

**ALASKA STATE LEGISLATURE
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE**

May 15, 2003
9:45 p.m.

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Carl Gatto, Vice Chair
Representative John Coghill
Representative Paul Seaton
Representative Kelly Wolf
Representative Sharon Cissna
Representative Mary Kapsner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 192

"An Act relating to teachers and training programs in the Department of Labor and Workforce Development, to the placement in the exempt service of certified teachers employed by the Department of Labor and Workforce Development, to their eligibility to participate in the Teachers' Retirement System of Alaska, and to the functions of the Alaska Workforce Investment Board regarding the Kotzebue Technical Center and the Alaska Vocational Technical Center; and providing for an effective date."

- WAIVED FROM COMMITTEE

HOUSE CONCURRENT RESOLUTION NO. 19

Urging implementation of an Alaska history curriculum in public schools.

- MOVED HCR 19 OUT OF COMMITTEE

HOUSE BILL NO. 292

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

- MOVED CSHB 292(HES) OUT OF COMMITTEE

HOUSE BILL NO. 32

"An Act relating to a health insurance uniform prescription drug information card; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 278

"An Act relating to a masonic lodge license plate."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 282

"An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 306

"An Act relating to the use of pharmaceutical agents by optometrists."

- HEARING POSTPONED

PREVIOUS ACTION

BILL: SB 192

SHORT TITLE: DOLWD TEACHERS AND TRAINING PROGRAMS

SPONSOR(S): SENATOR(S) STEVENS G

Jrn-Date	Jrn-Page		Action
04/22/03	0917	(S)	READ THE FIRST TIME - REFERRALS
04/22/03	0917	(S)	HES, L&C
05/01/03	1087	(S)	HES REFERRAL WAIVED
05/06/03		(S)	L&C AT 1:30 PM BELTZ 211
05/06/03		(S)	Moved CSSB 192(L&C) Out of Committee
05/06/03		(S)	MINUTE(L&C)
05/07/03	1201	(S)	L&C RPT CS 4DP 1 NR NEW TITLE
05/07/03	1202	(S)	DP: BUNDE, DAVIS, SEEKINS, STEVENS G;
05/07/03	1202	(S)	NR: FRENCH

05/07/03	1202	(S)	FN1: ZERO(LWF)
05/09/03	1282	(S)	RULES TO CALENDAR 5/9/2003
05/09/03	1282	(S)	READ THE SECOND TIME
05/09/03	1282	(S)	L&C CS ADOPTED UNAN CONSENT
05/09/03	1282	(S)	ADVANCED TO THIRD READING
			5/10 CALENDAR
05/10/03	1306	(S)	READ THE THIRD TIME CSSB
			192(L&C)
05/10/03	1306	(S)	FN2: (LWF)
05/10/03	1307	(S)	PASSED Y19 N- E1
05/10/03	1307	(S)	EFFECTIVE DATE(S) SAME AS
			PASSAGE
05/10/03	1311	(S)	TRANSMITTED TO (H)
05/10/03	1311	(S)	VERSION: CSSB 192(L&C)
05/12/03	1554	(H)	READ THE FIRST TIME -
			REFERRALS
05/12/03	1554	(H)	HES, FIN
05/13/03		(H)	HES AT 3:00 PM CAPITOL 106
05/13/03		(H)	-- Meeting Canceled --
05/15/03		(H)	HES AT 3:00 PM CAPITOL 106

BILL: HCR 19

SHORT TITLE:ALASKA HISTORY CURRICULUM

SPONSOR(S): REPRESENTATIVE(S)KAPSNER

Jrn-Date	Jrn-Page		Action
04/24/03	1093	(H)	READ THE FIRST TIME -
			REFERRALS
04/24/03	1093	(H)	HES, EDU
04/28/03	1171	(H)	COSPONSOR(S): JOULE
04/29/03	1186	(H)	HES WAIVED 5-DAY HEARING
			(RULE 23A)
05/01/03		(H)	HES AT 3:00 PM CAPITOL 106
05/01/03		(H)	Uniform Rule 23(a) Waived --
			Meeting Canceled --
05/15/03		(H)	HES AT 3:00 PM CAPITOL 106

BILL: HB 292

SHORT TITLE:ABORTION: INFORMED CONSENT; INFORMATION

SPONSOR(S): REPRESENTATIVE(S)DAHLSTROM

Jrn-Date	Jrn-Page		Action
04/30/03	1202	(H)	READ THE FIRST TIME -
			REFERRALS
04/30/03	1202	(H)	HES, JUD
05/06/03		(H)	HES AT 3:00 PM CAPITOL 106
05/06/03		(H)	Heard & Held

		MINUTE(HES)
05/08/03	(H)	HES AT 3:00 PM CAPITOL 106
05/08/03	(H)	Heard & Held
		MINUTE(HES)
05/13/03	(H)	HES AT 3:00 PM CAPITOL 106
05/13/03	(H)	<Bill Hearing Postponed> --
		Meeting Canceled --
05/15/03	(H)	HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE NANCY DAHLSTROM

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As sponsor of HB 292, explained changes and answered questions from the committee.

REX SHATTUCK, Staff

to Representative Nancy Dahlstrom

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Explained changes to CSHB 292(HES), and answered questions from the members.

ACTION NARRATIVE

TAPE 03-43, SIDE A

Number 0001

CHAIR PEGGY WILSON called the House Health, Education and Social Services Standing Committee meeting to order at 9:45 p.m. Representatives Wilson, Wolf, Coghill, Seaton, Cissna, and Kapsner were present at the call to order. Representative Gatto arrived as the meeting was in progress.

SB 192-DOLWD TEACHERS AND TRAINING PROGRAMS

CHAIR WILSON announced for the record that [SB 192] was waived from the House Health, Education and Social Services Standing Committee.

HCR 19-ALASKA HISTORY CURRICULUM

CHAIR WILSON announced that the next order of business would be HOUSE CONCURRENT RESOLUTION NO. 19, Urging implementation of an Alaska history curriculum in public schools.

Number 0249

REPRESENTATIVE KAPSNER, as sponsor of HCR 19, explained the purpose of this resolution and answered questions from the members. She told the committee this legislation has created a bit of consternation and that fact is a puzzlement to her. She said this resolution is different from another resolution before the body. She said the other resolution asks the school districts to look at fourth grade Alaska history, and this resolution asks the board of education to look at Alaska high school students and their Alaska history requirements. She said she hopes both resolutions pass because she believes they are both worthy of consideration.

Number 0307

REPRESENTATIVE KAPSNER explained that HCR 19 asks the board of education by regulation to implement a requirement that Alaska seniors have a stand-alone, one-semester course in Alaska history or an integrated course that school districts can weave into their already existing curriculum. This resolution would allow for a lot of local discretion on the part of school districts. In 2002, Senator Ted Stevens furnished a grant for Alaska history. The total of the grant was \$397,400 and was awarded to the Alaska Humanities Forum. A portion of it would go to curriculum development and a portion toward the development of textbooks. The grant was approved by the U.S. Department of Education and signed by President George Bush in 2002, and the Alaska Humanities Forum is preparing a project team to develop the Alaska history text and curriculum. The project is headed by Marjorie Menzi who is former employee of the state Department of Education and a former teacher. Senator Stevens made it clear to the legislature that he believes this is very important and wants to see Alaska history taught in Alaska's schools. Most states have [a state history course], but Alaska does not.

REPRESENTATIVE KAPSNER mentioned a partial list of supporters including: Commonwealth North, Alaska Humanities Forum, Association of School Boards, Association of School Administrators, and many more. Representative Kapsner told the committee that she thinks both her resolution and Representative Gatto's resolution are outstanding and hopes they both will pass the legislature. She said she believes both fourth grade students and high school students should have the benefit of learning about Alaska's history. These are good resolutions and worthy of discussion and consideration.

Number 0372

REPRESENTATIVE GATTO asked Representative Kapsner if Alaska history is currently taught in Bethel.

REPRESENTATIVE KAPSNER responded that it is taught in most school districts, but not all districts. It is taught at different levels. Some school districts teach it at the elementary level, but this resolution asks the Department of Education to make it a high school requirement to be taught in either the junior or senior year. She said she believes the Lower Kuskokwim School District does require some form of Alaska history in high school. It may be the Alaska Native Claims Settlement Act or another option. She told the committee it was an elective when she was going through school.

REPRESENTATIVE GATTO asked if Alaska history is required in all of its elementary schools. He said he believes it is a state requirement to have state history, U.S. history, and world history.

REPRESENTATIVE KAPSNER responded that she is not sure what the elementary school level requirements are. She said her primary focus is on high school requirements because, as a legislator, she believes there are kids graduating from high school who do not understand some basic things about Alaska before they get to the ballot box. For example, she said it is important for students to know about the permanent fund, permanent fund dividend, subsistence, and other things. She said she is hoping that school districts and the Department of Education will look at standardizing high school students' graduation requirements. The Alaska Municipal League has said they would like to see a civics component included in graduation requirements, as this is not a requirement for Alaska. Representative Kapsner commented that many people are unaware that this is not a requirement because they moved here from another state.

Number 0558

REPRESENTATIVE COGHILL told the committee that the school board [board of education] has already drafted a two-volume set that could be the basis for this curriculum. These books were commissioned in 1989 or 1990 and even though they will not be sufficient for what this resolution is requiring, he said he does not believe this is going to be a huge cost. He noted that there are two questions that need to be answered. The first

question is how this material will be covered in one semester. It will be very intensive. The other question is the cost of putting a book together. The problem here, he said, is that it is an unfunded mandate. Since much of the work is [already completed], some of the costs could be saved. He asked if the sponsor would see to it that the prior work was not done in vain.

Number 0670

REPRESENTATIVE KAPSNER responded that Senator Stevens has made an appropriation that would cover a majority of those costs. Last year, before that appropriation was made, a number of different state organizations felt so committed to getting an Alaska curriculum in high school that they offered to pay for it. The complication came when trying to show it in the fiscal note. It so rarely happens that people are so enthusiastic about getting something done that they are willing to contribute to it. That offer still stands. Many school districts, including the Anchorage School District, recently mandated that their high school students have a one semester, stand-alone course. They are in the process of developing a curriculum. Carol Comeau [Superintendent of the Anchorage School District] has offered that curriculum to the state.

CHAIR WILSON asked if there is an estimate in what it would cost to produce a book.

REPRESENTATIVE KAPSNER replied that she does not know, but there is also the consideration that the school districts might integrate components of the curriculum into other classes. Commissioner of Education, Shirley Holloway, envisioned that a CD ROM could be made available to teachers so they could pull lesson plans out of the curriculum to include in U.S. or world history classes. For example, if there is discussion about exploration, then the section about Russians exploring Alaska could be integrated into world history. She reiterated that there are about 20 organizations on a partial list she has that have offered to help pay for this class.

Number 0807

REPRESENTATIVE WOLF commented that he finds it surprising that Alaska history is not a requirement. In 1978, Kenai Central High School taught Alaska history from textbooks, so he said he knows the literature is there to be used.

Number 0871

REPRESENTATIVE KAPSNER responded that there are numerous books available. There are some recent publications including Dr. Steve Haycock's book; however, it was written for college level classes. She said that she believes the sooner this book is put together the better, because there are members of the constitutional convention who are still alive - such as John Coghill and Vic Fischer - who would be a wonderful resource in putting this book together.

Number 0912

REPRESENTATIVE GATTO commented that books on Alaska history are available everywhere. The problem he has is that it will be a requirement. If required at a high school level it means giving up something. Representative Gatto said that in the high schools where he has been there are no times available during the day when there is an empty classroom and an available teacher. This class would have to replace an elective. He pointed out that some kids are intent on going to college and when they produce their transcripts for the college it could mean that the student has 21 credits plus Alaska history or 21 credits and physics. That extra science or math course could give these students an edge over someone else. By requiring the course, according to No Child Left Behind Act (NCLB) then it will be necessary to have highly qualified teachers.

REPRESENTATIVE GATTO indicated that it is a difficult time [for school districts]. For instance, at Colony High School they are giving up sports and, in fact, just discharged two coaches from the middle school. They have also eliminated the music program. Representative Gatto questioned if asking schools to take on another subject at a time when they are being asked to eliminate programs they have previously had is something the legislature wants to do. He asked if it makes sense to simply make the subject available rather than mandatory.

Number 1044

REPRESENTATIVE KAPSNER agreed with Representative Gatto's points. She said she spent a lot of time worrying about that issue, especially in small schools where there is one teacher instructing in every subject. That is why the provision was added that this does not have to be a stand-alone class. It could be integrated into U.S. or world history.

Number 1070

REPRESENTATIVE CISSNA asked Representative Kapsner to clarify that the resolution encourages the use of modules to insert into existing programs. For example, a history course or civics course taught by a certified teacher could have a portion added that would merely bring in additional material to compliment an existing class. She asked if that is correct.

REPRESENTATIVE KAPSNER responded that that is exactly what she envisions; however, she pointed out that this is just a resolution, so it would be entirely up to the board of education. She said her hope is that it could be an either/or situation and the modules could be inserted. She pointed out that the language in the resolution does not specify that it funds a standards based curriculum for Alaska history through the efforts of the Alaska Humanities Forum. However, it requests the board of education to require by regulation the equivalent of at least one semester of Alaska history. So, it could be a stand-alone class or woven into an existing class. She reiterated that the resolution says on page 2, line 21, "the equivalent of at least one semester".

Number 1172

REPRESENTATIVE SEATON told the committee he is also concerned about the displacement of other classes. The students do have full schedules and it is hard to add anything to the day. He said he believes that the board of education and the districts will be able to sort this out. Representative Seaton said he is willing to see the bill move out of committee.

REPRESENTATIVE WOLF said he agrees with Representative Seaton's comments.

Number 1201

REPRESENTATIVE GATTO commented that if the board of education requires this by regulation, the districts have no choice but to find time during the day to make the equivalent of one semester, either in one stand-alone class for that semester, which the schools may not have available, or by incorporating it into another class in two half semesters and giving up something else for two half semesters. Representative Gatto said it would really make him feel better about this resolution if he knew what [would be given] up. He said he does not believe the board of education or the school districts know what that would be.

Number 1240

REPRESENTATIVE KAPSNER responded that she does not know. She asked Representative Gatto from what state he graduated high school.

REPRESENTATIVE GATTO responded that he graduated from a New York high school.

REPRESENTATIVE KAPSNER asked him if his school required a New York history class.

REPRESENTATIVE GATTO said he has no idea. It was in the last millennium.

CHAIR WILSON told the committee that these questions could be further explored in the House Special Committee on Education.

REPRESENTATIVE SEATON moved to report HCR 19 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCR 19 was reported out of the House Health, Education and Social Services Standing Committee.

HB 292-ABORTION: INFORMED CONSENT; INFORMATION

CHAIR WILSON announced that the final order of business would be HOUSE BILL NO. 292, "An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

Number 1389

REPRESENTATIVE NANCY DAHLSTROM, Alaska State Legislature, as sponsor of HB 292, answered questions from the committee.

Number 1400

REPRESENTATIVE COGHILL moved to adopt the proposed committee substitute (CS) for HB 292, Version 23-LS0867\I, Lauterbach, 5/15/03, as a work draft. Hearing no objection, Version I was before the committee.

CHAIR WILSON told the committee that there are two amendments that will be considered.

Number 1445

REPRESENTATIVE SEATON moved to adopt Amendment 1.

REPRESENTATIVE COGHILL objected for purposes of discussion.

Number 1649

REX SHATTUCK, Staff to Representative Nancy Dahlstrom, Alaska State Legislature, explained changes to CSHB 292(HES), proposed amendments, and answered questions from the members. Amendment 1 read as follows:

Page 4, line 28, following "woman":

Insert "and the pregnant woman's estate, and only to the pregnant woman and the pregnant woman's estate,"

Following "damages":

Insert "caused by the violation"

MR. SHATTUCK told the committee that the language on page 4, line 28, is to ensure that a lawsuit could only be brought by the pregnant woman or her estate. On line 29, following the word "damages", the insertion of the words "caused by the violation" is speaking to a lawsuit that may be brought forward.

Number 1649

REPRESENTATIVE COGHILL removed his objection.

CHAIR WILSON announced that without objection Amendment 1 has been adopted by the House Health, Education and Social Services Standing Committee. Chair Wilson announced that the committee would now take up Amendment 2.

Number 1584

REPRESENTATIVE COGHILL objected for the purpose of discussion.

MR. SHATTUCK briefly reviewed Amendment 2, which read [original punctuation provided]:

Page 1, line 13,

After "on the Internet" insert the words

that is reviewed and approved for medical accuracy and appropriateness by recognized

Obstetric/Gynecological specialists designated by the State Medical Board and

Page 2, line 2,

After "on the Internet" insert the words

that is reviewed and approved for medical accuracy and appropriateness by recognized Obstetric/Gynecological specialists designated by the State Medical Board

Page 2, lines 7 through 9,

Delete all material

Page 2, line 22,

After "and services;" insert

and

Page 2, 23,

Create a new sub-section that shall read

{C} agencies, services, clinics and facilities designed to assist or provide contraceptive options and counseling to help prevent future unwanted pregnancies;

Page 2, line 30,

After "abortions services;" insert

and the circumstantial criteria for the availability of medical assistance benefits for contraception;

Page 3, line 12,

After "objective, nonjudgmental, and" insert

that is reviewed and approved for medical accuracy and appropriateness by recognized Obstetric/Gynecological specialists designated by the State Medical Board and

Page 3, line 15,

After "information that" insert

is reviewed and approved for medical accuracy and appropriateness by recognized Obstetric/Gynecological specialists designated by the State medical Board and

Page 3, line 20,

After "unbiased information" insert

that is reviewed and approved for medical accuracy and appropriateness by recognized

Obstetric/Gynecological specialists designated by the State Medical Board

Page 3, line 24,

Create a new sub-section that shall read

(9) contains objective, unbiased and comprehensive information that is reviewed and approved for medical accuracy and appropriateness by recognized Obstetric/Gynecological specialists designated by the State Medical Board on different types of available contraceptive choices and the medical risk and possible complications commonly associated with each method as well as the possible psychological effects that have been associated with using contraceptives;

Page 3, line 24,

Delete

(9)

Insert

(10)

Page 4, line 30,

After "AS 18.16.060(b)(1){C} insert

and (D)

Page 4, line 31,

After "evidence that" delete

the person gave to the woman a written

And insert

the woman received or reviewed a

Page 5, line 1,

After "AS 18.05.032" insert

at least 24 hours

Page 5, line 21,

After "the abortion" insert

, a member of the physician's staff who is a licensed healthcare provider

Page 5, line 21,

After "physician has" delete

orally

And insert

verbally

Page 6, line 1,

After "shall provide it;" insert

the requirements of this subparagraph may be satisfied by a member of the physician's staff who is a licensed healthcare provider performing the required activities if they offer the person the opportunity to consult a physician; the requirements of this paragraph may also be satisfied if the physician or a member of the physician's staff receives from the person an appropriately dated and signed from [sic] of the type described in AS.18.05.032(a)(10) and retains the form in the patient's file;

Page 6, line 12,

After "required in (b)(1)" insert

{A}-{C}

Page 6, line 15,

After "ask questions." insert

Provision of the information telephonically or by electronic mail or regular mail at least 24 hours prior to the person's appointment satisfies the requirements of this section as long as the person whose consent is required under (a) of this section has an opportunity to ask questions after receiving the information.

MR. SHATTUCK told the committee that the change in language on page 1, line 13 is agreed upon language provided so that someone is designated as an appropriate medical person to review the material for accuracy and appropriateness.

REPRESENTATIVE COGHILL commented that it appears that the entire first page of the amendment deals with conforming language to the Medical Board having purview on this information. He told the members that that had been his objection when the bill was heard the first time. He said he reviewed the statutes and found that this is an appropriate role for the state Medical Board; therefore, he will remove his objection to this portion of the amendment.

MR. SHATTUCK agreed with Representative Coghill's statement that the first page is conforming language inserted all the way through the bill.

MR. SHATTUCK referred the committee to the next change, beginning on page 3, line 24, which creates a new subsection. He said this change again uses the agreed upon language "medical accuracy and appropriateness by recognized Obstetric/Gynecological specialist", but in this case it is directed toward contraceptive use. On the same page and line there is a renumbering of the sub-sections to reflect the insertion of the new sub-section. On page 4, line 30, it inserts "and (D)", which includes an earlier section. He said, "Page 4, line 31, changes the language, so..."

REPRESENTATIVE SEATON asked if the change on page 4, line 31, was made to allow for a woman to download the information off of the Internet.

MR. SHATTUCK responded that is correct.

MR. SHATTUCK said that on page 5, line [21], the agreed upon language was inserted after looking into the definition of a licensed healthcare provider. It does reach the threshold of ensuring that it is a licensed nurse, physician's assistant, or someone with a medical background.

MR. SHATTUCK pointed out that on page 5, line 21, there is a change recommended by Legislative Legal and Research Services that deletes the word "orally" and inserts "verbally".

MR. SHATTUCK said that on page 6, line 1, the amendment poorly reflects the transaction that should actually take place. He told the committee the inserted language is a rewording of that section. In response to a request for clarification from Representative Coghill, he explained that the change beginning on page 6, line 1, would read as follows:

After the words "physician shall provide it;" delete
**the requirement of this subparagraph may also be
satisfied if a nurse who is a member of the
physician's staff informs the person of the
availability of the Internet information, distributes
a copy of the Internet information to the person, if
requested, and offers the person an opportunity to
consult with the physician**

and insert

**the requirements of this subparagraph may be
satisfied by a member of the physician's staff who is
a licensed healthcare provider performing the required**

activities if they offer the person the opportunity to consult a physician; the requirements of this paragraph may also be satisfied if the physician or a member of the physician's staff receives from the person an appropriately dated and signed form of the type described in AS.18.05.032(a)(10) and retains the form in the patient's file;

MR. SHATTUCK responded to a question by Representative Coghill regarding the changes on page 6, by saying they relate to electronic communication.

CHAIR WILSON commented that this language provides for patients to get information [ahead of their visit] by means of the Internet. [By doing this first, before traveling to see a doctor, the 24-hour period they currently have to wait would be met already]. Then patients could just go for a doctor's visit and leave. She said that she believes this change is a big improvement.

REPRESENTATIVE COGHILL removed his objection to Amendment 2.

Number 1889

CHAIR WILSON announced that, without objection, Amendment 2 has passed the House Health, Education and Social Services Standing Committee.

Number 1908

REPRESENTATIVE COGHILL moved to report CSHB 292 [Version 23-LS0862\I, Lauterbach, 5/15/03, as amended] out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 292(HES) was reported out of the House Health, Education and Social Services Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at 10:20 p.m.