

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 26, 2009

3:11 p.m.

MEMBERS PRESENT

Representative Bob Herron, Co-Chair
Representative Wes Keller, Co-Chair
Representative John Coghill
Representative Bob Lynn
Representative Paul Seaton
Representative Sharon Cissna
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 26

"An Act repealing the repeal of preventative and restorative adult dental services reimbursement under Medicaid; providing for an effective date by repealing the effective date of sec. 3, ch. 52, SLA 2006; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 2

"An Act relating to the issuance of a certificate of birth resulting in a stillbirth."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 26

SHORT TITLE: MEDICAID FOR ADULT DENTAL SERVICES

SPONSOR(S): REPRESENTATIVE(S) HAWKER

01/20/09	(H)	PREFILE RELEASED 1/9/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	HSS, FIN
02/26/09	(H)	HSS AT 3:00 PM CAPITOL 106

BILL: HB 2

SHORT TITLE: BIRTH CERTIFICATE FOR STILLBIRTH

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/20/09 (H) PREFILE RELEASED 1/9/09
01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) HSS, JUD
02/26/09 (H) HSS AT 3:00 PM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE MIKE HAWKER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as the sponsor of HB 26.

REGAN MATTINGLY

Alaska Primary Care Association (APCA)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 26.

DON ROBERTS

Kodiak, Alaska

POSITION STATEMENT: Testified in support of HB 26.

DELISA CULPEPPER, COO

Alaska Mental Health Trust Authority (AMHTA);

Co-Chair

Alaska Dental Action Coalition

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 26.

ELAINE RATH

Alaska Brain Injury Network

Ketchikan, Alaska

POSITION STATEMENT: Testified in support of HB 26.

JON SHERWOOD, Medicaid Special Projects

Office of the Commissioner

Department of Health and Social Services (DHSS)

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 26, Version E.

BRAD WHISTLER, Health Program Manager

Department of Health and Social Services (DHSS)

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 26, Version E.

MARIE DARLIN, Coordinator
American Association for Retired People (AARP) Capital City Task
Force
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 26.

SANDRA WILSON, Staff
to Representative Gatto
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 2 on behalf of the sponsor,
Representative Gatto, and responded to questions.

RHONDA CRAWFORD
Soldotna, Alaska

POSITION STATEMENT: Testified in support of HB 2.

MICHELLE HOYT
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 2.

DR. JOANNE CACCIATORE, CEO
M.I.S.S. Foundation
Peoria, Arizona

POSITION STATEMENT: Testified in support of HB 2.

DEBBIE JOSLIN, President
Eagle Forum Alaska
Delta Junction, Alaska

POSITION STATEMENT: Testified in support of HB 2.

MAYME OHNEMUS
Cooper Landing, Alaska

POSITION STATEMENT: Testified in support of HB 2.

PHILLIP MITCHELL, Chief
Vital Statistics
Division of Public Health
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 2, Version R.

ACTION NARRATIVE

[3:11:20 PM](#)

CO-CHAIR WES KELLER called the House Health and Social Services Standing Committee meeting to order at 3:11 p.m. Representatives Keller, Herron, Lynn, and Cissna were present at the call to order. Representatives Coghill, Seaton, and Holmes arrived as the meeting was in progress.

HB 26-MEDICAID FOR ADULT DENTAL SERVICES

[3:11:37 PM](#)

CO-CHAIR KELLER announced that the first order of business would be HOUSE BILL NO. 26, "An Act repealing the repeal of preventative and restorative adult dental services reimbursement under Medicaid; providing for an effective date by repealing the effective date of sec. 3, ch. 52, SLA 2006; and providing for an effective date."

[3:12:04 PM](#)

REPRESENTATIVE MIKE HAWKER, Alaska State Legislature, in response to Co-Chair Keller, said that there was a reason for not originally amending the bill as the committee had, but that Version E was the will of the committee.

[3:12:21 PM](#)

CO-CHAIR HERRON moved to adopt the proposed committee substitute (CS) for HB 26, Version 26-LS0142\E, Mischel, 2/20/09, as the working document. There being no objection, Version E was adopted.

[3:12:49 PM](#)

REPRESENTATIVE HAWKER explained that, until two years ago, adult dental service had only been allowed through Medicaid if there were both acute pain and infection. He noted that the 2007 bill for preventive care had included a two year sunset clause, in order to monitor and review the fiscal impact. He opined that the program had gone quite well and that the growth had been reasonable. He reported that the health community supported making HB 26 permanent. He noted that Version E was adding another five year limitation. He explained that this created a challenge for the development of a provider base. He reported that dentists made more money working with regular insurance clients, rather than Medicaid, and that they were reluctant to work with a program of limited duration.

[3:15:39 PM](#)

REPRESENTATIVE SEATON asked Representative Hawker for his preference to a limited or unlimited duration for HB 26.

REPRESENTATIVE HAWKER offered his belief that there was adequate basis for it to become permanent.

[3:16:44 PM](#)

CO-CHAIR KELLER reported that he had included a sunset clause in HB 26 for the purpose of discussion. He added that HB 26 would next be referred to the House Finance Committee, which was chaired by Representative Hawker.

REPRESENTATIVE HAWKER said that the House Finance Committee would take into consideration the wishes of the House Health and Social Services Standing Committee.

[3:17:47 PM](#)

REPRESENTATIVE CISSNA asked Representative Hawker to clarify that the reason for the original sunset clause was economic, but that the program had shown to be a good preventive dental health policy.

REPRESENTATIVE HAWKER agreed, but said that there had been many unknowns, including cost and utilization. He opined that 2 years had been adequate time for review.

REPRESENTATIVE CISSNA asked if the state could monitor this program, and still review it without a sunset clause.

[3:19:58 PM](#)

REPRESENTATIVE HAWKER explained that HB 26 merely extended the existing program, including the benefit parameters.

[3:20:43 PM](#)

REPRESENTATIVE SEATON asked if there was any significance to the title change between HB 26 and Version E.

CO-CHAIR KELLER said that the intent was only to include a sunset clause.

[3:22:15 PM](#)

CO-CHAIR HERRON questioned whether the House Finance Committee should dictate health and social services policy to the House Health and Social Services Standing Committee. He offered his belief that it was the fiduciary responsibility of the House Finance Committee to ensure that the state operated effectively.

REPRESENTATIVE HAWKER, in response to Co-Chair Herron, explained that the committee process operated on good faith and trust. He allowed that each committee chairman had to decide "what is the right thing to do." He said that the House Finance Committee would not dictate human service policy, but that, as a sponsor of HB 26, he would attempt to influence human service policy with the best arguments. He observed that his research indicated that a permanent repeal of the sunset clause would facilitate the implementation of the program, with providers more willing to participate.

[3:25:19 PM](#)

CO-CHAIR HERRON asked if Version E would change the fiscal note.

REPRESENTATIVE HAWKER opined that the fiscal note would only change at the sunset.

[3:26:11 PM](#)

CO-CHAIR HERRON asked if Representative Hawker preferred Version E or HB 26.

REPRESENTATIVE HAWKER said that he preferred the permanent implementation of HB 26.

[3:27:20 PM](#)

REPRESENTATIVE COGHILL asked to clarify that Version E had been adopted. He opined that once a Medicaid program had been included, it would never be retracted. He expressed his support for HB 26.

REPRESENTATIVE HAWKER, in response to Representative Coghill, pointed out that out of control but well intended programs had been disciplined.

REPRESENTATIVE COGHILL, in response to Representative Hawker, noted that the legislature had been reluctant to change Medicaid

services, other than to increase them. He supported the preventative aspect of HB 26, and its positive economic impact.

REPRESENTATIVE CISSNA, in response to Representative Coghill, noted that the most expensive medevacs from the Aleutians were dental related. She reported that HB 26 had preventative aspects that were not usually included with Medicaid.

[3:33:29 PM](#)

REPRESENTATIVE HOLMES opined that the sunset clause was not necessary for HB 26, as the Medicaid expenses would be routinely reviewed.

[3:35:17 PM](#)

[Co-Chair Keller opened public testimony.]

[3:35:23 PM](#)

REGAN MATTINGLY, Alaska Primary Care Association (APCA), explained that the Alaska Primary Care Association represented 26 health care organizations. He said that APCA supported HB 26, as oral health care was critical, and that dental services reduced the future likelihood of more expensive and acute dental problems.

[3:36:14 PM](#)

DON ROBERTS said that dental care was necessary.

[3:38:16 PM](#)

DELISA CULPEPPER, COO, Alaska Mental Health Trust Authority (AMHTA); Co-Chair, Alaska Dental Action Coalition, said that AMHTA supported a repeal of the sunset clause, and offered her belief that it would be reviewed as a part of the annual Medicaid budget authorizations.

[3:40:30 PM](#)

ELAINE RATH, Alaska Brain Injury Network, said that the preventive dental services were utilized by seniors.

[3:41:45 PM](#)

JON SHERWOOD, Medicaid Special Projects, Office of the Commissioner, Department of Health and Social Services (DHSS), said that the administration supported the 5 year sunset clause, as there was not yet conclusive data to the cost effectiveness.

[3:43:27 PM](#)

BRAD WHISTLER, Health Program Manager, Department of Health and Social Services (DHSS), reported that good oral health was a quality of life issue, and that it could affect employment and food choices. He said that coverage of preventative and routine restorative dental services had precluded more expensive replacement costs. He explained that a dental program for adults, along with children, was necessary for a comprehensive preventative dental program. He said that DHSS supported passage of some version of HB 26.

[3:47:21 PM](#)

REPRESENTATIVE SEATON asked for a comparison to the amount of dental facilities expansion and participation both with and without the 5 year sunset clause in HB 26.

MR. WHISTLER explained that the 2 year sunset clause did not show a commitment, but that re-authorization of the program, even with a 5 year sunset clause, reflected a much greater assurance. He reported that private dentists were concerned with participation in Medicaid because of reimbursement issues and increases in federal audits.

[3:49:19 PM](#)

REPRESENTATIVE SEATON asked about the result should the program exceed its allocated funding.

MR. WHISTLER said that it would result in emergency regulations to lower the annual recipient limit for the succeeding fiscal year.

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REPRESENTATIVE SEATON asked if maintaining a fiscal note and a sunset clause determined this dental program to be a separate Medicaid program.

MR. SHERWOOD, in response to Representative Seaton, explained that the budgeting for this as part of the Medicaid appropriation was separate from the sunset clause.

[3:52:52 PM](#)

MR. SHERWOOD, in response to Co-Chair Keller, said that seniors were eligible for Medicaid at 65, though some individuals with disabilities or low income were eligible earlier. He said that Medicare did not include dental service.

[3:54:01 PM](#)

REPRESENTATIVE SEATON asked if the dental therapists in rural Alaska were included in this program.

MR. WHISTLER replied that dental therapists were included in the tribal dental care program.

[3:55:30 PM](#)

MARIE DARLIN, Coordinator, American Association for Retired People (AARP) Capital City Task Force, said that AARP had already written a letter in support and that the continuation of the program was important.

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CO-CHAIR KELLER asked if there was any more testimony, and seeing none, public testimony was closed. He noted that Version E would be kept in front of the committee, and a determination to move the bill would be made at a later date.

CO-CHAIR HERRON said that he appreciated the sponsor's discussion, and that Version E had been presented to encourage the debate.

HB 2-BIRTH CERTIFICATE FOR STILLBIRTH

[3:57:40 PM](#)

CO-CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 2, "An Act relating to the issuance of a certificate of birth resulting in a stillbirth."

SANDRA WILSON, Staff to Representative Gatto, Alaska State Legislature, explained that HB 2 allowed the issuance of a birth certificate to the parents of a stillborn child.

[3:58:26 PM](#)

REPRESENTATIVE LYNN moved to adopt the proposed committee substitute (CS) for HB 2, Version 26-LS0003\R, Mischel, 1/29/09, as the working document.

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CO-CHAIR KELLER objected for the purpose of explanation.

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MS. WILSON explained that the difference between the original HB 2 and Version R was a removal for the duplication of records, which was requested by the Division of Public Health, Vital Statistics.

[3:59:51 PM](#)

CO-CHAIR KELLER removed his objection.

[4:00:03 PM](#)

MS. WILSON said that the purpose of HB 2 was to bring closure to the parents of stillborn children. She said that currently, a fetal death certificate was distributed. She reported that a birth certificate would validate that a child was born and would allow closure for the parents. She said that the birth certificate was optional.

[4:00:51 PM](#)

CO-CHAIR KELLER opened the discussion to public testimony.

[4:01:20 PM](#)

RHONDA CRAWFORD shared her experience with the still birth of her child. She said that having a birth certificate would mean a lot to her family.

[4:03:49 PM](#)

MS. CRAWFORD, in response to Representative Lynn, said that it had been five years.

[4:04:10 PM](#)

MICHELLE HOYT related her experience with the still birth of her child. She said that HB 2 would bring closure for the families, and would acknowledge that the child was born.

[4:05:24 PM](#)

DR. JOANNE CACCIATORE, CEO, M.I.S.S. Foundation, explained that she represented 76 state chapters of the MISS Foundation, which helped families whose children died. She informed that the effect of still birth was devastating on families. She stated her support for HB 2 and noted that 26 other states had similar legislation.

[4:07:40 PM](#)

DEBBIE JOSLIN, President, Eagle Forum Alaska, shared her experiences and encouraged support for HB 2.

[4:09:55 PM](#)

MAYME OHNEMUS said that she was the grandmother of a stillborn child. She shared the history of her daughter in law's pregnancy, and the devastation from the death of the baby. She recounted the pain felt with a death certificate and that a still birth certificate would have been much more respectful and comforting.

[4:13:40 PM](#)

PHILLIP MITCHELL, Chief, Vital Statistics, Division of Public Health, Department of Health and Social Services (DHSS), explained that sub-section (f), HB 2, should be removed to minimize any fiscal impact to the state. He explained that Vital Statistics already had the information, and it only needed the authority to issue the certificate. He noted that the certificates needed to come to Juneau for the gold state seal to be affixed.

[4:15:14 PM](#)

CO-CHAIR KELLER said that HB 2 would be held until the next meeting.

4:15:48 PM

REPRESENTATIVE HOLMES shared that she had family friends who still mourned.

4:16:18 PM

CO-CHAIR HERRON extended his sympathy to the testifiers.

4:17:11 PM

ADJOURNMENT

There being no further business before the committee, the Department of Health and Social Services meeting was adjourned at 4:17 p.m.