

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

April 20, 2005

1:38 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Gary Wilken, Vice Chair
Senator Lyda Green
Senator Kim Elton
Senator Donny Olson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 185 (FIN)

"An Act relating to immunization of postsecondary students for meningitis; and providing for an effective date."

MOVED CSHB 185(FIN) OUT OF COMMITTEE

SENATE BILL NO. 162

"An Act relating to monitoring and reporting of student discipline and safety, of student health pertaining to height, nutrition, and physical activity, of the percentage of the legislative body with a body mass index that exceeds 25.0, and of state capitol vending machine profits; requiring schools to report school health status and policy, the percentage of students that are overweight and at risk of being overweight, and profits from vending machines; and requiring the evaluation of health education programs on the basis of health reports and screening."

HEARD AND HELD

SENATE BILL NO. 177

"An Act eliminating the requirement that persons using titles or descriptions of services that incorporate the terms 'psychotherapy,' 'psychotherapeutic,' or 'psychotherapist' be licensed by the Board of Psychologist and Psychological Associate Examiners."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 185

SHORT TITLE: POSTSECONDARY STUDENT IMMUNIZATION

SPONSOR(s): REPRESENTATIVE(s) CHENAULT

02/28/05 (H) READ THE FIRST TIME - REFERRALS
02/28/05 (H) HES, FIN
03/17/05 (H) HES AT 3:00 PM CAPITOL 106
03/17/05 (H) Moved Out of Committee
03/17/05 (H) MINUTE(HES)
03/18/05 (H) HES RPT 3DP 1DNP 3NR
03/18/05 (H) DP: ANDERSON, MCGUIRE, WILSON;
03/18/05 (H) DNP: GARDNER;
03/18/05 (H) NR: CISSNA, KOHRING, SEATON
03/31/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/31/05 (H) <Bill Hearing Postponed to 4/1/05 9 AM>
04/01/05 (H) FIN AT 9:00 AM HOUSE FINANCE 519
04/01/05 (H) Moved CSHB 185(FIN) Out of Committee
04/01/05 (H) MINUTE(FIN)
04/04/05 (H) FIN RPT CS(FIN) 4DP 5NR
04/04/05 (H) DP: HOLM, FOSTER, MEYER, CHENAULT;
04/04/05 (H) NR: HAWKER, CROFT, STOLTZE, MOSES,
KELLY
04/07/05 (H) TRANSMITTED TO (S)
04/07/05 (H) VERSION: CSHB 185(FIN)
04/08/05 (S) READ THE FIRST TIME - REFERRALS
04/08/05 (S) HES
04/20/05 (S) HES AT 1:30 PM BUTROVICH 205
04/20/05 (S) Moved CSHB 185(FIN) Out of Committee
04/20/05 (S) MINUTE(HES)
04/21/05 (S) HES RPT 2DP 1NR
04/21/05 (S) DP: DYSON, ELTON
04/21/05 (S) NR: GREEN
04/22/05 (S) RETURN TO (H), TRANSMIT TO GOV NEXT
04/22/05 (S) VERSION: CSHB 185(FIN)

BILL: SB 162

SHORT TITLE: REPORT STUDENT HEALTH/DISCIPLINE/SAFETY

SPONSOR(s): SENATOR(s) DYSON

04/06/05 (S) READ THE FIRST TIME - REFERRALS
04/06/05 (S) HES, FIN
04/20/05 (S) HES AT 1:30 PM BUTROVICH 205
04/20/05 (S) Heard & Held
04/20/05 (S) MINUTE(HES)

BILL: SB 177

SHORT TITLE: PRACTICE OF PSYCHOLOGY

SPONSOR(s) : HEALTH, EDUCATION & SOCIAL SERVICES

04/15/05 (S) READ THE FIRST TIME - REFERRALS
04/15/05 (S) HES, L&C
04/20/05 (S) HES AT 1:30 PM BUTROVICH 205
04/20/05 (S) Heard & Held
04/20/05 (S) MINUTE(HES)

WITNESS REGISTER

ERICH DELAND

Aide to Representative Mike Chenault
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 185.

DR. RICHARD MANDSAGER, Director

Department of Public Health and Social Services
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced SB 162.

BARBARA TOMPSON, Director of Teaching

Department of Education & Early Development
801 W 10th St.
Juneau, AK 99801-1894

POSITION STATEMENT: Neutral on SB 162.

BEVERLY SMITH

The Christian Science Committee on Publication
Box 240976
Douglas, Alaska 99824

POSITION STATEMENT: Proposed an amendment to SB 162.

DR. BETH FUNK

Department of Health and Social Services
Division of Public Health, Section of Epidemiology
Box 240249

Anchorage, Alaska 99524-0249

POSITION STATEMENT: Neutral towards SB 162.

ACTION NARRATIVE

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:38:31 PM](#). Present were Senators Donny Olson, Kim Elton, Gary Wilken, Lyda Green and Chair Fred Dyson.

HB 185-POSTSECONDARY STUDENT IMMUNIZATION

CHAIR DYSON announced HB 185 to be up for consideration.

ERICH DELAND, legislative aide to Representative Mike Chenault, introduced HB 185:

We refer to the bill as the Ryan Colton Bill. He was a 19 year-old university student who woke up one morning with what he thought was the flu. By 3:00 AM the next day he was in the hospital and by 5:00 AM he was on life support and blind. By the time he was flown to Seattle, he was brain dead.

Meningococcal viruses and bacterial diseases have a 15 percent mortality rate and when it is not terminal, it can result in loss of limbs, blindness, and problems with the major organs. The bill would remove a current exemption on post-secondary institutions and thus require them to provide information about viral and bacterial meningococcal diseases and offer immunization options for students. In addition, it would require them to have the students sign a document saying they have received the information.

[1:40:20 PM](#)

CHAIR DYSON asked the reason schools are not able to do the reasonable things proposed in the bill.

MR. DELAND replied they could but they don't.

CHAIR DYSON asked Dr. Mandsager whether that was true.

DR. RICHARD MANDSAGER, director, Department of Public Health and Social Services (DHSS), advised although Alaska colleges are not mandated to provide such information, they often voluntarily tell freshman they should get a meningococcal immunization.

CHAIR DYSON asked whether the bill would require Alaska institutions to do that.

DR. MANDSAGER responded that is correct.

CHAIR DYSON asked the reason the college environment is so conducive to the spread of disease.

DR. BETH FUNK, Chief of Epidemiology, DHSS, responded that while the answer to his question is not known exactly, it is suspected the reason lies in the particularly crowded conditions that exist in college dorms and classrooms. Similar conditions exist in military institutions.

CHAIR DYSON asked Dr. Funk whether her organization approves of the bill.

DR. FUNK responded that while her organization certainly supports vaccinations, it is neutral toward the bill because there is currently no vaccine available to treat the strain of meningococcal bacteria found in Alaska. Although the department does not have strong feelings against the legislation, it is not certain that it will have a big impact on public health.

[1:45:16 PM](#)

SENATOR GREEN asked whether there were other diseases in the State of Alaska comparable to the meningococcal diseases with regards to their communicability and lethality and for which there is no vaccine or mandated instruction.

DR. FUNK could not think of any.

SENATOR ELTON moved CSHB 185(FIN) from committee with attached recommendations and a zero fiscal note. Hearing no objections, the motion carried.

SB 162-REPORT STUDENT HEALTH/DISCIPLINE/SAFETY

CHAIR DYSON announced SB 162 to be up for consideration. He advised that he worked on a bill called School Safety and Behavioral Standards, which required that every school establish its behavioral and safety standards with parents and community leaders. Under the bill, schools were required to publish the standards so that there would not be any controversy when they enforced them. Five years later, the records of the Department of Education show that few schools are complying with the bill. A few additional requirements have been incorporated into the current bill that he hopes will bring greater compliance on the part of the schools.

[1:51:33 PM](#)

DR. MANDSAGER, Director, Division of Public Health, said he would like to impart some of the data on obesity in the State of Alaska. The department believes obesity contributes greatly to both Medicaid expenses and to the general expenses of the state.

The problem of obesity is growing at an incredibly rapid rate in the State of Alaska and in the nation. Currently 32 percent of children in the Anchorage School District are overweight when they enter elementary school and over 40 percent of Alaska high school students are overweight or at risk of becoming overweight by the time that they graduate. In the last five years alone, the proportion of children in the Anchorage School district that are of normal weight decreased from 65 percent to 60 percent of the district's student population.

Obesity is a growing problem for adults in Alaska as well. Between the years of 1991 and 2003 the proportion of Alaska adults considered obese or overweight grew from 49 percent of the total population in 1991 to 62 percent of the total population in 2003. Today, 43 percent of Alaskan adults do not meet the Center for Disease Control's (CDC) recommendations for physical activity.

Today only 18 percent of high-school students participate in daily physical education, 27 percent do not meet the CDC's minimum recommendations for physical activity, 28 percent watch three or more hours of television on an average school day and only 16 percent consume at least 5 daily servings of fruits and vegetables.

There have been recent significant changes in the food environment of American children that have contributed to the growing obesity problem. More children are consuming more meals outside of the home and the portions of those meals are becoming larger. Today 43 percent of American's elementary schools and 98 percent of its high schools sell low-nutrient, high calorie a la carte and vending machine foods and beverages.

National trends are reflected in the nutrition environment of Alaska schools. Today only 28 percent prohibit soda during lunch and only 17 percent of Alaskan schools with vending machines have policies regulating the content of these machines.

The Federal Woman, Infants and Children Act passed in 2004 will implement requirements for schools receiving WIC funding during

the 2006-2007 school year. Its mandate will require schools to establish goals for nutritional education and physical activity, nutrition guidelines for foods available at school during the day and the establishment of a plan for measuring the implementation of a school's wellness policy. Currently 89 percent of Alaska school districts and 87 percent of Alaska schools participate in the National School Lunch Program provided through WIC funding.

SENATOR ELTON asked Dr. Mandsager whether the WIC requirements would be applied to schools individually or to school districts.

DR. MANDSAGER did not remember.

SENATOR GREEN said she believes the bill would be applied to the school districts.

[2:03:33 PM](#)

DR. MANDSAGER said overweight children are at a significantly greater risk of developing high blood pressure, high cholesterol, orthopedic disorders, type 2 diabetes and psychological disorders. Overweight adults face an increased risk of premature mortality, cardiovascular disease, Type 2 diabetes, musculoskeletal disorders, sleep apnea, gall bladder disease, arthritis and certain types of cancer.

There is a tremendous controversy among scientists over the cost of obesity. A year ago it was thought to be the number two cause of death in American after tobacco. Last fall the Center for Disease Control released information, in the presence of intense internal scientific argument, reducing the estimate of obesity related deaths from 400,000 to 375,000 deaths annually. It recently lowered its estimate to 100,000 obesity related deaths per year. These figures seem to indicate that nobody really knows the death consequence of obesity.

Despite the controversy over the issue of death, the rate of incidence of obesity related diseases, particularly Type 2 diabetes, and the financial cost of these diseases is better known. Obesity costs Alaska \$195 million annually in direct medical expenses, \$17 million of which is financed by Medicare and \$29 million that is financed by Medicaid. Diabetes in Alaska has doubled in the past 10 years. Today five percent of Alaska's adult population has been told by a doctor that they have diabetes and diabetes is one of the top five causes of death in

the state. It is estimated that one in three children born in the year 2000 will develop diabetes as a consequence of obesity.

[2:11:47 PM](#)

CHAIR DYSON asked whether the recent increase in the rate of diabetes is due to recent improvements in data recording methods.

DR. MANDSAGER responded it is unrelated to data collection techniques.

CHAIR DYSON asked whether data on diabetes is just as accurate today as it was ten years ago when the big jumps in diabetes began.

DR. MANSAGER replied:

It is with one caveat. If you assume that the accuracy of diagnosis and the codes are the same as they were ten year ago, then your statement is valid.

[2:16:41 PM](#)

DR. MANDSAGER continued SB 162 would help to address the problem by requiring schools to determine the average body mass index (BMI) of their students. This would give schools information from which to develop their own welfare and wellness policies.

He added:

There is an amendment that I would suggest be considered if this bill is to move. On page 3 of the bill, on line 29, current statute says that the Department of Health and Social Services shall train and certify public health nurses and school districts to conduct hearing and screening tests. In fact, we are not meeting that statute today. We are assisting school districts when we are requested to train, but we aren't certifying anybody and we clearly don't train everybody.

We have submitted a zero fiscal note with the assumption that we can come to an understanding that the wording for that can be changed to say, "assist the department of education and early development in

training school district employees." If this bill were to be moved, that would be my suggestion for a change.

CHAIR DYSON understood Dr. Mandsager to have implied schools that are proactive in addressing the problem would have a greater chance of receiving funds to help facilitate their efforts.

DR. MANDSAGER said the department has a proposal with Senator Stevens to increase the funding for its obesity program and he envisions using that money in partnership with schools. He said the compilation of BMI data in the Anchorage school district has encouraged the community, the mayor's office and the school to discuss the problem.

CHAIR DYSON said:

So getting the information on the BMI gives the school districts a baseline to decide if and where they have a problem and a baseline to evaluate the effectiveness of whatever they do. Having that baseline is going to help them to convince the funding sources that there is a problem that needs to be addressed.

DR. MANDSAGER said:

I would also argue that it gives information to communities to decide what they, as communities, want to do to address the problem.

[2:21:42 PM](#)

BEVERLY SMITH, Christian Science Committee on Publication, Alaska, said:

The Committee on Publication for Alaska respectfully requests an amendment on page 3 to add part C which would say, 'Notwithstanding A of this section, a person required to conduct a test or cause a child to receive a vision, weight, height and hearing screening under this section is exempt from this requirement if the parent or guardian of the child objects to the testing procedure on the grounds that the procedure conflicts with the religious tenants or practices of the parent of guardian.' The parent shall sign a statement that the parent knowingly refuses the

examination and the person conducting the test or causing the child to receive an examination shall have a copy of this signed statement retained in the school record.

Parents that use prayer and spiritual means for the care and healing of their children can choose to object to a vision, weight, height and hearing examination. Christian Science is one of the religious non-medical forms of treatment that relies on spiritual means through prayer to heal illness, injuries and other conditions.

[2:25:01 PM](#)

SENATOR GREEN said:

Over time the school has become the doctor's office for many people and for people who prefer not to go to a medical doctor, it becomes an end-run around their choice. That is my concern with this bill. I think that it goes too far and I think it creates an incredible reporting burden for many schools and people.

I think that Dr. Mandsager's stated lack of success trying to change the diets of some of his obesity patients demonstrates that we don't impact people very well this way and I certainly don't want the Legislature involved in it. This is a laudable goal, but a strange way of going about it.

BARBARA TOMPSON, director, Division of Teaching and Learning Support, DHSS, said:

I am here to speak to the fiscal note that we prepared. It indicates that the costs related to the bill are indeterminate at this time. We know that we would have to draft and implement a number of regulations related to the collecting and recording of data that the school districts are required to provide under this bill. We just don't know what they will translate into cost-wise.

To speak to the amendment that was proposed, if the language is changed to have the Department of Health and Social Services assist the Department of Education

in Training, the fiscal note will have to be revised because we did not account for the way that it will affect the fiscal note.

[2:32:51 PM](#)

CHAIR DYSON asked whether the department has taken a position on this bill.

MS. THOMPSON said the department has not taken an official position on the bill.

CHAIR DYSON said he does not see how writing down the height and weight of a kid on a chart is going to be especially difficult for a school. Overweight children coming out of the schools represent a great unfunded mandate upon the state and some of that costs associated with it should be transferred to the schools that are in part responsible for them.

[2:36:56 PM](#)

SENATOR GREEN said she was not referring to measurements of height and weight, which she believes are already taken, but rather to the costs that are associated with the collection and analysis of the data. She asked if a "Body Mass Index" (BMI) refers to a diagnosis.

[2:38:21 PM](#)

DR. MANDSAGER said the BMI is only a screen and not a diagnosis. It is the best test for obesity that the schools can reasonably be expected to administer.

[2:43:14 PM](#)

DR. OLSON remarked he would like to hear the position of private schools on the bill.

CHAIR DYSON held SB 162 in committee. There being no further business to come before the committee, he adjourned the meeting at 2:45 PM.