

Legislative Update

3/18/18

With about a month or *two* to go (April 15th is the 90th day and May 16th is the 121st!), I thought you might like to know where some bills are in the process of becoming laws. (Clicking on the bill number will take you to the bill for your reading pleasure)

Senate Bills

[SB 15](#), E-Cigarettes/tobacco/Nicotine & Minors: Sales sponsored by Sen. Stevens passed the Senate on March 8th. It's been referred to L&C and FIN in the House and has a hearing scheduled in [HL&C next Wednesday, the 21st](#).

[SB 37](#), Pharmacy Board & Staff; Drug Distribution/Manufacturing sponsored by Sen. Giessel passed the Senate on February 14th and now waits for a hearing in HFIN. The bill requires any out-of-state wholesale drug distributor or outsourcing facility to follow specific guidelines set forth by the Board of Pharmacy, including obtaining a license, authorizing inspection of the facility by a designee of the board, and appointing an agent before shipping, mailing or delivering prescription drugs to a licensee in the state or advertising in the state. Additionally, it allows the Board of Pharmacy to create a new position titled "Executive Administrator" that will handle licensing of drug wholesale distributors and outsourcing facilities.

[SB 38](#), Pharmacy Benefits Managers sponsored by Sen. Giessel was introduced last year and had one hearing in SL&C. It's scheduled to be heard on Monday at 6pm in SL&C. The bill requires PBMs to register in the state as third party administrators and describes the parameters under which they may contract with an insurer or network pharmacies, set the cost of multi-source generic drugs and allows for appeals. The bill describes the procedural and time requirements of PBM audits including what records may be provided by pharmacies; establishes how PBMs can base the recoupment of overpayments from a pharmacy; establishes timeframes for when preliminary and final audit reports are to be given to a pharmacy; pharmacy response times; and an appeals process. It also sets out procedures for drug pricing lists and identifies what is and is not considered fraud.

[HB 240](#) is the companion in the House sponsored by Rep. Guttenberg. It was passed from L&C on February 2nd and was heard and held in FIN on February 14th.

Marriage and Family Therapy bills—currently, the only difference between [SB 105](#) and [HB 353](#) is the liability insurance requirement that is in [SB 105](#).

Basically the bill allows group supervision of marriage and family therapists—defining what group supervision entails and who can provide the supervision; clarifies that a minimum of 100 hours of the required 1500 hours of supervision is to

be individual supervision (which can be accomplished under more than one supervisor) and 100 is to be group supervision; and includes marriage and family therapy services as optional services for Medicaid billing.

I anticipate both bills being amended during their next hearings to remove a current regulatory requirement describing supervision for mental health physician clinics to be by a psychiatrist that is on the premises for 30% of the time. The amendment will also add purposes of supervision to the bill and allow supervision to be conducted in-person or via a communication device.

[SB 105](#), Marital & Family Therapy Licenses and Services sponsored by Sen. Wilson is in SFIN. [HB 353](#) Marital & Family Therapy Licenses and Services sponsored by Rep. Spohnholz is in HL&C.

[Work Draft CS SB 112 L&C](#), Workers' Compensation; Drug Database & Testing sponsored by Sen. Giessel has been heard twice and held in L&C. The work draft reduces the 48 page sponsor substitute to 16 pages-narrowing the focus of the bill. To see contents of the work draft click here: [Sectional Analysis](#)

[SB 124](#), Abortion Procedures; Child Surrender sponsored by Rep. Giessel has gone through the committee process in the Senate and is waiting to be scheduled on the Senate Floor. The bill instructs a physician performing or inducing an abortion to use the method of terminating the pregnancy that provides the best opportunity for the fetus to survive after removal from the womb. It requires that any health care practitioner present utilize the same measures to preserve the life and health of the fetus exhibiting signs of life as provided to a child of the same fetal age delivered alive in the course of a natural birth. "Displaying signs of life" is defined as spontaneous respiratory or cardiac function or pulsation of the umbilical cord.

It further requires physicians or hospital workers to report to the Office of Children's Services cases in which a fetus is removed from the womb and displaying signs of life and the parent is unwilling or unable to care for the child. Finally, it adds new language to the existing Child in Need of Aid AS 47.10.011, which will allow the court to find a child a Child in Need of Aid if "the child is removed from the mother's womb alive during an abortion" and the child's parent is unwilling or unable to care for the child.

[Work Draft SB 128 FIN](#), Marijuana Education/Treatment Fund/Program sponsored by Sen. Giessel is being worked on in SFIN. I think legislators are looking for compromise language that will work for both Sen. Giessel and Rep. Claman (who has a similar bill [HB 296](#)) on how the funds would be allocated for programming as well as a compromise (between the larger bodies) on the percentage of marijuana tax dollars that should remain available for general fund use. If passed, language in the bill allocates funds to Public Health for education and prevention activities related to marijuana use and to Behavioral Health for SBIRT- Screening Brief Intervention and Referral to Treatment implementation throughout the state.

[SB 169](#), Medicaid: Behavioral Health Coverage sponsored by Sen. Giessel is in RLS waiting calendaring for the Senate Floor. As currently written, the bill gives authority to DHSS to require behavioral health clinic services be provided by or under the direct supervision of a physician or an advanced practice registered nurse (APRN) for purposes of medical assistance coverage. It further allows the supervision to be in-person or via a communication device and enumerates purposes of supervision.

Information has been provided to the Governor's Office and Sen. Giessel about the federal rule that only allows Medicaid reimbursement to clinics by or under the direction of physicians or dentists-not advanced practice registered nurses-[CFR 42.440.90](#) .

We'll see if an amendment removing APRNs is forthcoming.

[SB 193](#), Medical Assistance Work Requirement sponsored by Sen. Kelly was heard Monday and held in SHSS. The bill requires the State to apply for an 1115 waiver to allow us to require people between the ages of 18-64 who want medical assistance to work a minimum of 20 hours a week. Work includes subsistence activities and certain volunteer activities. Several groups of people are excluded from the work requirement. People are given 90 days to find work before their eligibility is taken away.

[HB 356](#) sponsored by Rep. Kopp is the House companion to SB 193.

[HB 362](#), Medical Assistance/Food Stamps; Work/Time Requirement sponsored by Rep. Eastman has the same requirements for medical assistance as [SB 193](#) and [HB 356](#) and it adds work requirements for Food Stamps.

While [SB 193](#) is being heard in the Senate, I would be surprised if the House took up any of these bills.

House Bills

[HB 25](#), Insurance Coverage for Contraceptives sponsored by Rep. Claman is stuck in HRLS. It seems to be caught up in bill trading (if you'll do this, I'll do that kind of thing). The bill would allow consumers to get a 12-month supply of birth control at one time instead of having to pick it up on a monthly or quarterly basis.

[HB 75](#), Gun Violence Protective Orders sponsored by Rep. Tarr has been heard five times in HJUD and will be heard again on Monday at 1pm in HJUD. The chair said he expects to take up amendments next week and gave a Tuesday 4pm deadline for getting proposed amendments to his office. The bill establishes a mechanism for an immediate family member or a peace officer to get a gun violence protective order that would require the person under the order to turn over all guns and ammunition for a period of up to 6 months. The process is similar to other protective order proceedings (domestic violence, stalking or sexual assault) in Alaska.

[HB 138](#), March as Sobriety Awareness Month sponsored by Rep. Spohnholz passed the House last session. It was passed from SHSS this week and still has a STA referral.

[HB 142](#), Unemployment Compensation Benefits sponsored by Rep. Tuck passed the House this week. Click here: [maximum weekly benefit amount proposal](#) to see the recommended changes to the benefits.

[HB 214](#), Bree's Law: Dating Violence Programs sponsored by Rep. Drummond passed the House on Feb. 14th. It passed from SEDC on March 16th and is now in its last committee of referral-JUD.

[Work Draft HB 216 FIN](#), Transfers From Dividend Fund; Crimes sponsored by Rep. Kopp is sitting in HFIN. In current law, certain felons and misdemeanants are not allowed to receive permanent fund dividend checks. An amount equal to those collective checks can be appropriated by the legislature and made available to the Department of Corrections, the Violent Crime Compensation Board (VCCB) and the Council on Domestic Violence and Sexual Assault to help defray costs associated with health care/programming for incarcerated offenders and victim services. The funds can also be allocated to children of those felons/misdemeanants-although there hasn't been a mechanism setup to actually allow that to happen.

This bill revises the statutes around the pfd felon or "crim fund" as it's known, by allocating the funds in a priority order and on a percentage basis to a list of programs starting with the Violence Crimes Compensation Board and including restitution to victims (the bill sets-up the Office of Victims Rights as the governmental entity to distribute restitution); victim services; substance use disorder treatment for offenders; the Council on Domestic Violence and Sexual Assault; and the Department of Corrections.

The bill has been sitting in HFIN since Jan. 31st. A hearing has been scheduled for next Tuesday at 1:30pm.

[HB 268](#), Opioid Prescription Information sponsored by Rep. Gara is in HFIN and is scheduled for a hearing Tuesday at 1:30pm. The Consumer Advisory on Potential Heroin Addiction from Opioid Use Act as the bill will be known enumerates legislative findings as to the dangers of prescription opioid use and requires those practicing dentistry, medicine, podiatry, osteopathy, nurse and optometry to provide oral and written information on opioids before initially prescribing an outpatient supply. The professional oversight boards of these professionals may revoke or suspend the professional's license or may reprimand, censure, or discipline the professional, or do both if the professional fails to provide the proper notice.

[HB 312](#), Crimes Against Medical Professionals sponsored by Rep. Claman passed the House on Feb. 16th. It's referred to JUD in the Senate and scheduled to be heard Monday at 1:30pm. The bill would allow probable cause arrest for 4th degree

assault when the alleged crime is committed at health care facilities. It would also create an aggravating factor for the court's consideration at sentencing for certain felony crimes when the crimes were committed at health care facilities against health care professionals.

[HB 358](#), Insurance Coverage for Telehealth sponsored by Rep. Spohnholz scheduled to be heard Thursday at 3pm in HHSS. Under HB 358, telehealth benefits for all covered health care services, including mental health benefits, will be reimbursable for health care providers licensed in the state without an initial in-person appointment. Depending on the patient's needs, a telehealth appointment can provide education, reviewing of prescriptions and checking symptoms, all at a distance on a secure system.

[HCR 19](#), Alaska Native Languages Emergency sponsored by Rep. Ortiz will likely pass the House Monday and be referred to CRA in the Senate. The resolution urges the Governor to issue an Administrative Order, recognizing that a linguistic emergency exists, and state that it is the policy of the State of Alaska to actively promote the survival and continued use of all of Alaska's 20 Native languages

[There are several Boards being extended through 2026 this year:](#)

[HB 274](#), Board of Psychologists /Psychologist Associates; [HB 280](#), Board of Marital & Family Therapy; [HB 302](#), Board of Professional Counselors- all of which are in SL&C; and [HB 318](#), Board of Social Work Examiners; and [HB 323](#) the Board of Pharmacy which are in HRLS.

[Bills that have passed both the Senate and the House](#)

[HB 195](#), Insurer's Use of Credit History/Scores sponsored by HRLS by request of the Governor passed both bodies and is awaiting transmittal to the Governor.

[HB 298](#), Number of Superior Court Judges sponsored by HRLS passed both bodies and is awaiting transmittal to the Governor.

[Bills that have become law](#)

[HB 186](#), Food Donations sponsored by Rep. Talerico is the only bill that has been signed into law this session.