended to be the foundation of other messaging and communication related to optometry. This document is not intended for public distribution.]*

## **FAQ's**

### **Why do optometrists need oral prescriptive authority?**

ODs provide primary eye care and need oral pharmaceuticals to provide better and more comprehensive care. In many rural areas throughout Alaska, ODs are the only eye care physicians available.

### **Are optometrists trained to prescribe oral medication? What about the OD who went to school 30 years ago?**

ODs are educated and trained in general and ocular pharmacology as well as the side effects and interactions of pharmaceuticals. Optometrists receive at least 200 classroom hours of pharmacology as well as at least 2,000 patient contact hours examining patients and prescribing topical and oral medications when necessary. In addition, all optometrists must participate in ongoing continuing education courses to stay current on the latest standards of care.

### **What is the worst case scenario...does this place the public at risk?**

With the utilization of peer review mechanisms and Board of Optometry oversight, there are adequate safeguards in place for the general public

### **Will Optometrists benefit financially from this legislation?**

No. This legislation does not benefit optometrists financially. However, it does allow the citizens of Alaska to benefit through better overall eye care while saving time and money.

### **Does Alaska really need Optometrists to have this authority?**

The elevation of scope is particularly appropriate in rural states. It will be of great benefit to the citizens of Alaska because of the broad geographical distribution of our optometrists. In addition, in larger communities it will allow greater freedom in choice of an eye care professional.

*(Note: This language is intended to be the foundation of other messaging and communication related to optometry. This document is not intended for public distribution.)*

## Important Facts

- This legislation will be beneficial in lowering health care costs for the citizens of Alaska.
- As a state that is behind the times, it is very difficult to attract new ODs to the state. A new graduate would prefer to practice optometry in a state that follows current standards of care.
- Optometrists are an integral part of the health care team and work closely with other physicians.
- Optometrists must pass a rigorous national exam administered by the National Board of Examiners in Optometry (NBEO). The 3-part exam includes academic science, clinical science and patient care.
- 45 states in the nation allow ODs to prescribe orals with no reported problems over 35 years. >
- Expansion of scope of practice is natural. All professions advance as the science of their profession advances, all to the benefit of the patient.
- Primary Care providers, such as optometrists, pediatricians, dentists, and family care MD's offer care for the majority of conditions, but refer to specialists for more complex Secondary Care or sub-specialists for most complex Tertiary Care. The entire medical community teams with specialists such as ophthalmologists, cardiologists, ENT's, neurosurgeons, etc. Primary care is cost-effective, while specialty care is more expensive.

For example, when a child has an ear infection you take them to see their pediatrician who prescribes an oral medication to treat the infection. If the ear infection continues to come back or does not go away with the medication, the pediatrician then refers the child to the ENT for more intense treatment and possibly surgery. This example shows the best use of the medical system. It would not be necessary or efficient to take a child to the ENT for every minor ear infection.

-Granting oral prescriptive authority to optometrists does not take away the purpose of an ophthalmologist. They are specialists and surgeons and are overqualified for many of the routine treatments that require oral medications. What optometrists are asking for are the tools necessary to provide efficient, effective care to Alaskans.

<b>PRIMARY EYE CARE (Optometrist)</b>	<b>SECONDARY EYE CARE (Ophthalmologist)</b>	<b>TERTIARY EYE CARE (Specialty Ophthalmologist)</b>
Conjunctivitis (Pink Eye)	Eyelid surgery	Reconstructive oculoplastic surgery
Eyelid infection (stye)	Eyelid tumor	Intraocular tumor
Corneal abrasion	Corneal laceration	Corneal transplant
Therapeutic treatment of glaucoma	Laser surgery for glaucoma	Filtering surgery for glaucoma
Foreign body removal- Anterior eye surface	Foreign body removal- Interior of eye	Foreign body removal with complications
Cataract care, pre-op & post-op	Cataract surgery	Severe complications of cataract surgery
Refractive surgery care, pre-op & post-op	Refractive surgery	Severe complications of refractive surgery

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Phone: 907-770-3777  
Toll Free: 877-493-2562  
Fax: 907-272-7532



May 1, 2007

We are pleased to have the opportunity to provide you with this information packet describing the profession of optometry. We hope you find the materials enclosed as an easy reference to an optometric physician's scope of practice and the education that is involved.

Included in this packet are details and facts about the following topics:

**Statement** for optometric practice under this legislation.

**Current and proposed therapeutic pharmaceuticals legislation** for optometric physicians.

**Scope of practice** for optometric physicians.

**Education** required to be an optometric physician includes at least 4,315 contact hours of graduate studies. (A four-year doctorate program.)

Thank you for your interest in becoming familiar with optometry as a profession and the benefits it will continue to provide through education and legislation to the health care of Alaskans.

1609 C Street, Suite 222  
Anchorage, AK 99501  
Email: [otcoo@alaska.com](mailto:otcoo@alaska.com)

Phone: 907-770-3777  
Toll Free: 877-493-2542  
Fax: 907-272-7532



## Statement for Optometric Practice Under this Legislation

As optometric physicians, our intent for expanding our statutes to include oral pharmaceuticals is to provide better and more complete eye care to Alaskans.

Currently, we are limited in the treatment of eye diseases we see on a routine basis. Diseases such as acute allergic reactions, ocular Herpes and ocular Herpes Zoster, chronic lid diseases, and infectious conjunctivitis and lid diseases, would benefit from the help of oral medications.

**106 optometric physicians 85 different locations** currently serve the Alaskan population spanning from Barrow to Juneau.

Optometric physicians are often the only eye care physicians available in rural areas throughout Alaska. **Our specialty is in primary and preventative eye care. We are educated and trained in the use of oral therapeutics.** This legislation is not adding to the profession but enabling optometric physicians to practice at the level they are trained and needed.



## Scope of Optometry Practice

The practice of optometry includes:

*(The following is a sample of what is included in the scope of optometry and does not list every disease or disorder that is treated in the practice of the profession.)*

**A complete analysis of the following components of the eye and visual system:**

The health of the ocular tissue including the eyelids, lashes and the surrounding tissues, conjunctiva, cornea, anterior chamber, iris, lens, vitreous, retina and optic nerve.

The ocular vascular systems including the eyelids and surrounding tissues, cornea, conjunctiva, optic nerve and retina.

The intraocular pressures and blood pressure.

Pupil responses, extraocular muscles and eye lid muscle responses.

The ability for the eye to see with and without correction.

**Diagnosis, treatment and management of ocular diseases:**

Conjunctivitis including viral, bacterial and allergic corneal inflammation, ulcers, degeneration and dystrophy, keratoconus, abrasions, foreign body removals, uveitis, glaucoma, macular degeneration, retinitis pigmentosa, macular edema, retinitis, vitreal disorders, cataracts, retinal melanomas and masses, and other ocular tissues including eye lids.

Pre and post surgical care for variety of ocular surgeries.

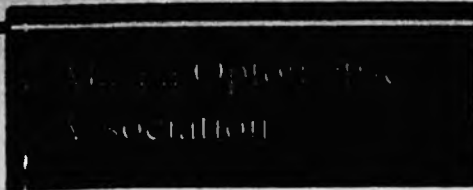
**Diagnosis of ocular disease and related systemic diseases\*:**

Hypertensive retinopathy and hypertension, arteriosclerotic plaques and arteriosclerosis, vascular incidences including central retinal and branch vein occlusions, central retinal artery occlusions, ischemic optic neuropathy and diabetic retinopathy and diabetes.

**Neurological evaluation involving the visual system related systemic conditions:**

Optic neuritis and multiple sclerosis, psuedo-tumor cerebri secondary to increased intracranial pressure, retrobulbar optic neuritis, brain tumors involving the visual pathway, pupillary response defects which can be secondary to a lesion or mass along the neuropathway.

*\*An optometric physician manages the ocular manifestations of the disease and the patient is referred to the appropriate physician to treat the systemic portion of the disease.*



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## Doctorate Degree Education and Training for Optometric Physicians

There are between 200 to 300 classroom hours assigned to the specific area of pharmacology and two years of clinical applications of systemic and ocular agents in the treatment of ocular disease.

**General pharmacology 1 & 2** cover systemic pharmacology of agents in each drug class, pharmacokinetics, and the quantitative and qualitative aspects of pharmacodynamics and the drug and patient relationship variables. This includes the topics of autonomic nervous system agents, cardiovascular drugs, renal pharmacology, gastrointestinal drugs, respiratory pharmacology, anti-inflammatory agents, chemotherapeutic agents, neuropharmacologic agents, anesthetics, hormones and hormone antagonists, pain pharmacology, toxicology and the toxicology of poisons.

**Ocular pharmacology and ocular pharmacological therapies** includes ocular and systemic pharmacological agents related to the treatment and management of ocular disease the pharmacokinetics and pharmacodynamic. This includes the use of topical, oral and injectable medications in the treatment of eye and the associated structures.

### Related required classes and labs:

Human anatomy	Neuroanatomy	Histology
Human physiology	Neurophysiology	Embryology
Human pathology	Neurobiology	Biochemistry
Ocular anatomy	Ocular physiology	Ocular pathology
Ocular disease	Ocular emergencies	Immunology
Clinical medicine	Clinical emergencies	Patient Care

### Clinical Education

There are at least 2,000 patient contact hours in a variety of optometric clinical settings examining diverse patient populations. This includes clinical, hospital and emergency experience.

*Please see the attached examples of the course work required by optometry schools.*

**Doctor of Optometry Degree  
2005 - 2006 Curriculum**

**FIRST PROFESSIONAL YEAR: 2005-2006**

OPT #	Fall Semester:	Credits	OPT #	Spring Semester:	Credits
501	Geometric Optics with Lab	4.0	502	Physical Optics with Lab	3.0
505	Clinical Experience I	0.5	503	Visual Optics and Ocular Motility with Lab	4.0
531	Ocular Anatomy, Physiology and Biochemistry with Lab	4.5	517	Clinical Experience II	0.5
535	Functional Neuroanatomy and Neurobiology	3.0	532	Anatomy of the Visual System with Lab	3.0
538	Pharmacological Principles and Autonomic Agents	3.0	533	Microbiology, Genetics and Immunology; Pharmacology of Anti-Infective Drugs; Diseases of the Lid and Lacrimal System	3.0
542	Clinical Procedures: Non-refractive Diagnostic Tests with Lab	3.0			
		4.0	534	Laboratory Procedures for Assessment of Ocular Disease	1.0
562	Behavioral Optometric Science with Lab		537	Etiology, Diagnosis and Management of Systemic Diseases; Pharmacology of Systemic Medications I	4.0
			547	Clinical Procedures: Binocular Testing and Optics with Lab	2.0
	<b>Total Semester Credits</b>	<b>22.0</b>		<b>Total Semester Credits</b>	<b>20.5</b>
					<b>Total First Year Credits</b>
					<b>42.5</b>

**SECOND PROFESSIONAL YEAR: 2005 - 2006**

OPT #	Fall Semester:	Credits	OPT #	Spring Semester:	Credits
601	Ophthalmic Optics	3.0	617	Optometric Case Analysis	4.0
602	Sensory-Motor Interactions in Vision with Lab	4.0	618	Theory and Practice of Spherical Rigid and Soft Contact Lenses with Lab	3.0
615	Theory and Methods of Refraction	3.0	621	Clinical Experience IV	0.5
620	Clinical Experience III	0.5	633	Diagnosis and Treatment of Posterior Segment Diseases	3.0
631	Diagnosis and Treatment of Anterior Segment Diseases	2.0	634	Detection, Assessment and Treatment of Posterior Segment Diseases	1.0
632	Detection, Assessment and Treatment of Anterior Segment Diseases	1.0	638	Etiology, Diagnosis and Management of Systemic Diseases with Lab; Pharmacology of Systemic Medications III	2.0
637	Etiology, Diagnosis and Management of Systemic Diseases; Pharmacology of Systemic Medications II	2.0	648	Clinical Procedures: Phorometry and Ocular Health with Lab	4.0
646	Clinical Procedures: Refractive Error Measurement with Lab	2.0	662	Visual Information Processing and Perception with Seminar	4.0
647	Ophthalmic Dispensing Procedures with Lab	2.0			
661	Physiological, Psychological and Cognitive Changes During the Lifespan	2.0			
	<b>Total Semester Credits</b>	<b>21.5</b>		<b>Total Semester Credits</b>	<b>21.5</b>
					<b>Total Second Year Credits</b>
					<b>43.0</b>

**THIRD PROFESSIONAL YEAR: 2005 - 2006**

OPT#	Summer Semester:	Credits	OPT#	Fall Semester:	Credits	OPT#	Spring Semester:	Credits
715	Patient Care: First Session	1.0	718	Advanced Optometric Case Analysis with Lab	4.0	723	Patient Care: Third Session	2.0
716	Theory and Practice of Specialty Contact Lenses with Lab	4.0	720	Vision Therapy for Binocular and Oculomotor Dysfunction with Lab	4.0	725	Assessment and Mgt of Strabismus and Amblyopia with Lab	4.0
721	Clinical Experience V	0.5	722	Patient Care: Second Session	2.0	727	Evaluation and Mgt of Patients with Perceptual Problems with Lab	3.0
726	Normal and Abnormal Visual Perception	2.0	724	Pediatric and Developmental Optometry	2.0	735	Applied Ocular Therapeutics	1.0
761	Public Health Optometry	2.0	728	Assessment and Mgt of the Partially Sighted Patient	2.0	762	Communication In Optometric Practice with Lab	2.0
763	Environmental, Occupational and Recreational Vision	2.0	733	Assessment and Mgt of Ocular Disease Patients Electives*	2.0	764	Optometric Economics and Practice Electives*	4.0
791	Optometric Thesis: Orientation and Planning Electives*	1.0						
	<b>Total Semester Credits</b>	<b>12.5</b>		<b>Total Semester Credits</b>	<b>16.0</b>		<b>Total Semester Credits</b>	<b>16.0</b>
								<b>Total Third Year Credits (Including Electives)</b>
								<b>48.5</b>

\*=Students are required to complete at least 4 credit hours of electives during third year.

**Total Third Year Credits (Including Electives) 48.5**

**FOURTH PROFESSIONAL YEAR: 2005 - 2006**

OPT #	Fall Semester:	Credits	OPT #	Spring Semester:	Credits
	<u>Preceptorships:</u>			<u>Internal Clinic Rotation:</u>	
814	Patient Care VIII: Preceptorship Session 1	11.0	817	Patient Care XI: Internal Clinic Rotation	5.0
815	Patient Care IX: Preceptorship Session 2	11.0	818	Vision Therapy Patient Care	2.0
816	Patient Care X: Preceptorship Session 3	11.0	819	Low Vision Patient Care	1.0
892	Optometric Thesis: Completion	1.0	820	Contact Lens Patient Care	1.0
			821	Clinical Rounds	1.0
			822	Pediatric Patient Care	1.0
			832	Ocular Disease and Special Testing Patient Care	1.0
					<b>Total Fourth Year Credits</b>
					<b>46.0</b>

**Doctor of Optometry Degree  
2005 - 2006 Curriculum**

**FIRST PROFESSIONAL YEAR: 2005 - 2006**

OPT #	Fall Quarter 1.1	Credits	OPT #	Winter Quarter 1.2	Credits	OPT #	Spring Quarter 1.3	Credits	
114	Human Anatomy	5.0	106	Histology and Embryology	4.0	111	Neuroanatomy and Neurophysiology	4.0	
116.1	Human Physiology and Pathology I	4.0	107	Applied Ocular Anatomy	6.0				
120.1	Geometric and Theoretical Optics I	4.0	116.2	Physiology and Pathology II	2.0	116.3	Physiology and Pathology III	4.0	
140.1	Sensory Aspects of Vision I	4.0	120.2	Geometric and Theoretical Optics II	4.0	140.2	Sensory Aspects of Vision II	5.0	
150.1	Biochemistry I	4.0	150.2	Biochemistry II	4.0	162.3	Optometry 1.2	3.0	
162.1	Introduction to Optometric Procedures	1.0	162.2	Optometry 1.1	3.0	170	Physiological Optics I	3.0	
						194	Health Promotions	1.0	
	Total Quarter Credits	22.0		Total Quarter Credits	22.0		Total Quarter Credits	20	
								Total First Year Credits	64.0

**SECOND PROFESSIONAL YEAR: 2005 - 2006**

OPT #	Fall Quarter 2.1	Credit	OPT #	Winter Quarter 2.2	Credit	OPT #	Spring Quarter 2.3	Credit	
212	Ocular Physiology	4.0	245	Color Vision and Developmental Neurobiology	4.5	222	Theoretical and Physical Optic Immunology	2.0	
244	Binocular Vision and Ocular Motility	5.0	246	Visual Perception	2.0	256	Ocular Pharmacology and Therapeutics	4.0	
254.1	General Pharmacology I	4.0	248	Perspectives on Behavioral Disorders	1.5	261	Physical Diagnosis	2.0	
262.1	Optometry 2.1	4.0	254.2	General and Ocular Pharmacology	4.0	263.2	Ocular Disease II	3.0	
270.1	Ophthalmic Optics I	4.0	262.2	Optometry 2.2	3.5	262.3	Optometry Seminar	3.5	
			263.1	Ocular Disease I	2.0	262.4	Introduction to Binocular Vision Disorders	1.0	
			270.2	Ophthalmic Optics III	3.0	266	Microbiology	1.0	
	Total Quarter Credits	21.0		Total Quarter Credits	20.5		Total Quarter Credits	16.5	
								Total Second Year Credits	58.0

**THIRD PROFESSIONAL YEAR: 2005 - 2006**

OPT #	Summer 3.1 & Fall 3.2 Quarters	Credit	OPT #	Winter 3.3 & Spring 3.4 Quarters	Credit	
363.1	Ocular Disease III	4.0	360.2	Clinical Medicine II	2.0	
365.1	Contact Lenses I	6.0	363.3	General & Ocular Emergencies	1.0	
380.1	Patient Care	6.0	367	Low Vision Rehabilitation	3.0	
390	Evidenced Based Health Care	1.0	376.1	Strabismus and Amblyopia I	4.0	
360.1	Clinical Medicine	2.0	380.3	Patient Care	6.0	
363.2	Ocular Disease IV	3.0	364	Neuro-Ophthalmic Disorders	4.0	
365.2	Contact Lenses II	3.0	376.2	Strabismus and Amblyopia II	3.0	
375	Binocular Vision Disorders	3.5	379	Infant & Child Development and Management	3.0	
380.2	Patient Care	6.0	380.4	Patient Care	6.0	
390	Evidenced Based Health Care	1.0	391	The Business of Optometry	2.0	
	Total Semester Credits	35.5		Total Semester Credits	34.0	
					Total Third Year Credits	69.5

**FOURTH PROFESSIONAL YEAR: 2005 - 2006**

OPT #	Summer 4.1, Fall 4.2, Winter 4.3, & Spring 4.4 Quarters	Credit
403	Independent Study	3.0
480	Patient Care	16.0
	Or	
485	Patient Care Externship	20.0
		Total Fourth Year Credits
		19/ 23



## Frequently Asked Questions

### **Do optometrists have sufficient education, training, and experience to use systemic drugs?**

Yes. Courses in pharmacology, physiology, and pathology are an integral component of the core curriculum in optometry school, using the same medical model as taught in dental and medical schools. Optometry schools are fully accredited by nationally-recognized agencies. Circa 1970, all optometry schools elevated their education level to a 4 year professional program identical to the medical and dental model. Optometrists have been safely prescribing systemic drugs in other states since 1977, and currently 45 states allow all or some systemic treatment of eye diseases. Licensed optometrists are required to take continuing education courses in this area to stay current in their knowledge and training. This is not new ground, Alaska is far behind the curve in eye care access and delivery.

### **If HB 113 is enacted, would optometrists in Alaska have one of the most expansive scopes of practice in the Country ?**

No. Optometrists in 45 other states in the country are allowed to prescribe oral medication, but levels of authority vary slightly from state to state based on the authority granted by each state legislature. Alaska is currently far behind other states scope of practice laws. Even if enacted, there are many states that would still have more expansive scopes of practice. In fact, optometrists currently perform laser surgeries in one state.

### **Does HB 113 allow optometrists to administer pharmaceuticals by injection and infusion?**

Yes. The route of administration of a drug is not the primary factor. In fact, injectable drugs are generally not a class of separate drugs. Optometrists are fully educated and competent to use any drug regardless of its route of administration. Optometrists currently use needles every day routinely for removing corneal foreign bodies, and needle-type cannulas for irrigating tear ducts, so that is not a factor.

### **Are there potential risks associated with prescribing systemic drugs?**

Absolutely. The prescribing of any drug is very serious, that is why doctors of optometry, dentistry, and medicine educate a minimum of 8 years and are state licensed. In Alaska, advanced nurse practitioners safely prescribe all the systemic drugs unrestricted with currently less education. Optometrists go through rigorous training on all types of prescriptive medicines for the whole body plus the eye, including contraindications and side effects. HB 113 restricts optometrists to treating ONLY the eye and surrounding tissues. When systemic medications are indicated for certain and emergent conditions they are absolutely necessary. Optometrists use their professional judgment to decide whether to treat or to refer a patient to a more specialized provider.

### **Do ophthalmologists have more education and training than optometrists?**

Yes. Optometry school consists of four years of post-graduate, doctoral-level study concentrating on the eye, vision and associated systemic disease with an optional one-year residency. This education is the same medical model as medicine, dentistry & podiatry. Ophthalmology is a 3 year residency above and beyond medical school. This additional three-year residency prepares the ophthalmologist to be an eye surgeon and tertiary-level specialist. This is the same as cardiology, orthopedics, or ear, nose, throat specialists. Patients see a primary care provider for their general health needs and are referred to a specialist when necessary. This system increases access to care and holds costs lower. Optometrists routinely refer patients to ophthalmologists for advanced eye care or surgery, the same as family doctors refer to needed specialty consultation. The critical factor is that there are optometrists in a vast number of Alaskan communities, while the specialty ophthalmologists are only in a few large cities

### **Who benefits from HB 113?**

Patients. This bill will allow patients to receive prescriptive treatment in-office or go straight to a pharmacy with a prescription written by the patient's primary eye doctor, instead of having to schedule another doctor's visit simply to get the prescription for the medicine the optometrist has already determined they need. Optometrists gain no additional income by expanding their drug authority, as the patient is charged for the office visit, not which drug is prescribed.

### **Will HB 113 put Alaskans at risk?**

No. Often times, legislators must make difficult decisions based on assumptions. Fortunately, with HB 113, there are no assumptions necessary because we can look at facts. Similar legislation has passed in 45 other states throughout the last 30 years with none ever repealed and no reported problems. In fact, the Alaska Medical Board surveyed medical boards throughout the Nation to find out if there were any problems in states where similar legislation had passed. Not one medical board reported any problems.

**SUPPORTING**



## TANANA CHIEFS CONFERENCE

Health Services

Eye Clinic

122 First Ave, Suite 600

Fairbanks, AK 99701

(907) 452-8251 Fax: 458-3853

Toll Free in Alaska 1-800-478-7822

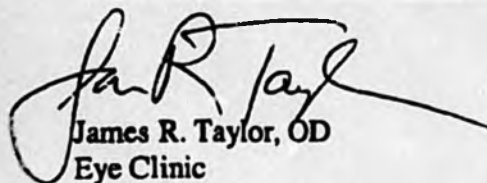
April 4, 2007

Dear Legislator,

I am writing in support of HB 113 which would allow qualified optometrists to prescribe oral medications for the treatment of eye disorders. I am an optometrist working in an Indian Health Service affiliated clinic. Much of my practice involves travel to the bush where direct access to a physician is very limited and travel to the city for care is expensive. Rural patients who need oral medications as part of their eye care are greatly inconvenienced since these medications must be prescribed by a physician (or a health aide under a physician's supervision). My optometric colleague, a U.S. Public Health Service officer, already has credentials through that agency to prescribe oral medications but is unable to do so in Alaska because our pharmacy cannot accept his prescriptions. 45 of the smaller states have passed legislation the same as or similar to this bill and all recent optometry school graduates are trained in the use of oral medications for the eye. Obviously, Alaska is well behind the times regarding ocular health care. Your vote in favor of HB 113 will benefit my patients and bring Alaska's optometric practice statutes in parity with the rest of the United States.

Sincerely,

TANANA CHIEFS CONFERENCE

  
James R. Taylor, OD  
Eye Clinic

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### Our Vision

Healthy People Across Generations

### Our Mission

TCC Health Services, in partnership with those we serve, promotes and enhances spiritual, physical, mental and emotional wellness through education, prevention and the delivery of quality services.

Southcentral  
Foundation



April 9, 2007

Representative Kurt Olson  
State Capitol, Rm 408  
Alaska State Legislature  
Juneau, AK 99801-1182

RE: Support HB 113 - "An Act relating to Optometry"

Dear Representative Olson:

I am writing to urge support of HB 113, which would add additional prescriptive authority for licensed optometrists with a board endorsement, who obtain the additional educational requirements approved by the Alaska Board of Examiners in Optometry. Alaska optometrists already treat eye disease by prescribing medications, but this bill increases their scope by authorizing additional systemic medications with certain restrictions and requiring additional education.

Southcentral Foundation is a non-profit health care organization of Cook Inlet Region, Inc., which provides a wide range of health care and related services to Alaska Natives and American Indians in Anchorage, the Mat-Su Valley, and surrounding rural villages. When Southcentral Foundation was established in 1982, it consisted of 12 staff providing limited services in three program areas: optometry, dental, and social services. Today, after 25 years, optometry remains one of our core health care services, although we now have over 900 employees and provide health-related services to over 32,000 Alaska Natives through about 65 different programs.

We seek optimum health care for our Alaska Native clients, and view optometry with the respect that is due a profession of its caliber. Please vote "YES" on the passage of HB 113 to ensure quality optometry that is both cost-effective and accountable. This bill has been modified to comply with issues raised in earlier years, and now contains several added restrictions and requirements placed upon the license endorsements of qualified Alaska doctors of optometry.

Sincerely,  
SOUTHCENTRAL FOUNDATION

  
Katherine Gottlieb, MBA  
President/CEO



**ALPHA**

# **ALASKA PUBLIC HEALTH ASSOCIATION**

**Committed To Advancing Alaska's Public Health Since 1978**

The Alaska Public Health Association supports HB 113. Currently 45 states, Washington, DC and Guam allow optometrists to prescribe systemic drugs with no reported problems in over 30 years. The American Public Health Association in 1991 recommended that legislatures amend licensing statutes to allow optometrists to use those therapeutic pharmaceuticals that have been determined by the State Board of Examiners in Optometry as being within the scope of competency pharmaceutically licensed optometrists. The State of Alaska has 106 practicing optometrists in 84 communities. We believe that by expanding the scope of practice of optometrists HB 113 will increase access to care in those communities that are not served by an ophthalmologist.

John Riley  
Board President  
April 10, 2007

# Alaska Primary Care Association

"...uncompromising in the pursuit of access to primary care for all Alaskans."



The Honorable Ralph Samuels  
Alaska House of Representatives  
State Capitol, Room 204  
Juneau, Alaska 99801-1182

Re: Support for HB 113 Optometrists' Use of Pharmaceuticals

April 17, 2007

Dear Representative Samuels,

The Alaska Primary Care Association (APCA) wishes to express its support for your legislation, HB 113, which would expand the scope of practice for optometrists by allowing them to administer systemic eye medications in addition to the topical medications they can currently administer under the law. The APCA considers the education and training of the relevant health care providers prior to lending its support to increased scopes of practice changes; in the case of the optometrists, the APCA has concluded that these providers have received the proper training for the administration of these medications.

By expanding the scope of practice for optometrists, HB 113 will increase access to health care for Alaskans while reducing health care costs. Because the APCA's main mission is to increase access to primary care in Alaska, the APCA has an interest in the success of HB 113. Primary care encompasses basic medical care, which includes the treatment of routine eye conditions, in addition to behavioral health and dental services.

The Alaska Primary Care Association represents 24 Community Health Centers (CHCs) with 115 clinic delivery sites as well as other safety net providers throughout the state. Alaska's CHCs treat over 80,000 patients annually. The expansion of health providers' scopes of practice, when educationally appropriate, is an important step the Alaska State Legislature can take to assist in the promotion of health care access, the reduction in health care costs, and the improvement of health outcomes for its residents. The APCA offers its full support for HB 113 and joins you in asking the Senate to move this legislation through the committee process and secure its passage.

Respectfully,

A handwritten signature in black ink, appearing to read "Regan Mattingly".

Regan Mattingly  
State Affairs Coordinator

A handwritten signature in black ink, appearing to read "Shelley S. Hughes".

Shelley S. Hughes  
Government Affairs Director

A handwritten signature in black ink, appearing to read "Marilyn Kasmar".

Marilyn Kasmar  
Executive Director