

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

April 28, 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**

CS FOR HOUSE BILL NO. 442(JUD) am

"An Act relating to the validity of advance health care directives, individual health care instructions, and do not resuscitate orders; relating to the revocation of advance health care directives; relating to do not resuscitate orders; relating to resuscitative measures; relating to the liability and discipline of health care providers, institutions, and facilities; relating to proceedings for judicial relief; relating to an individual's capacity for making health care decisions; and providing for an effective date."

MOVED CSHB 442(JUD) am OUT OF COMMITTEE

SENATE BILL NO. 287

"An Act establishing a higher education savings program for eligible persons who were placed in foster care by the state; and providing for confidentiality of identifying information of a beneficiary under the program."

HEARD AND HELD

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."

MOVED SCS CSHB 393(HES) OUT OF COMMITTEE

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."

SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 442

SHORT TITLE: HEALTH CARE DECISIONS

SPONSOR(S): REPRESENTATIVE(S) WEYHRAUCH

02/10/06	(H)	READ THE FIRST TIME - REFERRALS
02/10/06	(H)	HES, JUD
02/21/06	(H)	HES AT 3:00 PM CAPITOL 106
02/21/06	(H)	Scheduled But Not Heard
02/23/06	(H)	HES AT 3:00 PM CAPITOL 106
02/23/06	(H)	Heard & Held
02/23/06	(H)	MINUTE(HES)
02/28/06	(H)	HES AT 3:00 PM CAPITOL 106
02/28/06	(H)	Moved CSHB 442(HES) Out of Committee
02/28/06	(H)	MINUTE(HES)
03/03/06	(H)	HES RPT CS(HES) NT 4DP 1NR
03/03/06	(H)	DP: SEATON, GARDNER, KOHRING, WILSON;
03/03/06	(H)	NR: CISSNA
03/24/06	(H)	JUD AT 1:00 PM CAPITOL 120
03/24/06	(H)	Scheduled But Not Heard
03/27/06	(H)	JUD AT 1:00 PM CAPITOL 120
03/27/06	(H)	Moved CSHB 442(JUD) Out of Committee
03/27/06	(H)	MINUTE(JUD)
03/29/06	(H)	JUD RPT CS(JUD) NT 5DP
03/29/06	(H)	DP: GARA, COGHILL, GRUENBERG, KOTT, MCGUIRE
04/10/06	(H)	TRANSMITTED TO (S)
04/10/06	(H)	VERSION: CSHB 442(JUD) AM
04/12/06	(S)	READ THE FIRST TIME - REFERRALS
04/12/06	(S)	HES, JUD
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)	POSTSECONDARY TUITION FOR FOSTER CHILDREN
04/25/06	(S)	JUD AT 8:30 AM BUTROVICH 205
04/25/06	(S)	Scheduled But Not Heard
04/28/06	(S)	HES AT 1:30 PM BUTROVICH 205

BILL: SB 287

SHORT TITLE: POSTSECONDARY TUITION FOR FOSTER CHILDREN

SPONSOR(s): SENATOR(s) ELLIS

02/13/06 (S) READ THE FIRST TIME - REFERRALS  
02/13/06 (S) HES, FIN  
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) Bills Previously Heard/Scheduled  
04/28/06 (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  
04/26/06 (S) Heard & Held  
04/26/06 (S) MINUTE(HES)

**WITNESS REGISTER**

Jacqueline Tupou, Legislative Aide  
Staff to Representative Bruce Weyhrauch  
Alaska State Legislature  
Alaska State Capitol  
Juneau AK 99801-1182

**POSITION STATEMENT:** Presented sponsor statement for HB 442.

Eric Jenkins, Attorney at Law  
Representing Providence Anchorage Anesthesia Medical Group  
Davis Wright Tremaine, LLP  
Suite 800, 701 W. 8th Avenue  
Anchorage AK 99501-3468

**POSITION STATEMENT:** Supported HB 442.

Senator Johnny Ellis  
State Capitol Bldg.  
Juneau AK 99801

**POSITION STATEMENT:** Sponsor of SB 287.

Gabriel Aceves, Legislative Aide  
Staff to Senator Johnny Ellis  
State Capitol Bldg.  
Juneau AK 99801

**POSITION STATEMENT:** Sponsor of SB 287.

Julie Morris, Council  
Office of Faith-Based and Community Initiatives  
Department of Health & Social Services  
PO Box 110601  
Juneau AK 99801-0601

**POSITION STATEMENT:** Supported SB 287.

Mike Lesmann, Community Relations Manager  
Department of Health and Social Services  
Office of Children's Services  
130 Seward Street, Room 406  
P.O. Box 110630  
Juneau AK 99811-0630

**POSITION STATEMENT:** Supported SB 287.

Chip Waggoner, Executive Director

Alaska Conference of Catholic Bishops  
Archdiocese of Anchorage  
Anchorage AK

**POSITION STATEMENT:** Supported SB 287.

James F. Lynch  
Associate Vice President for Finance  
University of Alaska Fairbanks  
P.O. Box 757500  
Fairbanks, AK 99775

**POSITION STATEMENT:** Supported SB 287

Amanda Metivier, Student  
University of Alaska Anchorage  
**POSITION STATEMENT:** Supported SB 287

Emily Nenon  
Alaska Government Relations Director  
American Cancer Society  
1057 W Fireweed Lane # 204  
Anchorage AK 99503-1760  
**POSITION STATEMENT:** Supported CSHB 393.

#### **ACTION NARRATIVE**

**CHAIR FRED DYSON** called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:34:39 PM](#). Present were Senators Gary Wilken, Donny Olson, Kim Elton and Chair Fred Dyson. Senator Lyda Green joined the meeting in progress.

^#hb442

#### **CSHB 442(JUD) am - HEALTH CARE DECISIONS**

CHAIR DYSON announced CSHB 442(JUD) am to be up for consideration.

[1:35:17 PM](#)

JACQUELINE TUPOU, Staff to Representative Bruce Weyhrauch, Alaska State Legislature, presented the sponsor statement. She said that this narrowly crafted cleanup bill is simply for liability relating to people who carry out Advance Health Care Directives, and that the sponsor does not want to open the whole issue again.

MS. TUPOU explained that the bill amends the legal standard to which doctors are held, from "reasonable" to "good-faith". It

also allows doctors to correct their own mistakes when people have an Advance Health Care Directive. For example, if a patient with cancer had a Do Not Resuscitate (DNR) directive but broke his hip and required surgery under anesthesia, the doctor could revive him if necessary due to a problem resulting from medical error during that procedure. Furthermore, doctors honoring Advance Health Care Directives would not be subject to civil liability if, for instance, relatives disagreed with a decision. Ms. Tupou emphasized the importance of having the wishes of people who have an Advance Health Care Directive carried out by their families and loved ones.

[1:37:57 PM](#)

CHAIR DYSON asked whether there had been any opposition to the bill.

MS. TUPOU answered that there was minor opposition among attorneys about providing indemnity, but Representative Weyhrauch, a former president of the Alaska Bar Association, was familiar with that, and decided that was the best policy.

SENATOR GREEN arrived at [1:38:22 PM](#).

[1:38:28 PM](#)

SENATOR OLSON asked whether the medical community had offered an opinion on the bill.

MS. TUPOU replied that physicians brought this issue forward and added that Eric Jenkins Esq. was available via teleconference to answer questions for the Alaska State Medical Association and the "physicians and anesthesiologists groups."

[1:39:09 PM](#)

ERIC JENKINS, Attorney-at-Law, Davis Wright Tremaine LLP, said that he was representing Providence Anchorage Anesthesia Medical Group, and confirmed that his association is very much in favor of this bill.

SENATOR OLSON asked why the term "attending physician" was replaced by the term "physician".

MS. TUPOU replied that, as she understands it, the term "attending physician" is passé, since numerous doctors might see a patient once he is admitted to a hospital. The sponsor wanted to clarify that any physician attending a patient would honor his Advance Health Care Directives.

[1:41:34 PM](#)

SENATOR WILKEN moved to report CSHB 442(JUD) am from committee with individual recommendations and no fiscal note. Without objection, CSHB 442(JUD) am was reported from the Senate Health, Education and Social Services Standing Committee.

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^#sb287

[1:41:59 PM](#)

**SB 287-POSTSECONDARY TUITION FOR FOSTER CHILDREN**

CHAIR DYSON announced SB 287 to be up for consideration.

SENATOR JOHNNY ELLIS, sponsor, presented the bill. He said that in any given year there are approximately 1500 children in some form of foster care in the state due to abuse or neglect in their homes. Of that number, approximately 300 are 16, 17, and 18 year olds who are aging out of the foster care system and that the state offers very little, if any, support for these individuals. He said that SB 287 proposes using existing agencies and establishing a statute that would allow cooperation among state agencies, the University of Alaska (UA), the Office of Children's Services (OCS), and the Office of Faith-Based and Community Initiatives (OFBCI), to establish education savings accounts for these children.

SENATOR ELLIS said that the University of Alaska 529 college savings accounts are managed by T. Rowe Price and are said by experts to be among the finest educational savings programs in the nation. He remarked that the 529 savings accounts are a great tool for getting these children off to a good start.

He emphasized that the proposed arrangement would require nothing more than a statute and cooperation among existing state agencies and would not require the establishment of a new program or new government funding.

[1:46:03 PM](#)

CHAIR DYSON moved to adopt SB 287 Version F, as the working document, and objected for the purpose of discussion.

[1:46:18 PM](#)

CHAIR DYSON asked whether people are permitted to establish the scholarship funds for foster children at the present time.

GABRIEL ACEVES, staff to Senator Johnny Ellis, replied that the University of Alaska College Savings Plan accepts donations to

open 529 accounts. However, the state does not have a program to advertise the opportunity for a friend or relation of the beneficiary to make donations.

[1:47:23 PM](#)

SENATOR ELLIS remarked that currently, someone interested in making such a donation would have no way of knowing who the foster children are, due to privacy and protection issues. He said that is why it is necessary to establish cooperation between the University, OCS, which knows the identities of the foster children, and OFBCI, which would be responsible for promoting the idea.

[1:48:02 PM](#)

JULIE MORRIS, from the Office of Faith-Based and Community Initiatives, asked Mike Lesmann, Community Relations Manager for the Department of Health and Social Services (DHSS), Office of Children's Services, to join her before the committee.

[1:48:42 PM](#)

MIKE LESMANN, introduced himself.

[1:48:54 PM](#)

MS. MORRIS said that she is excited about this bill because she sees the OFBCI as the vehicle to target foster children who have aged out of the system at 18 and might otherwise end up homeless, with nothing, and nowhere to go.

She said that the bill would allow the OFBCI to target non-profits, community and faith-based organizations that would donate to these programs so that, working together with the the OCS, they could create a program that is not an entitlement program. She added that there are a lot of people who want to contribute to foster care children but have no way to do it.

[1:50:35 PM](#)

CHAIR DYSON asked what prevents the OFBCI from doing this now.

MS. MORRIS replied that the office, which has only three employees, is heavily burdened by the current demands of that office. She added that it has a tremendous need for technical assistance and for assistance applying for grants since many non-profits and faith-based organizations do not know how to partner with government.

She said that partnering with the OCS makes sense because the privacy laws governing foster children and children in state

custody are very strict and, through their partnership, OFBCI could maintain that confidentiality and still provide a service to these kids.

1:52:23 PM

CHAIR DYSON said that his question was "What keeps you from doing it?" and part of her answer was that OFBCI does not have the manpower. He remarked that he does not see how this bill would change that.

MS. MORRIS replied that their office has only been in existence for a year and is still trying to establish itself. She said that about \$275,000 was cut from the House and that money was needed to put an office together and hire a program officer to work with OCS.

1:53:31 PM

SENATOR GREEN asked why there is no fiscal note.

CHAIR DYSON said that he is not clear on that.

1:53:50 PM

MR. LESMANN said that the Office of Children's Services is also excited about this program, and supports SB 287. He said that it has two suggestions for consideration. First, adding an age requirement to focus on youth who have been in custody on or after age 16. The existing language states that "eligibility for the program is contingent on having been placed in foster care for not less than two years", so a child who was in foster care, for example, from age one to age three, would be eligible.

Second, the OCS understands that the sponsors do not intend to restrict eligibility for children who have been placed with a relative who may not be a licensed foster parent or in a residential treatment facility, but language on page 2, line 14 talks about the "child who has been placed in a foster home". It would recommend replacing "a foster home" with "out-of-home care", so that it is clear that the language applies to any child who was taken into state custody and placed outside of his or her own home.

1:55:48 PM

CHAIR DYSON asked him how long he has been with the department.

MR. LESMANN replied that he had been with the OCS since May 20, 2000.

CHAIR DYSON recalled working with Karen Perdue, the previous commissioner, on other things for kids who are "aging out" and said he believed that one of them addressed postsecondary education. He asked if he had any knowledge of that.

MR. LESMANN responded that OCS has a program called the Education and Training Voucher Program (Alaska ETV Program) that began in 2001 when the federal government passed the Federal Chaffee Foster Care Independence Act. It set up money for postsecondary education for children in the foster care system. Students can receive up to \$5,000 per year for academic expenses through it. Also, the University offers up to five Foster Youth Tuition Waiver Scholarships per year. The OCS has a program coordinator in the deputy commissioner's office who is responsible for an independent living program and, in each of 4 regions in the state, they have a dedicated caseworker who is assigned to each of the children aging out of foster care.

[1:58:11 PM](#)

CHAIR DYSON asked if he could provide documentation to explain those programs.

MR. LESMANN replied that he would be happy to do so.

CHAIR DYSON asked what keeps the things that Senator Ellis is talking about in SB 287 from happening now.

MR. LESMANN answered he is not sure how to answer that question, because he doesn't understand the University's current program. The Office of Faith-Based and Community Initiatives, because it is part of DHSS, as is OCS, has no confidentiality issues within the department. The OCS obviously knows who the kids are and who might be appropriate for a savings account, but the procedures are not set up and they are not referenced in state law.

[1:59:46 PM](#)

SENATOR ELTON said that it seems important to include younger children because foster parents and out-of-home care providers often form attachments with a foster child and may be particularly interested in providing for the education of that child.

MR. LESMANN replied that it is probably a public policy call and the OCS's recommendation is based on criteria from the Chaffee Foster Care Independence Act, which established that the child must have been in custody on or after his 16<sup>th</sup> birthday to be eligible for the Education and Training Voucher Program. He

asked the committee to consider a young child who has been in state custody and placed outside his home from age one to age three, and who is then reunited with his parents and dismissed from state custody. The OCS would have to track that child for the next 15 years, until he became eligible for the benefit.

[2:02:17 PM](#)

CHAIR DYSON remarked that the Senate passed HB 408 yesterday or the day before, which cleaned up a lot of child-related issues. One section of that bill stipulated that the permanent fund dividend (PFD) belonging to a child in out-of-home placement must be held in an interest-bearing trust or escrow account until the child is adopted. He asked how the OCS anticipates disbursing PFD funds and accumulated interest to the 18-year-old who is just getting out of state custody.

MR. LESMANN replied that a number of scenarios must be considered. If a child were released from state custody and reunited with his parents before the age of 18, the PFD trust account would be released to the biological parents. If reunification with the biological parents was not possible and a legal guardian was named, HB 408 stipulated that the trust account would remain protected until the child reached 18 and would then be released to the child.

CHAIR DYSON asked how the funds would be released to the child.

MR. LESMANN responded that if the child was no longer in state custody and no caseworker or independent living specialist had been assigned, there would be little or no further oversight.

CHAIR DYSON said he appreciates that for most purposes this state considers an 18-year-old an emancipated adult, but he wondered under what circumstances the state would offer additional services to a child after age 18. He said that his understanding was that, unless he were of diminished capacity, the state would offer a child additional services only if he specifically asked for them.

MR. LESMANN confirmed that understanding.

[2:06:08 PM](#)

CHAIR DYSON asked whether there are any limits on the federal money that Mr. Lesmann mentioned earlier in his testimony.

MR. LESMANN responded that the federal government gave OCS \$176,000 during the past year for the Alaska ETV Program, a little less than during the prior year.

CHAIR DYSON calculated that OCS could give \$6,000 to 28 kids or \$3,000 to 50 kids and asked how many children are actually aging out each year with no guardian, no reunification with biological parents, and no adoption.

MR. LESMANN responded that he doesn't have that number; he knows how many children age out each year based on age range, but not in terms of status and a permanency plan.

MS. MORRIS showed Mr. Lesmann the sponsor statement.

MR. LESMANN said that the sponsor statement indicates that nearly 500 children in state custody age out each year with no permanency plan.

CHAIR DYSON said that he questions that number, but does not have the information. He asked Mr. Lesmann if he could stay to answer questions later in the meeting.

MR. LESMANN said yes.

[2:07:58 PM](#)

CHIP WAGGONER, Executive Director, Alaska Conference of Catholic Bishops, the public policy arm of the Roman Catholic Church in Alaska, commended Senator Ellis for his innovative idea to assist foster children who want to attend postsecondary education and thanked members of the committee who have been involved with foster care issues both professionally and personally. Mr. Waggoner pointed out that children need many things: love, an adult who cares for them, continuity and certainty, which provide a sense of security. He related the story of a foster child who was assigned to a group home and had the opportunity to get into a better academic environment through the assistance of a caring adult. He said that this bill would allow other foster children to have the same opportunity by bringing the issue forward to people who are in a financial position to donate. Also, this bill would make it clear that the OCS could share information with the University to ensure that the program gets implemented. He stressed his support for the bill and urged the committee to push it through.

[2:12:09 PM](#)

CHAIR DYSON said that nothing precludes Mr. Waggoner and the Archdiocese from setting up scholarships now and making them available to kids who are aging out.

MR. WAGGONER responded that is probably correct, but that the Alaska Conference of Catholic Bishops didn't know about it and he doubted that members of his church knew about it. He said that the instruction to "identify donors and beneficiaries" is important, because it would allow the OFBCI to put it on its website.

CHAIR DYSON asked Mr. Waggoner whose website he had referred to.

MR. WAGGONER responded that the Office of Faith-Based and Community Initiatives, OCS, University of Alaska, and the Alaska Conference of Catholic Bishops could put it on their websites.

CHAIR DYSON said he does not mean to argue, but he is not aware of anything that prevents any of those groups from doing that now.

[2:13:34 PM](#)

JAMES F. LYNCH, Associate Vice President for Finance, University of Alaska, Fairbanks, testified by teleconference in favor of SB 287. He was the drafter of the original college-savings program for the University in 1991, and of the current college savings program, the goal of which is to create access to continuing education, and to change the mindset of children and parents from "if I go to college" to "when I go to college." He said that the University of Alaska contributes five four-year scholarships every year through the federal program.

[2:16:19 PM](#)

He said that, as a result of the permanent fund dividend and promotion of the college savings program, approximately 56 percent of their participants come from families with annual household incomes of less than \$52,000. A similar national program shows only 17 percent of participants with annual household incomes of less than \$52,000.

MR. LYNCH said that the college savings program has a provision for state agencies and non-profits to open and maintain accounts for beneficiaries and has special provisions for un-named accounts on which the opening agency is the owner; but he thinks it is desirable to have a program structured specifically to meet the goals of OCS with regard to foster children. He also pointed out that this type of program is long-term and it may be

20 or more years before the money is taken out and used for education, so it is important that the program be administered by an organization or agency that is going to be around that long. A non-profit could administer the program, but its objectives may not be the same as the OCS, and there is less assurance that it will be in existence long enough to serve the participants. He views this program as a fairly low-cost tool the department can use to meet its objectives.

[2:19:49 PM](#)

MR. LYNCH said the university manages 176,000 college savings accounts, so it is important, administratively, not to have a subgroup of accounts with special rules.

[2:21:29 PM](#)

He said that very little information would be needed regarding the beneficiaries.

MR. LYNCH requested a change on page 1, Section 1, AS 47.05.400(a)(2) which reads, "create a mechanism for the University of Alaska to establish and maintain accounts". He said it should read, "create a mechanism for the department to establish and maintain accounts".

[2:22:31 PM](#)

CHAIR DYSON said that there are two places in the bill where it adds language about confidentiality: page 4, line 5...

MR. LYNCH replied that the college savings programs are exempt from the Public Records Act and that those records are maintained on a confidential basis.

CHAIR DYSON asked if state code needed amending to make what the committee is trying to do happen.

MR. LYNCH replied no, that the records will be confidential, however the OCS might need authorization to give the University the names.

[2:23:31 PM](#)

SENATOR WILKEN commented that Mr. Lynch crafted the 1991 legislation that created the college savings plan and helped Senator Tim Kelly in 1998 to reauthorize and expand it. It was recently recognized by either Financial World or the Wall Street Journal as the best in the nation. He commended Mr. Lynch for his work and thanked him for his effort.

CHAIR DYSON asked Mr. Lynch if, in his opinion, this legislation is necessary to enable private donations to foster children

MR. LYNCH replied that it would be extremely helpful.

[2:25:03 PM](#)

CHAIR DYSON asked Mr. Lesmann to convince the committee that his department can handle the coordination and maintenance of records for this program with existing manpower and without additional expense, in order to deal with the matter without a fiscal note.

MR. LESMANN said that he would not try to persuade the committee in that regard. He admitted that the department's failure to provide a fiscal note was an oversight and accepted responsibility for that. The OFBCI would probably need approximately \$80,000 to add one full-time program coordinator, if the money that was removed from the House budget is not restored. He said that the department would submit an \$80,000 fiscal note.

[2:26:41 PM](#)

MR. LYNCH interjected that once an account is established, the college-savings program would do all the recordkeeping.

CHAIR DYSON stated he was having trouble reconciling that with what Mr. Lynch said earlier. He pointed out that Mr. Lynch wanted the committee to amend page 1, line 12.

MR. LYNCH stated that the OCS would be the account owner, and the University would seek approval from the department to withdraw funds. If the funds weren't claimed by the beneficiary for whom they were originally intended, they would be available to the department for use by another claimant.

[2:28:19 PM](#)

CHAIR DYSON said that he would hear from one more person and then the committee would set the matter aside for a few minutes, to allow the sponsor to decide what to do with the proposed amendments and/or the fiscal note.

[2:28:48 PM](#)

AMANDA METIVIER a former foster child and a student at the University of Alaska, Anchorage, testified in support of the bill. She said that, although there are opportunities available through the Alaska ETV Program and the tuition waiver, they are not enough. She disagreed with the implementation of an age-

eligibility requirement of 16 or over and cited her sister's experience as an example. Her sister was placed in foster care at age 12 and placed with a legal guardian at 15, so she would not be eligible for this program even though she is now 18 and without educational resources.

[2:30:46 PM](#)

CHAIR DYSON thanked Ms. Metivier for her testimony.

He announced that SB 287 would be set aside.

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^#hb393

**SCS CSHB 393 (HES)-INSURANCE FOR COLORECTAL CANCER SCREENING**

[2:31:37 PM](#)

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

EMILY NENON, Alaska Government Relations Director, American Cancer Society, said that she had spoken with committee members and staff in advance to ensure that her testimony would address all of the questions that they might have, but that she would be happy to answer any additional questions that might arise.

She said that when Heath Hilyard presented the bill on Wednesday, he talked about the fact that, if colon cancer is identified before symptoms appear, there is a greater than 90 percent survival rate.

According to Cancer Facts and Figures 2006, which publishes a five-year average of cancer incident rates, Alaskan women have had the highest colon cancer rate in the nation over the past five years. The rate of colon cancer in Alaskan Native people is nearly double that of the U.S. white population.

[2:33:54 PM](#)

MS. NENON said that this bill provides guidelines for colon cancer screening. For the general population, anyone over age 50 should be screened, but people are generally not eligible for Medicare until age 65, which leaves a 15-year window of time when screening is recommended but may not be covered by insurance.

The Institute of Medicine reports that the death rate from colon cancer could drop by up to 80 percent if a majority of Americans were screened regularly. The current annual expenditure in the

United States on colorectal cancer health care costs is \$6.5 billion and part of the reason for that is that it is not being identified early enough.

The New England Journal of Medicine published an article in July of 2004 called "The Price tag on Progress," that is about chemotherapy for colorectal cancer. It states that "the near doubling of the median survival achieved over the past decade, has been accompanied by a staggering 340 fold increase in drug costs" just for the initial eight weeks of treatment. Assuming a patient continues to receive treatment until the median time to progression, eight months of front-line therapy followed by 4.1 months of Cetuximab and Irinotecan therapy would cost \$161,000.

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CHAIR DYSON said that the issue the committee has to decide is whether or not to mandate that insurance carriers provide this service to their clients between the ages of 50 and 65.

MS. NENON said that is correct, and that 18 other states have already taken this action. She recognizes that state government doesn't regulate every insurance plan, but sees it as "a critical piece of the puzzle." The American Cancer Society worked hard to get Medicare coverage for screening added in 2001 and, working with federal employee health benefit plans over the past three years, has increased the number of federal plans that cover the full range of colon cancer screening from 25 to 70 percent.

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SENATOR OLSON asked how this would decrease the incidence of colorectal cancer among Alaskan Natives, particularly women, when they are dealing with issues such as a lack of clean water and inadequate sewage treatment.

MS. NENON responded that DHSS has been working with the Comprehensive Cancer Control (CCC) partnership to form a colorectal cancer joint task force between the Alaska Native Tribal Health consortium and the state's CCC program to consider those issues. They are looking at, among other things, the possibility of sending gastrointestinal doctors from Anchorage to regional hospitals to do mass screenings.

SENATOR OLSON asked whether these would be private physicians or doctors from Alaska Native Medical Center (ANMC) and who would be paying for it.

MS. NENON responded that it would be a joint effort and they are still working on the funding, but that some doctors in Anchorage have offered to donate their time. They anticipate receiving some regular reimbursement for those procedures.

SENATOR OLSON commented that he assumed these physicians would be gastrointestinal internists who have already been trained and are not going out for the experience.

MS. NENON replied yes.

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SENATOR WILKEN said that most of the committee is of an age to consider this issue seriously and commented on an article he read about a month ago in Scientific American about a new digital screening procedure that may replace the existing sigmoidoscopy and colonoscopy within the next 10 years.

MS. NENON said that she is looking forward to that.

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SENATOR WILKEN moved to report SCS CSHB 393(HES) from committee with individual recommendations.

SENATOR GREEN said that she did not object, but was indisposed to introduce anything that is a mandate on anyone.

CHAIR DYSON agreed that it presents a real concern for him also, particularly when he considers the insurance companies' previous remarks about this matter.

SENATOR GREEN commented that, unlike the lower 48 states, when the legislature makes a law in Alaska that impacts private programs and plans, a large part of the state is not impacted by it.

CHAIR DYSON announced that without further comment SCS CSHB 393(HES) was reported from committee.

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There being no further business to come before the committee, Chair Dyson adjourned the meeting at [2:44:24 PM](#).