

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 11, 2010

3:07 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
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 284

"An Act requiring the Department of Health and Social Services to accept federal prescription drug benefits or to provide comparable benefits for residents of the Alaska Pioneers' Home."

- HEARD & HELD

HOUSE BILL NO. 260

"An Act relating to preventive care and disease management services for medical assistance recipients; and providing for an effective date."

- HEARD & HELD

SENATE CONCURRENT RESOLUTION NO. 12

Proclaiming September 9, 2010, as Fetal Alcohol Spectrum Disorders Awareness Day.

- MOVED OUT OF COMMITTEE

SENATE BILL NO. 101

"An Act relating to questionnaires and surveys administered in the public schools."

- MOVED HSC SB 101(HSS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 284

SHORT TITLE: PIONEERS HOME RX DRUG BENEFIT

SPONSOR(s): REPRESENTATIVE(s) DAHLSTROM, GARA, HERRON

01/15/10 (H) PREFILE RELEASED 1/15/10
01/19/10 (H) READ THE FIRST TIME - REFERRALS
01/19/10 (H) HSS, STA
01/21/10 (H) SPONSOR SUBSTITUTE INTRODUCED
01/21/10 (H) READ THE FIRST TIME - REFERRALS
01/21/10 (H) HSS, STA
03/09/10 (H) HSS AT 3:00 PM CAPITOL 106
03/09/10 (H) Heard & Held
03/09/10 (H) MINUTE(HSS)
03/11/10 (H) HSS AT 3:00 PM CAPITOL 106

BILL: HB 260

SHORT TITLE: MEDICAID: PREVENTIVE CARE/DISEASE MGT.

SPONSOR(s): REPRESENTATIVE(s) KELLER

01/08/10 (H) PREFILE RELEASED 1/8/10
01/19/10 (H) READ THE FIRST TIME - REFERRALS
01/19/10 (H) HSS, FIN
02/11/10 (H) HSS AT 3:00 PM CAPITOL 106
02/11/10 (H) <Bill Hearing Canceled>
03/04/10 (H) HSS AT 3:00 PM CAPITOL 106
03/04/10 (H) -- MEETING CANCELED --
03/11/10 (H) HSS AT 3:00 PM CAPITOL 106

BILL: SCR 12

SHORT TITLE: FETAL ALCOHOL SPECTRUM DISORDERS DAY

SPONSOR(s): SENATOR(s) MEYER

01/19/10 (S) READ THE FIRST TIME - REFERRALS
01/19/10 (S) HSS
02/08/10 (S) HSS AT 1:30 PM BUTROVICH 205
02/08/10 (S) Moved SCR 12 Out of Committee
02/08/10 (S) MINUTE(HSS)
02/10/10 (S) HSS RPT 5DP
02/10/10 (S) DP: DAVIS, THOMAS, ELLIS, PASKVAN,
DYSON
02/12/10 (S) BEFORE THE SENATE ON FINAL PASSAGE
02/12/10 (S) TRANSMITTED TO (H)
02/12/10 (S) VERSION: SCR 12

02/15/10 (H) READ THE FIRST TIME - REFERRALS
 02/15/10 (H) HSS
 03/04/10 (H) HSS AT 3:00 PM CAPITOL 106
 03/04/10 (H) -- MEETING CANCELED --
 03/11/10 (H) HSS AT 3:00 PM CAPITOL 106

BILL: SB 101

SHORT TITLE: STUDENT QUESTIONNAIRES AND SURVEYS

SPONSOR(s): SENATOR(s) DAVIS

02/06/09 (S) READ THE FIRST TIME - REFERRALS
 02/06/09 (S) EDC, HSS
 03/11/09 (S) EDC AT 8:00 AM BELTZ 211
 03/11/09 (S) Heard & Held
 03/11/09 (S) MINUTE(EDC)
 03/18/09 (S) EDC RPT 1DP 2NR
 03/18/09 (S) DP: DAVIS
 03/18/09 (S) NR: OLSON, HUGGINS
 03/18/09 (S) EDC AT 8:00 AM BELTZ 211
 03/18/09 (S) Moved SB 101 Out of Committee
 03/18/09 (S) MINUTE(EDC)
 03/25/09 (S) HSS AT 1:30 PM BUTROVICH 205
 03/25/09 (S) Heard & Held
 03/25/09 (S) MINUTE(HSS)
 03/27/09 (S) HSS AT 1:15 PM BUTROVICH 205
 03/27/09 (S) Moved SB 101 Out of Committee
 03/27/09 (S) MINUTE(HSS)
 03/30/09 (S) HSS RPT 3DP
 03/30/09 (S) DP: DAVIS, THOMAS, PASKVAN
 03/30/09 (S) HSS AT 1:30 PM BUTROVICH 205
 03/30/09 (S) Moved Out of Committee 3/27/09
 03/30/09 (S) MINUTE(HSS)
 04/16/09 (S) TRANSMITTED TO (H)
 04/16/09 (S) VERSION: SB 101
 04/16/09 (H) READ THE FIRST TIME - REFERRALS
 04/16/09 (H) HSS, FIN
 02/02/10 (H) HSS AT 3:00 PM CAPITOL 106
 02/02/10 (H) Scheduled But Not Heard
 02/11/10 (H) HSS AT 3:00 PM CAPITOL 106
 02/11/10 (H) Heard & Held
 02/11/10 (H) MINUTE(HSS)
 03/11/10 (H) HSS AT 3:00 PM CAPITOL 106

WITNESS REGISTER

RIC DAVIDGE, President
 Vietnam Veterans of America

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 284.

JIM POUND, Staff
to Representative Wes Keller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced the bill on behalf of Representative Wes Keller, prime sponsor of HB 260.

BILL STREUER, Deputy Commissioner
Director's Office
Division of Health Care Services
Department of Health and Social Services
Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of HB 260.

WARREN TODD, Executive Director
International Disease Management Alliance
Flemington, New Jersey

POSITION STATEMENT: Testified during discussion of HB 260.

SHELLEY HUGHES
Government Affairs Director
Alaska Primary Care Association (APCA)
Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of HB 260.

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SCR 12 as the prime sponsor of the resolution.

SENATOR BETTYE DAVIS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions, as the prime sponsor of the bill.

TOM OBERMEYER, Staff
to Senator Bettye Davis
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions on SB 101, on behalf of the prime sponsor of the bill, Senator Bettye Davis.

RYAN KAUFFMAN

Sitka, Alaska

POSITION STATEMENT: Testified during discussion of SB 101.

JIM MINNERY, President

Alaska Family Council

Anchorage, Alaska

POSITION STATEMENT: Spoke in opposition to SB 101.

EMILY NENON, Alaska Government Relations Director

American Cancer Society Cancer Action Network (ACS CAN)

Anchorage, Alaska

POSITION STATEMENT: Spoke in support of SB 101.

MARY FRANCIS, Executive Director

Alaska Council of School Administrators

Juneau, Alaska

POSITION STATEMENT: Spoke in support of SB 101.

PAULA EASLEY, Trustee

Alaska Mental Health Trust Authority

Anchorage, Alaska

POSITION STATEMENT: Spoke in support for SB 101.

ANNIE DOUGHERTY, Teacher

Fairbanks, Alaska

POSITION STATEMENT: Testified during discussion of SB 101.

MONICA GROSS, Doctor

Juneau, Alaska

POSITION STATEMENT: Spoke in support of SB 101.

PATTY OWEN, State YRBS Survey Coordinator

Division of Public Health

Department of Health and Social Services

Juneau, Alaska

POSITION STATEMENT: Testified during discussion of SB 101.

ACTION NARRATIVE

CO-CHAIR WES KELLER called the House Health and Social Services Standing Committee meeting to order at 3:07 p.m. Representatives Keller, Herron, Cissna, Seaton, and Lynn were present at the call to order. Representatives Holmes and T. Wilson arrived as the meeting was in progress.

HB 284-PIONEERS HOME RX DRUG BENEFIT

CO-CHAIR HERRON announced that the first order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 284, "An Act requiring the Department of Health and Social Services to accept federal prescription drug benefits or to provide comparable benefits for residents of the Alaska Pioneers' Home, including residents eligible for discount or free benefits from the United States Department of Veterans Affairs or the Indian Health Service of the United States Department of Health and Human Services."

[3:07:55 PM](#)

RIC DAVIDGE, President, Vietnam Veterans of America, expressed his delight with HB 284 and offered to answer any questions.

[3:08:32 PM](#)

REPRESENTATIVE SEATON asked if there were still any concerns.

[3:08:52 PM](#)

MR. DAVIDGE replied that the problems had been resolved and he thanked the commissioner of Department of Health and Social Services. He expressed his hope that the bill would pass so that veterans would no longer have to pay at the Pioneers' Home, for prescriptions that were given to them at no charge from the Veterans Administration (VA).

[HB 284 was held over.]

HB 260-MEDICAID: PREVENTIVE CARE/DISEASE MGT.

[3:09:51 PM](#)

CO-CHAIR HERRON announced that the next order of business would be HOUSE BILL NO. 260, "An Act relating to preventive care and disease management services for medical assistance recipients; and providing for an effective date."

[3:11:14 PM](#)

JIM POUND, Staff to Representative Wes Keller, Alaska State Legislature, introduced HB 260 and said "health care by way of prevention would save the state money in the long run. By detecting an acute disease early in the process, the disease can

either be stopped or possibly reversed." He stated that the preventative care costs could save money without cutting services. He explained that this would apply to Medicaid recipients.

[3:12:54 PM](#)

REPRESENTATIVE T. WILSON asked if the state would pay for this or was it in addition to Medicaid.

MR. POUND replied that it was a part of Medicaid but that the state would pay for the preventative aspect. He allowed that there would be an increase in upfront costs, but that early prevention and early detection would balance the long term costs.

[3:13:46 PM](#)

REPRESENTATIVE T. WILSON asked what the cost would be.

[3:14:17 PM](#)

CO-CHAIR KELLER shared that the bill was not yet in its final format.

[3:14:46 PM](#)

REPRESENTATIVE SEATON asked to clarify that the preventative care was 100 percent state funded for Medicaid recipients.

MR. POUND agreed.

REPRESENTATIVE SEATON pointed to page 2, line 11, and read from subsection (d): "The department shall evaluate the projected and actual savings..." and he asked if the referenced annual report would be on the savings and not on the cost.

MR. POUND agreed.

[3:15:38 PM](#)

REPRESENTATIVE CISSNA reported reading that other states had waivers for preventative work, and expressed her delight. She said "this is pioneering."

[3:16:13 PM](#)

CO-CHAIR KELLER moved to adopt the proposed Committee Substitute (CS) for HB 260, Version 26-LS1128\R, Mischel, 2/4/10 as the working document. Seeing no objection, it was so ordered.

[3:16:43 PM](#)

REPRESENTATIVE HOLMES asked if the changes had been explained.

[3:17:11 PM](#)

CO-CHAIR HERRON replied that testimony would be taken first.

[3:17:48 PM](#)

BILL STREUER, Deputy Commissioner, Director's Office, Division of Health Care Services, Department of Health and Social Services, said that Medicaid expenses would continue to rise and he announced that there needed to be "a better, smarter way to do things." He stated his mantra: "the right care, the right time, the right place, for the right people, at the right price." He offered a basic primer to activities that would fit into this bill.

[3:19:04 PM](#)

MR. STREUER compared programs for preventive care: the medical home program; all inclusive care for the elderly (PACE); expanded coverage; and, pricing and rate strategies. He stated that he would only speak about the first two programs. The first program, the medical home, was a managed care program which included: physician directed medical practices; a whole person orientation, focusing entirely on the person and their particular health conditions, needs, and wants; integrated and coordinated care; quality and safety; and enhanced access. He shared that the medical home program had been around since 1967. He estimated that it would save \$67 billion each year. In 2007, the principles of the patient centered medical home were released: a personal physician, with an ongoing relationship with the individual; physician directed medical practices for the team responsible for care; and whole person orientation, to include all the patient's health care needs. He described this gateway for an individual to receive care to include quality and safety, care planning, evidence based medicine, clinical decision support, and performance measurement. He spoke about open scheduling, which included expanded hours and new communication techniques, on-line and blackberry to blackberry. He stated that the payment needed to be appropriate to the

providers. He shared that the Centers for Disease Control (CDC) had concluded that continuous enrollment of children in medical homes resulted in higher vaccination rates, and that medical homes provided better access, improved communication, better satisfaction, reduced duplicate procedures, and lower medical errors. He stated criticism of medical homes to include: a potential shifting of financial and other resources with adverse affects on sectors of the health care system; access to vision care may be restricted; and careful consideration was needed for the role of non-physician providers. He opined that the medical home model needed to take into account all the health care needs of the individual. He opined that the startup costs would be minimal and could be accomplished with existing staff. He reported the necessity of a project coordinator, and that a pilot project with the Indian Health Services should be initiated no later than January 1, 2011.

[3:24:40 PM](#)

MR. STREUER detailed the Program of All Inclusive Care for the Elderly (PACE), and stated that it was provided by non-profit or public entities. He listed the requirements to include: regulation by the Centers for Medicare and Medicaid Services (CMS), a governing board, a complete service package, a defined service area, safeguards against conflict of interest, and participants must be at least 55 years of age with a need for nursing facility level of care. He expressed that all Medicaid and Medicare services plus 16 additional services had to be provided.

[3:26:47 PM](#)

REPRESENTATIVE CISSNA asked if the PACE program was structured for rural Alaska.

[3:27:30 PM](#)

MR. STREUER replied that the PACE program was an urban service model.

REPRESENTATIVE T. WILSON asked if this was a new program.

MR. STREUER replied that it was a new program in Alaska.

REPRESENTATIVE T. WILSON asked what the program would cost.

MR. STREUER opined that there would not be an increase in costs over the currently provided services.

[3:28:32 PM](#)

CO-CHAIR KELLER asked if there was a pilot program for the medical home model.

[3:29:13 PM](#)

MR. STREUER expressed a desire to develop a program with the community health centers.

CO-CHAIR KELLER asked about a timeline for the PACE program, and he offered any help necessary from the committee.

MR. STREUER offered his belief that contacts with CMS would begin shortly to initiate the pilot program.

[3:30:09 PM](#)

REPRESENTATIVE SEATON asked if the wait list for Medicaid waivers would affect the program.

MR. STREUER replied that the wait list was for individuals, and that this was a different waiver request.

[3:31:41 PM](#)

WARREN TODD, Executive Director, International Disease Management Alliance, spoke about his background.

[3:34:35 PM](#)

MR. TODD said that there was a wealth of experience from the Lower 48 for Alaska to draw on, though it was difficult to decipher. He expressed the difficulty for measuring performance of the programs. He stated that the costs of the programs have been too high as they have been delivered through for-profit organizations. He reflected that management of disease prevention and wellness programs had devoted attention to the current problems of the elderly. He opined that disease management programs had a greater chance to demonstrate economic savings in the short term.

[3:37:50 PM](#)

MR. TODD shared that the disease management industry would soon expand into prevention and wellness programs. He expressed concern for the core issue that chronic disease was viewed as a medical problem, although it was a social problem, and could not be solved in the medical infrastructure. He expressed his desire for newly designed state programs to address the social issues. He recommended that it was necessary to design medical, social, and economic programs for "the very, very specific and unique needs of your populations throughout your state" in order for there to be any benefit from the programs.

[3:40:50 PM](#)

MR. TODD, in response to Representative Cissna, said that obesity was a global epidemic.

[3:42:45 PM](#)

REPRESENTATIVE CISSNA opined that these programs required creativity.

MR. TODD agreed.

[3:43:44 PM](#)

REPRESENTATIVE T. WILSON asked if these PACE management home programs had been offered by the private sector.

MR. TODD hesitantly said yes, and referred to the Medicare program to implement the MHS pilot programs for the elderly, which were discontinued. He proposed that it was most important to have an understanding of why these failed.

REPRESENTATIVE T. WILSON asked if any there were any successful privately run programs.

MR. TODD said that 2 or 3 of the pilot programs generated results which exceeded expectations, a net 5 percent savings.

REPRESENTATIVE T. WILSON asked for Mr. Todd to forward a list of these programs.

[3:46:42 PM](#)

SHELLEY HUGHES, Government Affairs Director, Alaska Primary Care Association (APCA), declared this to be the best bill in the building. She explained that the APCA mission was to promote

health care access to all Alaskans, with a focus of support to primary care and safety net providers for underserved and low income populations. She detailed that APCA was the regular source of primary care for 23 percent of the Medicaid population. She pointed out that APCA represented the community health centers which she determined would become the patient centered healthcare home models, and noted that the patient would be personally involved with their own care. She stated that the community health centers were non-profits in the private sector, and that APCA would partner with the state as a solution. She relayed that data from other states indicated a 10 -33 percent savings when Medicaid patients use a health center as the regular source for primary care. She opined that although the savings may not be that high for Alaska, even a 3-5 percent savings on the 2029 projected Medicaid budget of \$3.5 billion would be millions of dollars. She stated that this was "a very good bill." She pointed to page 2, and stated support for an annual report as accountability was an important aspect of the bill. She emphasized the importance of disease management and the cost savings generated by prevention.

[3:51:34 PM](#)

CO-CHAIR KELLER said that this was "an idea whose time has come." He summarized that PACE, medical home, and disease management were ways to improve the quality of life and save money.

[3:52:59 PM](#)

[HB 260 was held over.]

SCR 12-FETAL ALCOHOL SPECTRUM DISORDERS DAY

CO-CHAIR HERRON announced that the next order of business would be SENATE CONCURRENT RESOLUTION NO. 12, Proclaiming September 9, 2010, as Fetal Alcohol Spectrum Disorders Awareness Day.

[3:53:39 PM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, explained that SCR 12 proclaimed September 9, 2010, as Fetal Alcohol Spectrum Disorder Day (FASD). He shared that FASD day was observed internationally. He pointed out that Alaska had the highest rate of FASD in the United States. He noted that FASD was caused by prenatal exposure to alcohol, and could "result in permanent brain damage, birth defects, learning disabilities,

behavioral problems, and most tragically, the loss of individual potential." He directed attention to the millions of dollars spent for lifetime medical and residential treatment costs by the state. He expressed frustration that this was totally preventable. He stated that SCR 12 was an effort to bring attention and awareness to the problem and the devastating effects on the children.

[3:55:40 PM](#)

CO-CHAIR HERRON applauded Senator Meyer for maintaining awareness of FASD. He referred to the earlier testimonies by parents of FASD children and directed attention to Alaskan businesses and institutions which disregarded FASD.

[3:56:56 PM](#)

CO-CHAIR KELLER moved to report SCR 12 out of committee with individual recommendations. There being no objection, SCR 12 was forwarded from the House Health and Social Services Standing Committee.

SB 101-STUDENT QUESTIONNAIRES AND SURVEYS

[3:57:29 PM](#)

CO-CHAIR HERRON announced that the final order of business would be SENATE BILL NO. 101, "An Act relating to questionnaires and surveys administered in the public schools."

[3:57:59 PM](#)

SENATOR BETTYE DAVIS, Alaska State Legislature, offered to present the bullet points of the bill.

[3:58:59 PM](#)

TOM OBERMEYER, Staff to Senator Bettye Davis, Alaska State Legislature, explained that SB 101 strengthens current parental notification provisions on the Youth Risk Behavior Survey (YRBS) as it allows for passive parental consent to student participation in the YRBS, ensures two week advance notification, and allows parents to choose not to participate. He explained that the YRBS was a voluntary, anonymous, school based survey of high school students, developed by the Centers for Disease Control (CDC), and administered every two years. He stated that current law required a signed permission slip from

the parents, which hindered the data collection, as many of the permission slips were not returned. He acknowledged the importance of parental support and engagement, and the need for parents to be kept informed and involved. He stated that SB 101 balanced the parental need for information with the state's interest to protect children from high risk behavior. He shared that the Anchorage School District had barely met the necessary minimum participation for the 2009 YRSB survey, and that SB 101 would endeavor to change this.

[4:02:10 PM](#)

SENATOR DAVIS asked if the committee would like a synopsis of SB 101.

[4:02:25 PM](#)

CO-CHAIR HERRON replied that he would listen to public testimony.

[4:02:39 PM](#)

REPRESENTATIVE LYNN asked if there was a loss of federal money if there was not a minimum return of surveys.

MR OBERMEYER replied that there might be a loss of money for non-participation.

REPRESENTATIVE LYNN asked to clarify that there was money for the school districts for minimal participation in YRBS.

SENATOR DAVIS replied that it was necessary for 60 percent participation, as that threshold determined that organizations did receive money. She pointed out the importance of the data.

[4:05:07 PM](#)

CO-CHAIR KELLER noted that some testimony reflected concern with sharing private family information. He said that the question was not about the value of the data, but that passive permission was the default position for the sharing of private information. He stated that the data was good, but he expressed his concern for the lessening of privacy.

[4:07:31 PM](#)

SENATOR DAVIS, in response, emphasized that SB 101 did not lessen privacy. She stated that the permission letter would be mailed, not sent home with the student. She said this was not the only survey given in the schools. She emphasized that both the parent and the student had the right to deny participation. She stated her support for parental rights. She declared that there were other obligations, as well.

[4:09:30 PM](#)

CO-CHAIR KELLER offered his belief that privacy was the main issue with the bill.

[4:09:50 PM](#)

REPRESENTATIVE T. WILSON asked why the parental consent slip signed during school registration was not sufficient in Anchorage.

[4:10:15 PM](#)

MR. OBERMEYER, in response, offered his belief that this permission slip was offered in August and that the anonymous surveys required two week's notice. He pointed out that SB 101 included a long notification process. He noted that the issue was both legal and procedural.

[4:12:18 PM](#)

REPRESENTATIVE T. WILSON asked if there were federal requirements regarding notification time.

SENATOR DAVIS replied that this referenced state law, not federal law.

MR. OBERMEYER said that the process was already a state law, and that SB 101 was asking to allow non-response as consent for this survey.

[4:13:07 PM](#)

REPRESENTATIVE T. WILSON asked why the current system of permission during school enrollment was not acceptable.

[4:13:59 PM](#)

SENATOR DAVIS, in response to Representative T. Wilson, explained that there had been insufficient returns. She reiterated that SB 101 would not take away parental rights.

[4:15:00 PM](#)

REPRESENTATIVE HOLMES recalled that parents were encouraged, but not required, to show up at registration.

[4:15:43 PM](#)

CO-CHAIR KELLER asked if there was evidence that receipt of federal money had been hindered because of the current law.

[4:16:13 PM](#)

SENATOR DAVIS said that she was more concerned with collecting the survey data than about receiving the money.

[4:16:51 PM](#)

CO-CHAIR HERRON referred to the information in the committee packets.

[4:17:14 PM](#)

RYAN KAUFFMAN said that he was the local coordinator for the YRBS survey in the Sitka School District. He opined that a high response rate gave a clearer picture for the necessary services. He pointed out that an incorrect distribution of service funding was equivalent to a loss of revenue. He reminded the committee that the YRBS was anonymous, which was the highest priority. He recollected that twenty percent did not respond, ten percent of students were absent or travelling, and eight percent had opted out. He said that the passage of SB 101 would translate to the saving of many man-hours and dollars necessary to collect the permission. He offered his belief that signatures had to be collected two weeks prior to the survey. He stated that many parents did not return paperwork, even at the beginning of the school year. He pointed out that most parents were supportive.

[4:21:54 PM](#)

REPRESENTATIVE LYNN asked if any federal money was tied to the percentage of surveys returned.

CO-CHAIR HERRON confirmed that Ms. Owen was better suited to answer that.

[4:22:35 PM](#)

MR. KAUFFMAN, in response to Representative Holmes, said that parents were not required to show up at registration.

[4:23:05 PM](#)

REPRESENTATIVE T. WILSON asked how children were registered at the school.

MR. KAUFFMAN opined that students were re-enrolled from the prior year.

[4:23:52 PM](#)

REPRESENTATIVE T. WILSON offered her belief that the law stated that at least two week's notice be given prior to the survey, so that the permission could have been collected at the beginning of the school year. She asked if this would have made things easier.

MR. KAUFFMAN replied that school registration was a very difficult and busy time, and it would be a difficult time to organize a large survey.

[4:24:43 PM](#)

CO-CHAIR KELLER clarified that AS 14.03.110(b) allowed for anonymous survey permission to be obtained annually, and was valid until the subsequent year.

[4:25:40 PM](#)

JIM MINNERY, President, Alaska Family Council, declared that they had just finished another statewide parental notification campaign. He said that SB 101 undermines parental rights because it places the burden on the parent to say no. He questioned the content and the usefulness of the data. He opined that it was difficult enough for parents to shelter their children. He suggested that school districts experiencing problems with collecting enough permission should speak with other school districts which have been successful. He stressed that parent's rights were being usurped. He encouraged opposition to SB 101.

[4:29:52 PM](#)

EMILY NENON, Alaska Government Relations Director, American Cancer Society Cancer Action Network (ACS CAN), testified that after watching this issue for many years, SB 101 maintains and strengthens parental notification provisions, "while improving the opportunities to better serve our youth." She spoke in support of SB 101.

[4:30:42 PM](#)

MARY FRANCIS, Executive Director, Alaska Council of School Administrators, said that school administrators believed that the information was very important, and could be used for grant purposes. She stated that it was about the data, not any limitation on parental rights. She stated support for SB 101.

[4:31:53 PM](#)

PAULA EASLEY, Trustee, Alaska Mental Health Trust Authority, reported that the trustees supported allowing student participation in the YRBS, unless the parent or guardian objected in writing. She stressed that students had to also be free to determine their own level of participation. She pointed out that the data ensured for Alaska's health, safety, and prevention programs to be evidence based and properly targeted. She reported that one parent had stated "parents absolutely needed to be aware of other teenager's behaviors and concerns to help them better protect their own children's interests." She referred to the DHSS scorecard which compared national and Alaska data on issues impacting Trust beneficiaries. She expressed the need for accurate and current information. She stated that as a mother, a grandmother, and a conservative, she was a very strong advocate for the protection of privacy rights, but she did not believe SB 101 violated these rights. She stated her support for SB 101.

[4:34:35 PM](#)

ANNIE DOUGHERTY, Teacher, shared that she had been a teacher in rural and urban schools, and was familiar with the difficulties. She stressed that it was critical to retain active parental permission. She declared that the role as educators was to deliver education, not surveys. She agreed that the data was important, but it was necessary to maintain respect for the parents. She expressed concern for losing students and student

funding to private or home schools because of parental dissatisfaction. She opined that SB 101 would create more parental distrust. She emphasized the need for parental participation for student success. She suggested alternate methods for attaining parental permission. She pointed out that children were taught to wait for permission, and not to assume permission when there was not a response. She suggested a query to parents for their response to SB 101.

[4:41:46 PM](#)

MONICA GROSS, Doctor, said that she was a parent of four teenagers, and that she supported SB 101. She offered her belief that SB 101 supported families and parents, as it was so important for parents to know what was going on with teens. She reiterated that the survey was confidential and that it provided data about teenagers.

[4:43:00 PM](#)

REPRESENTATIVE T. WILSON stated that the data was for Alaska and "not gonna get what the kids, my kids, hang out with, you don't get that kind of data." She expressed concern for parental awareness. She offered her belief that it was more important to test the [school] programs before they are funded, instead of "how a teenager might check their activity on drugs or suicide." She opined that there was too much focus on the data and not the focus on whether the programs were working.

[4:44:09 PM](#)

DR. GROSS replied that the "world of teens is rapidly changing all the time." She directed attention to the prior year problem with prescription drug abuse in Juneau, and she stated that the survey offered community data, as well.

[4:44:52 PM](#)

REPRESENTATIVE T. WILSON asked about the survey revealing a problem with prescription drugs.

[4:45:10 PM](#)

DR. GROSS expressed the need for constant data updates as the teen world was rapidly evolving.

[4:45:29 PM](#)

CO-CHAIR KELLER acknowledged the need, and the difficulty, for parents to get the necessary information. He opined that parents would be better informed with active permission.

[4:46:20 PM](#)

DR. GROSS agreed that in a perfect world, parents would give active permission, but she lamented that often children lose paperwork. She pointed out that not many parents even go to parent teacher conferences. She said that kids now assert more independence, and parents are less involved. She said that if a parent was opposed, they could sign a statement of non-participation. She supported passive permission.

[4:47:15 PM](#)

PATTY OWEN, State YRBS Survey Coordinator, Division of Public Health, Department of Health and Social Services, said that she was available for questions to the topics discussed.

[4:48:15 PM](#)

CO-CHAIR HERRON asked for her comments.

[4:48:30 PM](#)

MS. OWEN said that the process for collecting permission forms was different in each district, with varying success. She explained that districts did not always have the permission on file, and as the law required two weeks' notice, parents were contacted again for permission for the YRBS. She clarified that this was both YRBS protocol and the law. She relayed that there was not any quantifiable loss to federal funding from lack of YRBS data, but that the loss of federal grants for health and education programs was quantifiable.

MS. OWEN relayed that CDC has predicted a 50 percent decrease of student response with the request for active parental consent, unless extraordinary measures were taken. She applauded the efforts by school districts to incentivize for the return of the permission slips. She said that lack of return for permission, and sickness on the day of the YRBS, jeopardized the response rate.

[4:51:35 PM](#)

CO-CHAIR HERRON closed public testimony.

[4:52:00 PM](#)

REPRESENTATIVE SEATON moved to adopt Amendment 1, labeled 26-LS0524\A.2 Mischel, 2/17/10, which read:

Page 2, lines 23 - 24:

Delete "guardian notice of the survey"

Insert "legal guardian notice of the survey as provided under (d) of this section at least two weeks before the survey is administered"

[4:52:08 PM](#)

CO-CHAIR HERRON objected for discussion.

REPRESENTATIVE SEATON explained that the construction change would include the student's legal guardian and would require inclusion of all eight of the requirements in AS 14.03.110(d) to be met.

[4:53:33 PM](#)

SENATOR DAVIS said that she had no objection to Amendment 1.

[4:53:44 PM](#)

CO-CHAIR HERRON removed his objection. There being no further objection, Amendment 1 was adopted.

REPRESENTATIVE T. WILSON asked how there could be verification that every parent had been notified.

[4:54:15 PM](#)

SENATOR DAVIS said that she could not answer that.

[4:54:37 PM](#)

REPRESENTATIVE T. WILSON said that, currently, permission was needed to be given for the YRBS. She opined that a change in the current system could not guarantee that parents would even know about the YRBS.

[4:55:58 PM](#)

SENATOR DAVIS expressed her assumption that the procedure would be followed and the permission slips would be mailed two weeks prior.

[4:56:57 PM](#)

REPRESENTATIVE T. WILSON asked if a better solution would be to mail them out right now.

[4:57:12 PM](#)

SENATOR DAVIS said that she did not know what procedure each district was currently following.

[4:57:34 PM](#)

REPRESENTATIVE CISSNA reported that Alaska lead the nation in abuses to children. She opined that the YRBS could address some of these abuses. She offered her belief that the parents who were staying in contact were the parents who would be returning the forms, regardless of the decision to participate or not. She suggested that the parents who did not want their children to take the survey were the same ones who would be protected by the testing.

[5:00:38 PM](#)

REPRESENTATIVE SEATON stated that the only issue was for parents not responding and not participating in their children's lives. He offered as an example the Challenge Program of the Alaska Military Youth Academy, which wanted to allow the personal contact information for drop outs to be shared on an opt out basis. He offered his belief that the amendment would allow for the protection of privacy for the YRBS, and that this would be the only survey allowing for students to participate without a specific parental approval.

[5:02:39 PM](#)

CO-CHAIR KELLER said that, currently, a significant number of parents were saying no to participation in the YRBS, yet the data was still being collected. He offered his belief that the bill abrogates the fundamental, inherent, parent rights.

REPRESENTATIVE T. WILSON pointed out that it was assumed that parents had received the notice for the YRBS. She said that financial loss was not the issue. She offered her belief that

the YRBS should be the survey that most necessitated an active parental consent. She opined that the YRBS was very personal. She expressed the necessity for parents to actively give permission.

[5:06:28 PM](#)

REPRESENTATIVE LYNN offered his agreement with the comments of Co-Chair Keller and Representative T. Wilson. He applauded the survey intent, but he expressed his dislike for the survey questions. He noted that everyone wanted to stop inappropriate behavior. He expressed concern for the unintended consequences, and he declared that SB 101 took away parental rights. He declared that it was necessary for [active] permission to be granted by the parents for participation in the YRBS.

[5:08:51 PM](#)

REPRESENTATIVE SEATON moved to report SB 101, as amended, out of committee with individual recommendations.

REPRESENTATIVE T. WILSON and CO-CHAIR KELLER objected.

[5:09:11 PM](#)

CO-CHAIR KELLER commented that the money spent to encourage parental participation for the YRBS was also instrumental for encouragement and engagement to overall parental participation.

[5:11:01 PM](#)

A roll call vote was taken. Representatives Seaton, Cissna, Holmes, and Herron voted in favor of SB101, as amended. Representatives T. Wilson, Lynn, and Keller voted against it. Therefore, HCSSB 101(HSS) was reported from the House Health and Social Services Standing Committee by a vote of 4-3.

[5:11:59 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 5:11 p.m.