

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 2, 2009

1:32 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator Joe Paskvan, Vice Chair
Senator Johnny Ellis
Senator Joe Thomas
Senator Fred Dyson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 65

"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

SENATE BILL NO. 82

"An Act providing for an effective date by delaying the effective date of the change of coverage of adult dental services under Medicaid; and providing for an effective date."

MOVED SB 82 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 65

SHORT TITLE: MEDICAID FOR ADULT DENTAL SERVICES

SPONSOR(S): SENATOR(S) DAVIS

01/21/09 (S) READ THE FIRST TIME - REFERRALS

01/21/09 (S) HSS, FIN

02/02/09 (S) HSS AT 1:30 PM BELTZ 211

HEARD AND HELD

BILL: SB 82

SHORT TITLE: MEDICAID FOR ADULT DENTAL SERVICES

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/26/09 (S) READ THE FIRST TIME - REFERRALS

01/26/09 (S) HSS, FIN
02/02/09 (S) HSS AT 1:30 PM BELTZ 211
MOVED SB 82 OUT OF COMMITTEE

WITNESS REGISTER

LYNNE KORAL, intern
to Senator Bettye Davis
State Capital
Juneau, AK

POSITION STATEMENT: Presented the sponsor's statement for SB 65.

TOM OBERMEYER, aid
to Senator Bettye Davis
State Capital
Juneau, AK

POSITION STATEMENT: Provided information about SB 65.

PAT LUBY, Advocacy Director
AARP
Anchorage, AK

POSITION STATEMENT: Supported SB 65.

JOHN SHERWOOD, Long Term Care Coordinator
Department of Health and Social Services (DHSS)
Juneau, AK

POSITION STATEMENT: Supported SB 82.

DELISA CULPEPPER, Chief Operating Officer
Alaska Mental Health Trust Authority (AMHTA);
Co-Chair, Alaska Dental Action Coalition
Anchorage, AK

POSITION STATEMENT: Supported SB 65 but did not oppose SB 82.

DR. BRAD WHISTLER, Dental Officer
Department of Health and Social Services (DHSS)

POSITION STATEMENT: Supported SB 82.

ACTION NARRATIVE

1:32:32 PM

CHAIR BETTYE DAVIS called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Dyson, Paskvan, Thomas, Ellis and Davis.

SB 65-MEDICAID FOR ADULT DENTAL SERVICES
SB 82-MEDICAID FOR ADULT DENTAL SERVICES

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CHAIR DAVIS announced consideration of SB 65 and SB 82.

LYNNE KORAL, intern to Senator Davis, presented the sponsor's statement for SB 65.

SB 65 is 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.

The purpose of this bill is to repeal the termination date on June 30, 2009 of coverage for adult restorative and preventative dental services under Medicaid. Without the repeal, the coverage for adult dental services would revert to minimal treatment for the immediate relief of pain or to reduce the spread of infection, as it was before the bill went into effect in April 2007. The coverage under Medicaid began with the passage of HB 105.

It has been demonstrated that across the continuum of the average life span, good preventative and restorative oral and dental health is very important. It is a necessity in part because poor oral and dental health can be linked to cardiovascular problems, diabetes and other life-threatening illnesses. It can also contribute to low birth-weight babies.

She pointed out that the federal government contributes at least 50 percent of the funding for this program.

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TOM OBERMEYER, aid to Senator Davis, noted that the fiscal note points out that 7600 people were beneficiaries of this program in the last year and over half of the cost was paid for by the federal government.

This bill repeals the sunset provisions of the previous bill and differs from SB 82 in that SB 82 contains a five year sunset provision. The fiscal note extends through 2015 with an anticipated total cost and appropriate increases, with the greater portion again being covered by federal receipts.

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SENATOR DYSON questioned why Senator Davis's bill does not have a sunset date.

CHAIR DAVIS affirmed that is the difference between the two bills before the committee.

SENATOR DYSON asked if Senator Davis or her staff would explain her reasoning.

MR. OBERMEYER said it appears that there will be a continuing need for adult restorative and preventative care and that, as this will be an ongoing program, it will save time and money if it doesn't have to be reauthorized regularly.

CHAIR DAVIS added that everyone agrees with the need for these services and the people who have contacted her have asked that it be an ongoing program.

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PAT LUBY, Advocacy Director, AARP, Anchorage, AK, said AARP has heard from older consumers that this program is working well. Oral health is critical to overall health. Dental problems can result in diseases varying from malnutrition to heart disease. Medicare did not provide any funding for dental care; it's critical that Alaska continue to provide this provision on dental care and oral health to adults who are on the Medicaid program. AARP strongly supports it.

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CHAIR DAVIS announced that John Sherwood is available to answer questions.

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SENATOR DYSON said he would appreciate hearing the department's position regarding a sunset date.

JOHN SHERWOOD, Long Term Care Coordinator, Department of Health and Social Services (DHSS), Juneau, AK, answered that, at this time the department would support a date to give them additional time to collect information and evaluate the cost-effectiveness and adequacy of the enhanced adult dental coverage.

CHAIR DAVIS pointed out that the department has had 2 years or more [to gather information].

MR. SHERWOOD responded that the program is going on its second full year of operation. The department has data for one complete

year and part of an earlier year; they don't have their data for this year yet, so they are not comfortable with the data they have in terms of making a conclusive determination about the overall effect. Also, in many places during the first partial year, there were long waiting periods to get appointments so even though they began offering it in 2007, very few people were able to access it.

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SENATOR THOMAS asked Mr. Sherwood if the department has other objections to removing the sunset date.

MR. SHERWOOD answered that the department supports a sunset date; they would not oppose not having one.

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DR. BRAD WHISTLER, Dental Officer, Department of Health and Social Services (DHSS), said he is primarily here to speak to SB 82.

CHAIR DAVIS suggested that he wait to testify until the committee has finished discussing SB 65.

DELISA CULPEPPER, Chief Operating Officer, Alaska Mental Health Trust Authority (AMHTA); Co-Chair, Alaska Dental Action Coalition, Anchorage, AK, said AMHTA is very much in favor of repealing the sunset date; they would not oppose having a five year sunset, but want to be sure that this program for adult dental Medicaid moves forward. Many of their clients have benefited from this in the past two and a half years. They've worked with the department and others to look at the effects of this [program] and it really makes a difference in the lives of vulnerable adults who have no other way to pay for dental treatment.

MS. CULPEPPER said AMHTA has been working with the dental society and the department regarding whether or not a sunset is needed and, until now, the discussion was leaning toward not having one. They felt that budgeting and other issues could be handled through regulation and through the annual budget process. In all of the bills addressing adult dental Medicaid however, they would like to address repeal of the three year sunset and address the cap, which is set in statute at \$1150. The statute allows that cap to be reduced, but not to be increased in any way; both the dental society and AMHTA fear that will limit access to the program in the future.

She closed by saying she hopes the committee will support reauthorization of adult dental Medicaid.

CHAIR DAVIS closed public testimony on SB 65 and announced consideration of SB 82.

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DR. BRAD WHISTLER, Dental Officer, Department of Health and Social Services (DHSS) said he is in favor of the governor's bill SB82 to reauthorize the adult preventive dental services. SB 82 provides for an extension of adult dental preventive services through June 30, 2014, or five years past the current sunset date.

He continued that good oral health is a quality-of-life issue. Pain from dental infections can result in missed work; adults with missing or decayed front teeth have problems getting jobs or job enhancement, especially in Alaska's customer service sector, where it is part of the image one presents to the public. For Alaska seniors and adults, lack of dentures or ill-fitting dentures can contribute to food choices such as nutritional choices of fresh fruits and vegetables. Coverage of preventive and routine dental services reduces the progression of dental decay to the point that the pulp doesn't become involved and it isn't necessary to extract permanent teeth. Once that happens, all other alternatives are more expensive.

Finally, adult dental services are important in terms of a comprehensive approach to reducing dental decay in Alaska's children. The bacteria that cause dental decay are usually passed from caregiver to child; if the caregiver has a lot of decay, he or she can transmit those organisms to the infant by means of sampling bottles or tasting foods and once the teeth erupt it creates a risk factor for developing early dental decay in the child. He stressed that Department of Health and Social Services (DHSS) is trying to convince people, especially in rural areas where there are high rates of decay, of the importance of keeping teeth through proper oral hygiene and good nutrition. That was a hard message to sell when the state was only offering emergency services.

DR. WHISTLER reiterated that the department is supporting the passage of SB 82 with the sunset extension to June 30, 2014. As John Sherwood indicated, by the time they had received federal approval to proceed with this program, they were able to give only very short notice and few people were able to make appointments during that first quarter of FY07, so FY08 was the

first full year of information. They would like to extend the sunset date to give them time to discuss whether the program actually results in fewer extracted teeth or other things the legislature was concerned about when this pilot program was passed.

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CHAIR DAVIS commented that she has received emails from several people who state that the current cap does not cover a full set of dentures. There are other issues related to the cap as well, but she does not particularly want to take them up in this bill.

She pointed out that no one here has denied the need for these services and all of the testimony supports it. Even though the department feels it needs time to establish its database, she does not understand why they need five years to gather the information to prove this is a much-needed service.

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DR. WHISTLER said he can only echo John's comments that the department would prefer to respond to the directive it was given by the legislature when they authorized these services, to report back on whether the services were effective in reducing emergency services and to answer other questions that came up at that time.

He clarified that, when he spoke about annual limit being adequate to cover an upper or lower denture, he based that on what the state pays for reimbursement on the Medicaid program.

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SENATOR PASKVAN asked if there has been any thought of including a medical or dental escalator to the \$1150 limit.

DR. WHISTLER answered that the department has not looked at that issue; they've just been looking at this as a reauthorization with the \$1150.

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SENATOR DYSON said he is generally in favor of showing respect for the department; if they want a sunset, that's fine. He also thinks there will be significant changes in the next two to four years in the way health care issues are dealt with and financed, so there is some wisdom to retaining the sunset.

CHAIR DAVIS said she wants this to be an ongoing program. She knows there will probably be significant changes in our health

care system under the new federal administration and it will probably be safe to leave the sunset in the bill; she does not see the necessity for it, but has no problem leaving it if that is the consensus. She agreed to withdraw her bill and proceed with SB 82 if the vice-chair would be willing to make a motion.

SENATOR PASKVAN moved to withdraw SB65 and to place SB82 before the committee for consideration. There being no objection, the motion carried.

SENATOR DYSON moved to report SB 82 from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

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There being no further business before the committee, CHAIR DAVIS adjourned the meeting at 2:02 PM.