

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

April 26, 2006

1:34 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

SENATE CONCURRENT RESOLUTION NO. 28

Relating to the innovative application of education technology tools to provide improved distance education programs in the state.

HEARD AND HELD

SENATE BILL NO. 281

"An Act relating to interdistrict operation of public schools; relating to enrollment of students by school districts and regional educational attendance areas; and relating to charter schools and correspondence programs."

HEARD AND HELD

Overview: Obesity Prevention - American Heart Association

CS FOR HOUSE BILL NO. 258(JUD)

"An Act relating to aggravating factors at sentencing for sexual assault and sexual abuse."

MOVED CSHB 258(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 393(HES)

"An Act requiring that certain health care insurance plans provide coverage for the costs of colorectal cancer screening examinations and laboratory tests; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SCR 28

SHORT TITLE: TECHNOLOGY FOR DISTANCE EDUCATION
SPONSOR(s): HEALTH, EDUCATION & SOCIAL SERVICES

04/13/06	(S)	READ THE FIRST TIME - REFERRALS	
04/13/06	(S)	HES	
04/19/06	(S)	HES AT 1:30 PM BUTROVICH 205	
04/19/06	(S)	Heard & Held	
04/19/06	(S)	MINUTE(HES)	
04/21/06	(S)	HES AT 1:30 PM BUTROVICH 205	
04/21/06	(S)	-- Meeting Canceled --	
04/24/06	(S)	HES AT 1:30 PM BUTROVICH 205	
04/24/06	(S)	SCHOOL DIST.	ENROLLMENT
		SHARING/CORRESPON	
04/26/06	(S)	HES AT 1:30 PM BUTROVICH 205	

BILL: SB 281

SHORT TITLE: SCHOOL DIST. ENROLLMENT SHARING/CORRESPON
SPONSOR(s): SENATOR(s) DYSON

02/13/06	(S)	READ THE FIRST TIME - REFERRALS	
02/13/06	(S)	HES, FIN	
03/01/06	(S)	HES AT 1:30 PM BUTROVICH 205	
03/01/06	(S)	Heard & Held	
03/01/06	(S)	MINUTE(HES)	
03/03/06	(S)	HES AT 2:00 PM BUTROVICH 205	
03/03/06	(S)	Scheduled But Not Heard	
03/13/06	(S)	HES AT 1:30 PM BUTROVICH 205	
03/13/06	(S)	Heard & Held	
03/13/06	(S)	MINUTE(HES)	
03/27/06	(S)	HES AT 1:30 PM BUTROVICH 205	
03/27/06	(S)	<Above Bill Hearing Canceled>	
04/19/06	(S)	HES AT 1:30 PM BUTROVICH 205	
04/19/06	(S)	Scheduled But Not Heard	
04/21/06	(S)	HES AT 1:30 PM BUTROVICH 205	
04/21/06	(S)	-- Meeting Canceled --	
04/24/06	(S)	HES AT 1:30 PM BUTROVICH 205	
04/24/06	(S)	HEALTH CARE DECISIONS	
04/26/06	(S)	HES AT 1:30 PM BUTROVICH 205	

BILL: HB 258

SHORT TITLE: SEXUAL ASSAULT BY PERSON WITH HIV/AIDS
SPONSOR(s): REPRESENTATIVE(s) LYNN

04/06/05	(H)	READ THE FIRST TIME - REFERRALS	
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04/06/05 (H) HES, JUD
 02/23/06 (H) HES AT 3:00 PM CAPITOL 106
 02/23/06 (H) <Bill Hearing Rescheduled to 2/28/06>
 02/28/06 (H) HES AT 3:00 PM CAPITOL 106
 02/28/06 (H) Scheduled But Not Heard
 03/21/06 (H) HES AT 3:00 PM CAPITOL 106
 03/21/06 (H) Moved CSHB 258(HES) Out of Committee
 03/21/06 (H) MINUTE(HES)
 03/24/06 (H) HES RPT CS(HES) 7DP
 03/24/06 (H) DP: CISSNA, GATTO, GARDNER, KOHRING,
 ANDERSON, SEATON, WILSON
 04/10/06 (H) JUD AT 1:00 PM CAPITOL 120
 04/10/06 (H) Moved CSHB 258(JUD) Out of Committee
 04/10/06 (H) MINUTE(JUD)
 04/12/06 (H) JUD RPT CS(JUD) NT 5DP 1NR
 04/12/06 (H) DP: GARA, WILSON, KOTT, GRUENBERG,
 MCGUIRE;
 04/12/06 (H) NR: COGHILL
 04/19/06 (H) TRANSMITTED TO (S)
 04/19/06 (H) VERSION:
 04/20/06 (S) READ THE FIRST TIME - REFERRALS
 04/20/06 (S) HES, JUD
 04/26/06 (S) HES AT 1:30 PM BUTROVICH 205

BILL: HB 393

SHORT TITLE: INSURANCE FOR COLORECTAL CANCER SCREENING

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

01/25/06 (H) READ THE FIRST TIME - REFERRALS
 01/25/06 (H) L&C, HES
 02/03/06 (H) L&C AT 4:15 PM CAPITOL 17
 02/03/06 (H) -- Meeting Canceled --
 02/06/06 (H) L&C AT 3:15 PM CAPITOL 17
 02/06/06 (H) Moved CSHB 393(L&C) Out of Committee
 02/06/06 (H) MINUTE(L&C)
 02/08/06 (H) L&C RPT CS(L&C) 5DP 1NR 1AM
 02/08/06 (H) DP: CRAWFORD, LYNN, LEDOUX, GUTTENBERG,
 ANDERSON;
 02/08/06 (H) NR: KOTT;
 02/08/06 (H) AM: ROKEBERG
 02/14/06 (H) HES AT 3:00 PM CAPITOL 106
 02/14/06 (H) Moved CSHB 393(HES) Out of Committee
 02/14/06 (H) MINUTE(HES)
 02/17/06 (H) HES RPT CS(HES) 6DP
 02/17/06 (H) DP: GARDNER, CISSNA, ANDERSON, GATTO,
 SEATON, WILSON
 02/22/06 (H) TRANSMITTED TO (S)

02/22/06 (H) VERSION: CSHB 393(HES)
 02/23/06 (S) READ THE FIRST TIME - REFERRALS
 02/23/06 (S) L&C, HES
 03/09/06 (S) L&C AT 1:30 PM BELTZ 211
 03/09/06 (S) Heard & Held
 03/09/06 (S) MINUTE(L&C)
 04/04/06 (S) L&C AT 1:30 PM BELTZ 211
 04/04/06 (S) Moved CSHB 393(HES) Out of Committee
 04/04/06 (S) MINUTE(L&C)
 04/05/06 (S) L&C RPT 5DP
 04/05/06 (S) DP: BUNDE, DAVIS, ELLIS, SEEKINS,
 STEVENS B
 04/26/06 (S) HES AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

Wes Keller, Legislative Aide
 Staff to Senator Dyson
 State Capitol Bldg.
 Juneau, AK 99801

POSITION STATEMENT: Introduced SCR 28 and SB 281.

Suzanne Muenier, Director of Advocacy
 American Heart Association
 1057 W Fireweed Ln, Suite 100
 Anchorage, AK 99503

POSITION STATEMENT: Presented information on obesity prevention.

Dr. Bob Urata
 3220 Hospital Drive, Suite 100
 Juneau, AK 99801

POSITION STATEMENT: Presented information on obesity prevention.

Tammy Green, Section Chief
 Chronic Disease Prevention and Health Promotion
 Division of Public Health
 Department of Health & Social Services
 PO Box 110601
 Juneau, AK 99801-0601

POSITION STATEMENT: Presented information on obesity prevention.

Rosie Fletcher
 Task Force on Obesity and Health
 Olympic athlete and community volunteer
 Girdwood, AK

POSITION STATEMENT: Presented information on obesity prevention.

Dr. Rob Boyer, Director
Staffing and Recruitment
Anchorage School District
4600 DeBarr Road
PO Box 196614
Anchorage, Alaska 99519-6614

POSITION STATEMENT: Presented information on obesity prevention.

Representative Bob Lynn
State Capitol Bldg.
Juneau, AK 99801

POSITION STATEMENT: Sponsor of HB 258.

Susan Parkes, Assistant Attorney General
Criminal Division
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Answered questions regarding HB 258.

Michael Sica, Legislative Aide
Staff to Representative Bob Lynn
State Capitol Bldg.
Juneau, AK 99801

POSITION STATEMENT: Presented information on HB 258.

Brenda Standfill, Executive Director
Alaska Center for Nonviolent Living
130 Seward Street, Suite 214
Juneau, AK 99801

POSITION STATEMENT: Testified on SB 258.

Heath Hilyard, Legislative Aide
Staff to Representative Anderson
State Capitol Bldg.
Juneau, AK 99801

POSITION STATEMENT: Introduced HB 393.

Melanie Millhorn, Director
Division of Retirement and Benefits
Department of Administration
PO Box 110200
Juneau, AK 99811-0200

POSITION STATEMENT: Answered questions regarding HB 393.

Molly McCammon
Anchorage, AK

POSITION STATEMENT: Testified in support of HB 393.

Emily Nenon, Director of Government Relations
American Cancer Society
1057 W Fireweed Ln.
Anchorage, AK 99503

POSITION STATEMENT: Testified in support of HB 393.

Dr. Daryl McClendon
3340 Providence Dr. Suite 352
Anchorage, AK 99508

POSITION STATEMENT: Testified in support of HB 393.

ACTION NARRATIVE

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:34:33 PM](#). Present were Senators Kim Elton, Donny Olson, Lyda Green, Gary Wilken and Chair Fred Dyson.

SCR 28-TECHNOLOGY FOR DISTANCE EDUCATION

CHAIR DYSON announced SCR 28 to be up for consideration.

WES KELLER, Staff to Senator Dyson, said SCR 28 resolves to encourage the responsible application of education technology, the virtual grouping of students, the allocation of technology funding to offset the burden caused by increases in the student teacher ratio, and the distribution of the resolution to all school board members in the state. He recommended the committee adopt version F as its working document.

[1:37:27 PM](#)

CHAIR DYSON moved the F version and objected for the purpose of discussion. He remarked that the committee's approval of the resolution would encourage people who are currently working on issues related to the resolution.

SENATOR ELTON commented that most of the resolves in SCR 28 speak to rural areas but not to urban areas. He remarked that the use of technology in schools is also an urban issue.

CHAIR WILKEN moved to report SCR 28 from committee with individual recommendations. There were no objections and it was so ordered.

[1:39:35 PM](#)

SB 281-SCHOOL DIST. ENROLLMENT SHARING/CORRESPON

CHAIR DYSON announced SB 281 to be up for consideration.

WES KELLER, Legislative aide to Senator Dyson, said that SB 281 authorizes any school district in the state to enroll students from across the state under the following conditions: the program must be chosen by the resident district and parents, and there must be a cooperative legal agreement between the district the student comes from and the district in which the student is enrolling to provide the school facility and supervision of the child. If these conditions are met, the enrolling school would receive 100 percent state funding for that child. Otherwise the enrolling school would only receive 80 percent of state funding, which is the current funding level for correspondence education.

[1:42:03 PM](#)

CHAIR DYSON remarked that the Attorney General's (AG) office recently issued an opinion stating that while there is nothing in current statute to preclude the aforementioned cooperation between districts, there is a significant chance it could be challenged because our current statutes regarding education were founded around the presupposition that each district has complete control over education for all of the students in it. He said that SB 281 makes it clear that districts could enter into cooperative agreements across district lines.

He said that the legislation would allow failing districts to enter into cooperative agreements with other districts to satisfy the requirements of the No Child Left Behind Act (NCLBA), most importantly those pertaining to parental choice. It would also allow smaller schools to cooperate with other districts to establish virtual classes on specific subjects such as art and foreign languages.

SENATOR OLSON asked whether students in private schools could participate in these programs.

MR. KELLER replied that private students would not be allowed to participate unless they enroll in a public program.

[1:45:32 PM](#)

SENATOR OLSON asked whether the legislation would have an adverse affect on private education.

MR. KELLER replied that it would not, but added that it may create competition between public and private schools.

[1:46:38 PM](#)

CHAIR DYSON added that this bill would not preclude private school students from enrolling in virtual classes offered through public schools.

SENATOR GREEN asked where the bill requires the permission of both school districts.

[1:48:18 PM](#)

MR. KELLER replied that it appears on section 5, page 2, lines 22 through 30.

SENATOR GREEN asked whether the bill requires a mutual agreement for enrollment or a mutual agreement for 100 percent funding.

MR. KELLER replied that the student could not enroll in a different district if his home district does not agree to allow it.

CHAIR DYSON added that in order for the enrolling district to receive 100 percent funding, there must be a mutual agreement between the districts.

SENATOR GREEN asked whether there are any schools in the state that accept students from other districts.

MR. KELLER replied that Alyeska Central School offers distance education to students from all over the state, but that currently no schools in the state accept non-correspondence students from other home districts.

SENATOR GREEN asked whether the bill would apply to existing schools that serve out of district students.

MR. KELLER replied that the successor of the Alyeska School is a leading example of what this bill explicitly allows. However, there is some question of whether their current operations are appropriate because, according to an AG opinion a local school

district operating within its own borders is the foundation of the state education system.

CHAIR DYSON remarked that this bill explicitly authorizes cooperative agreements between districts on purchasing, building maintenance and renovation.

SENATOR ELTON asked whether anything in the legislation prohibits, for example, the Juneau School District from opening a brick and mortar school in Gustavus. He asked whether the student attending that school would be funded at 80 or 100 percent.

MR. KELLER replied that they would be funded at 80 percent unless the home district provides the supervision of the child. He added that since the school would receive only 80 percent of regular state funding, there would be no incentive for a district to open a brick and mortar school in another district.

SENATOR ELTON referenced the following from the AG's opinion:

The local school district operating within its borders is the foundation of the state's educational system; K-12 is, by statutory design delivered locally.

He remarked that legislation that would allow a district to open a brick and mortar school in another district seems to directly conflict with the AG's opinion.

MR. KELLER remarked that the AG's opinion is only an interpretation of existing law.

[1:57:39 PM](#)

SENATOR ELTON expressed concern that this legislation would allow for a significant change in state policy.

CHAIR DYSON replied that he thought a change in state policy is in order. He said that this bill would allow a school failing the standards of the NCLBA to enlist the support of a well-managed school district.

[2:00:06 PM](#)

SENATOR ELTON reiterated that this legislation would create a significant change in state policy by allowing a school district

to operate a brick and mortar school in another district without a contractual arrangement with the local district.

CHAIR DYSON responded that it accommodates the requirements of the NCLBA in that it gives parents the choice of removing their child from a failing school.

[2:01:38 PM](#)

SENATOR WILKEN suggested testing the concept behind the legislation in a few districts before applying it to the entire state.

[2:03:48 PM](#)

SENATOR GREEN asked Mr. Keller to point out where the bill requires a cooperative agreement between districts.

MR. KELLER replied that before proceeding further, he would like some time to work on the bill.

SENATOR ELTON concurred with Mr. Keller's suggestion and added that it would be beneficial for the committee to hear the opinion of some of the districts before proceeding with it.

CHAIR DYSON moved to adopt version I as the committee's working document. There were no objections and it was so ordered. He held SB 281 in committee.

[2:06:21 PM](#)

CHAIR DYSON announced that the committee would hear a presentation on Obesity Prevention from the American Heart Association.

SUZANNE MUENIER, Director of Advocacy, American Heart Association (AHA), stated that childhood obesity has become an epidemic in Alaska and in the United States. She introduced the following members who would speak in the overview, Dr. Bob Urata, soon to be president of the AHA for the Pacific Mountain Affiliate, Dr. Robb Boyer, Director of Staffing and Recruitment, Anchorage School District, and Rosie Fletcher, Olympic athlete and community volunteer.

DR. BOB URATA defined obesity and described the Body Mass Index (BMI) measurement system to the committee. He said that the term obesity is not applied to children because of its negative connotations, and added that children are deemed to be at risk of being overweight if their BMI is between the 85th and 95th

percentiles for people ages two to twenty. He said that if a child is over the 95th percentile for his age group, he is considered to be overweight.

Dr. Urata said that obesity has increased in the United States over the past two years. When the Center of Disease Control (CDC) initiated the Behavioral Risk Factor Surveillance System in 1985, no participating state had a rate of obesity over 15 percent. In 2004 nine states showed rates of more than 25 percent obesity and 33 states had rates of between 20 to 24 percent. He added that the obesity rate in Alaska exceeded 20 percent in 1998 and has remained near that level.

CHAIR DYSON expressed his dismay that only three states have obesity rates lower than 19 percent.

[2:10:52 PM](#)

DR. URATA said that 63 percent of Alaska's adult residents and 60 percent of the national adult population are either overweight or obese. He referenced a slide showing that 29 percent of male and 22 percent of female high school students are overweight or at risk of being overweight, and added that over the last two decades the rates for overweight adolescents have tripled.

He pointed to some of the consequences of obesity including high blood pressure, high cholesterol, orthopedic disorders, type II diabetes, psycho-social disorders, musculo-skeletal disorders, sleep apnea, gall bladder disease and certain types of cancer including cancer of the colon, kidney, gall bladder, post menopausal breast cancer and endometrial cancer. He said that if you have a BMI of over 45 your life expectancy is reduced by over 20 years.

[2:12:38 PM](#)

DR. URATA said that obesity costs Alaska \$195 million in annual direct medical expenses, \$17 million of which is financed by Medicare and \$29 million of which is financed by Medicaid. Obesity has a greater morbidity than smoking, problem drinking and poverty and will soon overtake smoking as the leading cause of preventable death. The National Institute of Health (NIH) projects that our next generation of children will be the first in United States history whose life expectancy will be shorter than their parents due to the impacts of obesity and its related health consequences.

2:14:35 PM

SUZANNE MUENIER, said that between 70 and 80 percent of overweight children would be overweight as adults. Eighty-two percent of Alaskan adolescents do not attend physical education classes on a daily basis and 32 percent are not getting the CDC's recommendation for 60 minutes of physical activity most days of the week. Only 16 percent of Alaskan adolescents are consuming the recommended five daily servings of fruits and vegetables. She commented that the AHA recommends that government institute policy changes to promote quality physical activity and nutrition.

2:16:00 PM

She said that schools are ideally suited to promote lifelong healthy exercise and diet as 95 percent of children are enrolled in school. A poll from "Action for Healthy Kids" shows that while 62 percent of parents rate their children's school as excellent or good on making daily physical education available for all students, but only 5.8 to 8 percent of schools nationally provide students with daily physical education.

2:17:50 PM

ROSIE FLETCHER, Alaskan Olympic Bronze Medalist, is a member of the Anchorage Mayor's Task Force on Obesity and Health. She said that in the last five years she has noticed that nutrition and working out are taking a back seat to anything technological. She shared an experience with a group of Russian Jack elementary school students on a class run, which illustrated the level of resistance to physical endeavor. She then introduced Robb Boyer to present the task force's ten-year plan.

2:21:29 PM

DR. ROBB BOYER, Director of Staffing and Recruitment for the Anchorage School District, is the District Representative to the Mayor's Task Force, which was initiated 10 months ago amidst strong community support and involvement. He said that its first goal is to ensure the implementation, oversight, and regulation of their ten-year plan. To meet this goal, the committee divided its plan into one, three, five, and ten-year goals that will be reviewed by a Health and Human Services Committee as well as a standing committee made up from the Obesity Task Force.

[2:24:05 PM](#)

The second goal of the task force is to improve nutrition and physical activity among Anchorage residents. He remarked that poor nutrition and inadequate physical activity are complex issues requiring complex solutions. While there is overwhelming support for increased physical activity in school programs, the costs associated with these programs make them difficult to implement. He remarked that the task force's plan is comprehensive, providing a good template to frame the issues, and a forum for discussion.

[2:26:01 PM](#)

DR. URATA said that the AHA views obesity as a barrier to achieving its goal of reducing death and disability by 25 percent by 2010. It has developed a program with other groups such as the Robert Wood Johnson Foundation, the Clinton Foundation, and the Murkowski Administration to halt the increase of childhood obesity by 2010 and reduce the prevalence of childhood obesity by 10 percent by 2015.

He concluded the presentation by restating that the National Institute of Health (NIH) projects that our next generation of children will be the first in the history of the United States whose life expectancy will be shorter than their parents due to the impacts of obesity and its related health consequences.

[2:28:25 PM](#)

CHAIR DYSON asked what is causing the obesity epidemic

DR. URATA replied that there are many contributing factors such as decreased physical activity, increased use of computers, poor dietary habits, and a decreasing awareness of healthy eating habits.

DR. BOYER added that a reduction in funding for health programs and extracurricular activities has contributed to the problem. He said the availability of junk food in vending machines and cafeterias has also contributed to the problem.

[2:30:06 PM](#)

CHAIR DYSON remarked that 20 to 25 years ago there was a significant fitness craze and asked whether the general enthusiasm of that era has changed.

DR. URATA replied that while many people still profess a desire to lead a healthy lifestyle, the reality is that our busy lifestyles have led to poor dietary and exercise habits among the general public.

[2:32:25 PM](#)

SENATOR OLSON asked whether there are benefits of obesity.

DR. URATA replied that he was not familiar with any benefits of obesity.

SENATOR OLSON asked whether obesity offsets the chance of developing osteoporosis.

DR. URATA replied that exercise and a good diet including calcium is very important. While a heavier person may be less likely to develop osteoporosis, the consequences of obesity are so great that an obese person's overall life expectancy would be less than it would be if he were thin and healthy.

SENATOR OLSON asked if it is important for a mother to be well nourished while carrying a child.

[2:34:08 PM](#)

DR. URATA replied that a fit mother with a good diet and prenatal vitamin supplements should have everything that she needs to have a healthy baby. He added that if his patients are obese he tries to put them on a healthy diet with five vegetables a day, lean meats, a snack, and their prenatal vitamin pill. He acknowledged that obese women should not attempt to lose weight during pregnancy.

[2:38:43 PM](#)

CHAIR DYSON asked what the legislature could do to address the problem.

MS. MUENIER replied that the problem would require a comprehensive, collaborative approach. She remarked that the legislature effectively contributed to the state's success in curbing tobacco use and suggested that it might consider using a

similar approach to address the problem of obesity. She said she did not come with any specific policy recommendations, but pledged the support of the AHA in helping the legislature, particularly during the interim months.

[2:41:03 PM](#)

CHAIR DYSON remarked that taxes were increased on tobacco products and asked whether they should try to increase taxes on junk food as well.

Ms. Muenier replied that she did not have information on that suggestion. She added that the AHA could offer suggestions based on legislation and programs implemented in other states.

CHAIR DYSON thanked Ms. Muenier for her work on this problem.

[2:42:37 PM](#)

CSHB 258(JUD)-SEXUAL ASSAULT BY PERSON WITH HIV/AIDS

CHAIR DYSON announced CSHB 258(JUD) would be taken up for consideration.

REPRESENTATIVE BOB LYNN, sponsor of HB 258, said that CSHB 258(JUD) makes rape or sexual assault by anyone infected with HIV/AIDS an aggravating factor in sentencing. He said that how or why the perpetrator may have acquired HIV/AIDS is not the issue, the sexual orientation of the perpetrator is not the issue, and any perceived stigma that someone associates with this life threatening disease is not the issue. The bill is only about whether a convicted rapist or sexual predator previously diagnosed with HIV/AIDS should be subject to an aggravating factor at sentencing for committing a horrific and life changing crime.

He said that this legislation has received tremendous support from both law enforcement officials and victims of sexual assault, and remarked that Anchorage Police Chief, Walt Monegan described a sexual predator with HIV/AIDS as an assailant with an insidious weapon that can be used to further strike out against victims and victim's loved ones. He then quoted the following from Susan Sullivan, Executive Director of Victims for Justice:

Adding months of terror and possibly years of illness and a shortened life to the horror of rape makes an attack by an HIV positive rapist a horrendous assault.

REPRESENTATIVE LYNN noted that GERAD G. GODFREY, Chairman of the Violent Crimes Compensation Board, urges passage of this bill. He stated that 24 states throughout the country have laws that specifically criminalize exposure or transmission of HIV/AIDS, and that it is time that Alaska joins these states considering that it has the highest rate of sexual assault in the nation.

CHAIR DYSON asked how an aggravating factor affects sentencing.

[2:52:16 PM](#)

SUSAN PARKES, Deputy Attorney General, Criminal Division, Department of Law, who responded that an aggravator allows a judge to go beyond the presumptive sentencing range that is set for a given offence. She added that the finding of an aggravator does not require a judge to enhance a sentence.

[2:53:10 PM](#)

CHAIR DYSON remarked that the committee has heard testimony from police officers who have had bodily fluids thrown at them by persons at least purported to have HIV. He asked Representative Lynn whether he had considered that kind of assault while drafting the legislation.

REPRESENTATIVE LYNN replied that he had not.

MIKE SICA, staff to Representative Lynn, noted that the Alaska Correctional Officers Association and the Public Safety Employees Association support this bill and see it as a protection for them, although the primary protection is for victims of sexual assault.

BRENDA STANFILL, from the Center for Non-Violence, testified in support of CSHB 258(JUD) and made herself available for questions.

CHAIR DYSON asked whether anyone had testified in opposition to the bill.

MR. SICA replied that a representative of the Alaska Alliance for AIDS Awareness testified against the bill out of concern for the stigma that any bill that mentions HIV/AIDS might cause.

2:56:34 PM

SENATOR GREEN moved to report CSHB 258(JUD) out of committee with individual recommendations and no fiscal notes. There were no objections and it was so ordered.

2:57:20 PM

CSHB 393(HES)-INSURANCE FOR COLORECTAL CANCER SCREENING

CHAIR DYSON announced CSHB 393(HES) to be up for consideration.

HEATH HILYARD, Staff to Representative Anderson, said that a blank committee substitute (CS) for the bill was submitted to the committee. He remarked that he would like to explain the changes within the CS.

CHAIR DYSON moved to adopt SCS CSHB 393(HES), version L of as the committee's working document. He objected for the purpose of discussion.

MR. HILYARD said that the only substantial difference between version L and the previous version could be found on page 2, beginning on line 21. The change clarifies that notification is the responsibility of the employer, not the insurance company, unless the policy is being purchased directly by an individual from the company, in which case the standard notification process is in place.

He said that colorectal cancer is the second leading cause of cancer deaths in Alaska and Alaska Natives have the highest rates of colorectal cancer in the country. He added that the survival rate for colorectal cancer when caught at the localized stage through routine screening is over 90 percent but, if it progresses to advanced stages, the survival rate is only about 10 percent.

MR. HILYARD said that colonoscopies are over 90 percent effective at detecting colon cancer and can remove precancerous polyps. Screening is cost effective and national studies confirm that the cost of these screenings is minimal when spread across the insured population.

SENATOR OLSON asked what is the incidence of complications for colonoscopies.

MR. HILYARD replied that he could not answer that question.

SENATOR ELTON asked whether this bill allows the insurer to choose a particular screening method.

[3:01:11 PM](#)

MR. HILYARD replied that language in the original bill specifying the four available methods for colorectal screening was removed in the CS. He added that page 2 of the CS references the use of the test recommended in the American Cancer Society (ACS) guidelines for colorectal screening. He remarked that many of the major insurance providers recognize this test as the gold standard for the procedure.

SENATOR ELTON asked if he is correct in his understanding that passage of the bill would require insurance companies to cover any one of the four procedures.

MR. HILYARD replied yes.

CHAIR DYSON asked Ms. Millhorn whether the administration has taken a position on the bill.

MELANIE MILLHORN, Director, Division of Retirement and Benefits, replied that her division has not taken a policy position on the bill.

CHAIR DYSON asked whether this legislation would affect the state's retirement system.

MS. MILLHORN replied that her division has concluded that the bill would have no impact on the state's active and retiree plans because those plans are not regulated under AS.21.42.

[3:04:25 PM](#)

CHAIR DYSON asked whether the state has adopted the mandates that it has placed on the insurance industry.

MS. MILLHORN remarked that only the Commissioner of the Department of Administration has the authority to make changes to the state's active and retiree plans. She said that the State has voluntarily adopted some of the mandated coverage it has imposed such as mammograms, pap smears, and prostate specific antigen testing.

CHAIR DYSON asked whether the administration considered amending section 39, as well as 42.

MR. HILYARD replied that they had not made that consideration.

SENATOR ELTON asked whether the commissioner could exclude a benefit from a plan once it had been adopted.

MS. MILLHORN replied that might be considered a diminishment of benefits. The Alaska Supreme Court ruled that the advantages and disadvantages of changes to the retiree health plan must offset one another. She added that colorectal screening is covered under the State's active plan so long as a provider requests it and it occurs within 30 days of the employee's annual exam, but that preventative colorectal screening is not available under the retiree plan except for retirees with a related diagnosis.

[3:08:25 PM](#)

SENATOR ELTON asked whether the bill requires insurance companies to pay the entire cost of colorectal cancer screening.

MR. HILYARD replied that on page 2, beginning on lines 1 and 2, the bill states that the standard policy provisions and the deductible and copayment provisions shall stay in place. He added that the sponsor had not considered a specific percentage structure for additional costs.

SENATOR ELTON remarked that his provider recommended that he have his procedure performed in Seattle because it is significantly cheaper there than in Juneau. He asked whether the bill takes prevailing costs into account.

MR. HILLARD replied that is not addressed in the bill.

CHAIR DYSON remarked that his wife's procedure cost nearly \$5,000, which was outrageous. He asked whether there is anything the legislature could do to address excessive billing from providers.

[3:12:08 PM](#)

MS. MILLHORN replied that that the state could advertise cost differences in their news breaks. She added that there are ways that the third party administrator could negotiate some charges through network savings and similar measures on an individual basis.

[3:13:15 PM](#)

CHAIR DYSON remarked that someone ought to review the medical invoices of State employees to ensure that all of the billed expenses are legitimate.

MS. MILLHORN replied that the division looks into some of those areas, and added that the state is adopting another third party administrator from which it expects to receive some benefits that will save the state money. She said that the division is considering making changes to its plan configuration to cover air travel to places that offer procedures at significantly lower rates.

[3:15:46 PM](#)

CHAIR DYSON asked whether any representatives from the insurance industry were scheduled to testify on this bill.

MR. HILYARD replied no.

CHAIR DYSON asked whether any representatives from the insurance industry had testified on the bill in previous hearings.

MR. HILYARD replied that representatives from the industry were present at several of the House committee meetings where the bill was discussed. He said Mr. Reed Stoops of AETNA testified that his organization had concerns about a section that has since been changed in the CS. He said that other than that they did not have any opposition to the bill. He remarked that AETNA and Blue Cross already provide coverage for the screening in their standard policies.

[3:17:02 PM](#)

CHAIR DYSON remarked that he hates putting mandates on the private sector, and that if spending the money on the test is going to provide better health outcomes for patient-client policyholders, and save the insurance company money in the long term, all responsible insurance companies should be doing it.

He related a conversation he had with insurance representatives five or six years ago when dealing with this issue. They admitted that the screening is good for them and their clients, but wanted to be sure that everyone would be required to cover it so that they would not be at a cost disadvantage.

MR. HILYARD said that a number of members in the other body expressed the same philosophical approach. The sponsor's office has worked with members of the insurance industry to satisfy any concerns with minimal impact, yet benefit the public health. He restated that while he has not received comment from small private insurers, the two major providers in this state have expressed their satisfaction with the bill.

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CHAIR DYSON asked whether Linda Hall, Director of the Division of Insurance (DOI), has commented on this bill.

MR. HILYARD replied that DOI believes this bill would have no fiscal impact. He said that she did not offer a policy position on the bill.

SENATOR ELTON referenced a statement from Blue Cross/Blue Shield of Alaska that it currently covers colorectal screening on all of its plans. He asked whether this benefit would extend to retirees without the Commissioner's acceptance of colorectal coverage, if the state adopts Blue Cross/Blue Shield as its third party administrator.

MR. HILYARD replied that active members are currently covered for this screening, but retirees are not.

SENATOR ELTON said he understood that active state members are only covered if a physician asks for the screening but this legislation would provide that they would be covered regardless of whether or not a physician requests the procedure.

MR. HILYARD replied that is correct.

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MOLLY McCAMMON, Juneau resident, testified in support of HB 393, saying that she is living proof that screening saves lives.

DARYL McCLENDON, MD, testified in support of HB 393. He said that coverage for colorectal screening is financially and medically prudent since the lifetime risk of colorectal cancer is high, one in twenty, and the incidence of survival is much higher when it is caught in the early stages of its development.

CHAIR DYSON said that the cost of the screening seems to be inordinately expensive in Anchorage and asked whether quality testing is available in other locations.

DR. McCLENDON replied that he did not know how the costs in Anchorage compare to costs in other areas.

CHAIR DYSON thanked the witness for his work in Alaska and announced that the bill would be held in committee.

There being no further business to come before the committee, CHAIR DYSON adjourned the meeting at [3:28:01 PM](#).