

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 16, 2010

3:09 p.m.

MEMBERS PRESENT

Representative Bob Herron, Co-Chair
Representative Wes Keller, Co-Chair
Representative Tammie Wilson, Vice Chair
Representative Bob Lynn
Representative Paul Seaton
Representative Sharon Cissna

MEMBERS ABSENT

Representative Lindsey Holmes

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 35

Proposing amendments to the Constitution of the State of Alaska prohibiting passage of laws that interfere with direct payments for health care services and the right to purchase health care insurance from a privately owned company, and that compel a person to participate in a health care system.

- MOVED HJR 35 OUT OF COMMITTEE

HOUSE BILL NO. 168

"An Act relating to state certification and designation of trauma centers; creating the uncompensated trauma care fund to offset uncompensated trauma care provided at certified and designated trauma centers; and providing for an effective date."

- MOVED CSHB 168(HSS) OUT OF COMMITTEE

PRESENTATION: FOSTER CARE IN ALASKA

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: HJR 35

SHORT TITLE: CONST AM: HEALTH CARE

SPONSOR(S): REPRESENTATIVE(S) KELLY, KELLER, P.WILSON, GATTO

01/08/10 (H) PREFILE RELEASED 1/8/10
01/19/10 (H) READ THE FIRST TIME - REFERRALS
01/19/10 (H) HSS, JUD, FIN
02/09/10 (H) HSS AT 3:00 PM CAPITOL 106
02/09/10 (H) Heard & Held
02/09/10 (H) MINUTE(HSS)
02/16/10 (H) HSS AT 3:00 PM CAPITOL 106

BILL: HB 168

SHORT TITLE: TRAUMA CARE CENTERS/FUND
SPONSOR(S): REPRESENTATIVE(S) COGHILL

03/09/09 (H) READ THE FIRST TIME - REFERRALS
03/09/09 (H) HSS, FIN
04/09/09 (H) HSS AT 3:00 PM CAPITOL 106
04/09/09 (H) Heard & Held
04/09/09 (H) MINUTE(HSS)
02/09/10 (H) HSS AT 3:00 PM CAPITOL 106
02/09/10 (H) Heard & Held
02/09/10 (H) MINUTE(HSS)
02/16/10 (H) HSS AT 3:00 PM CAPITOL 106

WITNESS REGISTER

DEREK MILLER, Staff
to Representative Mike Kelly
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 35 for the prime sponsor,
Representative Mike Kelly.

CHRISTIE HERRERA, Director
Health and Human Services Task Force
American Legislative Exchange Council (ALEC)
Washington, DC

POSITION STATEMENT: Testified in support of HJR 35.

SENATOR JOHN COGHILL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 168 as the prime sponsor of
the bill.

WARD HURLBURT, Chief Medical Officer;
Director
Division of Public Health
Office of the Commissioner

Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of HB 168.

REGINA CHENNAULT, Chair
American College of Surgeons Committee on Trauma
Alaska Trauma System Review Committee
Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of HB 168.

AMANDA METIVIER, Statewide Coordinator
Facing Foster Care in Alaska (FFCA)
Anchorage, Alaska

POSITION STATEMENT: Presented speakers and a video about Foster Care in Alaska.

FHERRON HINES
FFCA Advocate
Anchorage, Alaska

POSITION STATEMENT: Testified during the presentation on Foster Care in Alaska.

CANDICE TUCKER
FFCA Advocate
Anchorage, Alaska

POSITION STATEMENT: Testified during the presentation on Foster Care in Alaska.

ANTHONY BARRIL
FFCA Advocate
Juneau, Alaska

POSITION STATEMENT: Testified during the presentation on Foster Care in Alaska.

REPRESENTATIVE LES GARA
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the presentation on Foster Care in Alaska.

ACTION NARRATIVE

[3:09:25 PM](#)

CO-CHAIR BOB HERRON called the House Health and Social Services Standing Committee meeting to order at 3:09 p.m.

Representatives Herron, Keller, T. Wilson, and Lynn were present at the call to order. Representatives Seaton and Cissna arrived as the meeting was in progress.

HJR 35-CONST AM: HEALTH CARE

3:09:43 PM

CO-CHAIR HERRON announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 35, Proposing amendments to the Constitution of the State of Alaska prohibiting passage of laws that interfere with direct payments for health care services and the right to purchase health care insurance from a privately owned company, and that compel a person to participate in a health care system.

3:11:17 PM

DEREK MILLER, Staff to Representative Mike Kelly, Alaska State Legislature, explained that HJR 35 "gave Alaskans the opportunity to vote on a constitutional amendment prohibiting the passage of laws that would force any person or employer to participate in a particular health care system." He added that similar resolutions had been introduced in 36 other states. He reported that HJR 35 would protect a person's right to participate or not in any health care system, and would prohibit the government from imposing a fine for that decision. It would also protect both a person's right to purchase, and a doctor's right to provide, lawful medical services without government fines or penalties. He explained that this would be placed on the ballot of the next general election for inclusion to the Constitution of the State of Alaska. He directed attention to the Memorandum [Included in committee packets.] which answered questions which arose during a prior committee hearing.

MR. MILLER paraphrased the Memorandum. Referring to question one, he said that HJR 35 did not prevent Alaska from initiating a new retirement tier, as long as health insurance was not mandatory, and individuals were not fined for choosing not to participate in the health care system. Discussing question two, he explained that this resolution did not preclude the federal government from making changes to health care programs, it simply protected the right not to participate. Addressing the third question, he said that HJR 35 prevented a universal coverage system, but added that Alaska legislators would work on a targeted set of policy solutions for the uninsured. With regard to question four, he relayed that any federal government

program that mandated individuals to purchase insurance would not be adopted by the Alaska legislature. Responding to question five, he stated that HJR 35 prevented the state from implementing a plan that penalized employee and employers for not purchasing health insurance.

[3:15:35 PM](#)

CO-CHAIR HERRON, noting a possible increase to the fiscal note, asked for a clarification.

MR. MILLER responded that this was the same fiscal note as other constitutional amendments.

CO-CHAIR HERRON asked for this to be answered in the House Finance Committee.

MR. MILLER replied that he did not expect the increase to be necessary.

[3:16:45 PM](#)

CO-CHAIR KELLER relayed that the Goldwater Institute had offered to defend the constitutionality for this amendment at no cost to the state.

[3:17:16 PM](#)

CHRISTIE HERRERA, Director, Health and Human Services Task Force, American Legislative Exchange Council (ALEC), testified that ALEC supported HJR 35 and that she was available to answer any questions.

[3:17:56 PM](#)

CO-CHAIR HERRON opened public testimony.

Seeing no one, Co-Chair Herron closed public testimony.

[3:18:17 PM](#)

CO-CHAIR KELLER moved to report HJR 35 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 35 was reported from the House Health and Social Services Standing Committee.

[3:19:06 PM](#)

The committee took a brief at-ease.

[3:19:41 PM](#)

CO-CHAIR HERRON brought the committee back to order.

HB 168-TRAUMA CARE CENTERS/FUND

[3:19:56 PM](#)

CO-CHAIR HERRON announced that the next order of business would be HOUSE BILL NO. 168, "An Act relating to state certification and designation of trauma centers; creating the uncompensated trauma care fund to offset uncompensated trauma care provided at certified and designated trauma centers; and providing for an effective date."

[3:20:10 PM](#)

SENATOR JOHN COGHILL, Alaska State Legislature, explained that HB 168 would create an account for payment of uncompensated care to hospitals that "ratchet up their level of trauma delivery systems," defined to be a Level II or Level III. He explained that the request for a \$5M appropriation was based on a study of uncompensated trauma related care.

CO-CHAIR HERRON reminded the committee that an earlier proposed amendment had not been introduced. He asked if there were any suggested changes to that amendment.

SENATOR COGHILL suggested that the "tobacco money" would draw away from the tobacco education issues, and he reminded that the original focus of the tobacco suit and settlement had been to reduce smoking. He opined that alcohol was more interconnected with this bill, and he suggested using the alcohol tax as a funding source. Noting that boating, skiing, and 4-wheeling often resulted in trauma care, he suggested that these activities could also be sources for funding.

CO-CHAIR HERRON reported that alcohol abuse was often a contributing factor to trauma.

[3:23:41 PM](#)

SENATOR COGHILL agreed that both alcohol and drugs often were significant contributors.

[CO-CHAIR HERRON opened public testimony.]

[3:24:24 PM](#)

WARD HURLBURT, Chief Medical Officer; Director, Division of Public Health, Office of the Commissioner, Department of Health and Social Services (DHSS), asked if there were any questions from his prior testimony on February 9. Noting his personal background as a surgeon, he agreed that alcohol was a common factor in trauma.

[3:26:57 PM](#)

REGINA CHENNAULT, Chair, American College of Surgeons Committee on Trauma, Alaska Trauma System Review Committee, shared that 80 percent of violent crimes involved alcohol or drugs.

[3:27:37 PM](#)

CO-CHAIR HERRON closed public testimony.

[3:27:50 PM](#)

CO-CHAIR KELLER read the proposed Amendment 1, labeled Version 26-LS0437\R.3, Bullock, 2/16/10:

Page 1, line 3, following "**centers**":

Insert "**and including a portion of the tax levy on alcohol as a source of money that may be appropriated to the trauma care fund**"

Page 2, following line 12:

Insert a new bill section to read:

"* **Sec. 3.** AS 43.60 is amended by adding a new section to read:

Sec. 43.60.055. Disposition of proceeds; availability for appropriation to the uncompensated trauma care fund. The portion of the tax collected under AS 43.60.010 that is not separately accounted for under AS 43.60.050(a) may be appropriated to the uncompensated trauma care fund (AS 18.08.085). Nothing in this section creates a dedicated fund."

Re-number the following bill section accordingly.

CO-CHAIR KELLER moved to adopt Version 26-LS0437\R.3, Bullock, 2/16/10 as Amendment 1. There being no objection, Amendment 1 was adopted.

[3:31:03 PM](#)

SENATOR COGHILL said that there were consultations with the air force and the army trauma doctors for assistance in local hospitals. He lauded the efforts of first responders and noted the necessity of having trauma centers for continued successful care.

[3:32:54 PM](#)

CO-CHAIR KELLER moved to report CSHB 168(HSS) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 168(HSS) was reported from the House Health and Social Services Standing Committee.

[3:33:41 PM](#)

The committee took an at-ease from 3:33 p.m. to 3:36 p.m.

[3:35:59 PM](#)

CO-CHAIR HERRON brought the committee back to order.

Presentation: Foster Care in Alaska

[3:37:12 PM](#)

CO-CHAIR HERRON announced that the final order of business would be a Presentation on Foster Care in Alaska.

[3:37:18 PM](#)

AMANDA METIVIER, Statewide Coordinator, Facing Foster Care in Alaska (FFCA), explained that Facing Foster Care in Alaska (FFCA) was a statewide advocacy group, comprised of almost 300 current and former foster care youth and young adults, who shared their personal experiences in advocacy for improvement to the foster care and child welfare system. She explained that the video program was focused on education, permanency, and culture as related to foster care. She introduced three FFCA members who had accompanied her.

[3:39:38 PM](#)

FHERRON HINES, FFCA Advocate, stated that she was in twelve placements over five years.

[3:39:55 PM](#)

CANDICE TUCKER, FFCA Advocate, shared that she was in eight placements over three years, beginning in Homer, but that she was moved to Anchorage because of a "lack of resources."

[3:40:18 PM](#)

ANTHONY BARRIL, FFCA Advocate, said that he was in eight placements over seven years.

[3:40:41 PM](#)

MS. METIVIER observed that there were a lot of placements over a lot of years, which often resulted in a youth aging out of the foster care system without any permanence.

[3:41:19 PM](#)

MS. METIVIER showed a video of Courtney Morrison, currently homeless in Anchorage, who talked about education. In the video, Courtney said that she was 21 years old, and had been in foster care for three years, during which time she was separated from three of her brothers. She stated that she was in more than 20 placements and was in the residential behavioral treatment at North Star Behavioral Health for more than a year. She voiced her hatred for school, as it depressed her because she was made fun of for being in foster care. She said that the schools just passed her on through during middle school and her first two years of high school, and then she dropped out. She shared that she was now working on her GED.

[3:43:35 PM](#)

MS. METIVIER discussed that the next video focused on culture, with Marie Greist, who had bounced between Kotzebue and Anchorage placements, until she aged out of the foster care program. Marie was now homeless. During the video, Marie said she had been in child protective services since she was a year old, due to her mother's alcoholism. She said that staying in child care in Kotzebue was good, as there was only one school, so she did not have to change schools. She recounted that she

was not allowed to eat Native Alaskan food, as it was not approved by the FDA. She shared her feeling of loss as food was a major part of her culture.

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MS. METIVIER pointed to the video of Angel Adams, who was placed more than 50 times in Anchorage and Fairbanks. She noted that Angel had finally settled in a permanent home when she was 16 years old, and Angel spoke about this feeling of permanence. Angel related that her mother was an alcoholic, who had occasionally been so intoxicated that she had tried to kill Angel. She stated that she was told that "I would never amount to anything and would only be good for lying on my back." She revealed that, upon her birth mother's death, she was separated from her siblings. After another short stay with her aunt and a 30 day emergency care, she was moved in with the Adams' family. She disclosed her expectation of being moved again, but she said that the Adams' family treated her just like family, and not like a foster child. She recounted a family trip to meet other relatives, where she was introduced as "my daughter" and "my sister." She shared her doubts that lingered until the moment that her adoption was completed, announcing that this "was the happiest I had ever been... the greatest day of my life."

[3:49:32 PM](#)

MS. METIVIER directed attention to the video of Becca Shier, which spotlighted permanence and education. Becca expressed that she was a ward of the state, and that she grew up with little help from anyone else. She relayed that she was separated from her brother when she entered foster care after junior high school, and she had to endure more than 23 placements. She alluded to the stereotypes, assumptions, and reasons. She said that her current living situation in Anchorage, more than two years, had an enormous impact on her. She described her role as the FFCA Statewide Representative, a sophomore in college, and a full time photographer. She shared that permanence had bettered her outcomes and life chances. She emphasized that every youth in foster care should have the opportunity.

[3:53:22 PM](#)

MS. METIVIER presented the video of Shane Nukwak, who lived in a rural community outside of Dillingham, and his view of culture. Shane recounted that alcohol had always been a part of his

family, "the ruler of the house." He shared his fear of watching the violence and the depression that escalated from alcohol. He spoke of being abused by his father. He alluded to the "storm" of life and the need to balance the darkness and the need for shelter. He shared the need to always know the "forecast."

[3:56:56 PM](#)

MS. METIVIER asked that these videos serve as a reminder of the changes and the improvements that needed to be made.

[3:57:55 PM](#)

CO-CHAIR HERRON asked her about the common theme throughout the video presentations.

[3:58:25 PM](#)

MS. METIVIER replied that each video examined the high number of placement changes and the resulting instability, as well as the problems of substance abuse among the parents.

[3:59:18 PM](#)

CO-CHAIR HERRON asked Ms. Metivier what she would prioritize to be the top two objectives.

MS. METIVIER responded that prevention was always very important, but that the high number of placements and the problem of youth "aging out" were paramount. She noted that the outcome was not good for transition age youth, who especially needed housing and education. She pointed out that education was necessary to break the cycle.

[4:01:05 PM](#)

MS. METIVIER, in response to Co-Chair Keller, said that the national average of homelessness for youth after they aged out of the system was 25 percent, whereas the Alaska average had been 38 percent in 2005, and she opined that it could now be even higher. She noted that, anecdotally, they "leave custody, and fall off a cliff."

[4:01:57 PM](#)

REPRESENTATIVE CISSNA reflected that she came to the Legislature 12 years prior, after working in the foster care system and as a foster parent. She judged there to be a moral charge for doing nothing. She cited the lack of change in the system, and noted that there were now even more kids. She discerned the need to hold the system accountable and raise the awareness that the problem was growing. She touted the need to change the system.

[4:04:47 PM](#)

CO-CHAIR KELLER commended the Office of Children's Services (OCS) for its development of community partnerships and team decision meetings. He cited the importance of having people who care.

[4:06:47 PM](#)

MS. METIVIER agreed that these partnerships acted as a problem solving mechanism, and that it slowed down the process of moving kids too much.

[4:07:14 PM](#)

REPRESENTATIVE SEATON offered his belief that the majority of foster families were trying to do the right thing. He pointed to the lack of permanence, and asked for any solutions.

[4:08:52 PM](#)

MS. METIVIER replied that teenage behavior can be difficult for foster families. She detailed the placement process which consisted of many temporary residencies.

[4:10:11 PM](#)

REPRESENTATIVE SEATON responded that he would welcome suggestions, as he was at a loss for solutions. He asked for an outline of the placement process that created non-permanence, in order to work with OCS to look for solutions.

[4:11:33 PM](#)

MS. METIVIER agreed to respond.

[4:11:52 PM](#)

CO-CHAIR HERRON asked if there was any socio, economic, or ethnic group that was not affected by foster care.

MS. METIVIER replied that there was not. She expanded to say that it was rarer for wealthy families, and that almost 60 percent of youth in foster care were Native Alaskan.

CO-CHAIR HERRON agreed that it was a challenge to find foster families, and he also asked for her suggestions for improvement.

[4:13:33 PM](#)

MS. METIVIER stated that "happy foster families recruit happy foster families." She offered her support to the commercial advertisements looking for Native Alaskan foster families.

[4:14:16 PM](#)

REPRESENTATIVE LES GARA, Alaska State Legislature, in response to Co-Chair Herron, said that the hardest solution was for the "bouncing between homes." He pointed to the shortage of foster families, and applauded the recruitment advertisements as "a great first step." He reported that this shortage made it difficult to match a youth with a family. Directing attention to the shortage of case workers, he stressed that this resulted in crisis management instead of case management. He suggested that transportation cost coverage to keep youth in the same school would have tangible outcomes. He shared that the turnover rate for social workers was about 30 percent annually, and that the social workers only lasted about 1.5 years, creating an obvious problem for the youth and for the foster families.

[4:19:33 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:19 p.m.