

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 27, 2009

1:34 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator Joe Paskvan, Vice Chair
Senator Joe Thomas

MEMBERS ABSENT

Senator Johnny Ellis
Senator Fred Dyson

COMMITTEE CALENDAR

SENATE BILL NO. 27

"An Act relating to tuition waivers for a child who was in foster care; relating to eligibility for foster care and subsidy payments for a hard-to-place child; and amending the definition of 'child' in certain statutes."

HEARD AND HELD

SENATE BILL NO. 101

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

MOVED SB 101 OUT OF COMMITTEE

SENATE BILL NO. 133

"An Act creating a statewide electronic health information exchange system; and providing for an effective date."

MOVED CSSB 133(HSS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 27

SHORT TITLE: FOSTER CARE AGE LIMIT/TUITION WAIVER

SPONSOR(s): SENATOR(s) DAVIS

01/21/09	(S)	PREFILE RELEASED 1/9/09
01/21/09	(S)	READ THE FIRST TIME - REFERRALS
01/21/09	(S)	HSS, L&C, FIN
03/11/09	(S)	HSS AT 1:30 PM BUTROVICH 205
03/11/09	(S)	Heard & Held
03/11/09	(S)	MINUTE(HSS)

03/18/09 (S) HSS AT 1:30 PM BUTROVICH 205
03/18/09 (S) Scheduled But Not Heard
03/27/09 (S) HSS AT 1:15 PM BUTROVICH 205

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

BILL: SB 133

SHORT TITLE: ELECTRONIC HEALTH INFO EXCHANGE SYSTEM

SPONSOR(S): SENATOR(S) PASKVAN

03/02/09 (S) READ THE FIRST TIME - REFERRALS
03/02/09 (S) HSS, FIN
03/16/09 (S) HSS AT 1:30 PM BUTROVICH 205
03/16/09 (S) Heard & Held
03/16/09 (S) MINUTE(HSS)
03/27/09 (S) HSS AT 1:15 PM BUTROVICH 205

WITNESS REGISTER

JAKE HAMBURG, staff to Senator Paskvan
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Explained changes in the committee substitute for SB 133.

PAUL SHERRY, President/CEO
Alaska Native Tribal Health Consortium (ANTHC)
Anchorage, AK

POSITION STATEMENT: Supported SB 133.

BILL STREUR, Deputy Commissioner
Medicaid and Health Care Policy
Department of Health and Social Services
Juneau, AK

POSITION STATEMENT: Supported SB 133.

TOM OBERMEYER, staff to Senator Davis
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Provided an overview of SB 101 and an explanation of changes in the CS for SB 27.

MIKE LESMAN, Community Relations Manager and Legislative Contact
Department of Health and Social Services
Office of Childrens' Services (OCS)

POSITION STATEMENT: Was neutral on SB 27.

ACTION NARRATIVE

[1:34:39 PM](#)

CHAIR BETTYE DAVIS called the Senate Health and Social Services Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Thomas, Paskvan and Davis.

SB 133-ELECTRONIC HEALTH INFO EXCHANGE SYSTEM

[1:35:03 PM](#)

CHAIR DAVIS announced consideration of SB 133.

SENATOR PASKVAN moved to adopt the proposed committee substitute for SB 133, labeled 26-LS0489\ S, as the working document.

CHAIR DAVIS objected for purposes of discussion.

SENATOR PASKVAN said this amendment is in conformance with what the members expressed interest in.

CHAIR DAVIS asked if Senator Paskavan would explain the amendment to those who are present.

SENATOR PASKVAN deferred to his aid, Jake Hamburg.

[1:36:31 PM](#)

JAKE HAMBURG, staff to Senator Paskvan, advised that Paul Sherry, Rebecca Madison [Alaska eHealth Network] and the deputy commissioner are on line to answer questions as needed. He said

there were three changes made to the original bill based on discussions during the last committee hearing.

- First, new language on page 4, lines 7-10 provides the department with added flexibility while maintaining multiple stakeholder representation. Under that new language, the department has the option to designate one entity or a combination of entities to fulfill the purposes of Section 2.
- Second, the department's duties were clarified by adding Section 18.23.305 in the CS on page 4, beginning at line 22 through page 5, line 2.
- Third, there was a request for more specific member representation to sit on an advisory or governing board for the designated entity and that can be found on page 4, lines 11-21 addressing more specific governing board membership requirements.

The privacy protections outlined in the original bill were preserved and are unchanged.

[1:38:35 PM](#)

CHAIR DAVIS removed her objection.

CHAIR DAVIS advised that there are people who have signed up to testify via teleconference and she would like to allow them to speak before moving the bill out.

[1:39:30 PM](#)

PAUL SHERRY, President/CEO, Alaska Native Tribal Health Consortium (ANTHC), Anchorage, AK, said that ANTHC has worked with the department since the last hearing on this bill to clarify these roles and the provision for the stakeholder involvement. They appreciate what they understand as the department's readiness to move forward with this and urge the legislature and the department to move expeditiously to take advantage of stimulus funds in this area. They also continue to encourage the department to work closely with the Alaska eHealth Network, which has put a couple of years of advance work into this process and is ready to move the effort forward collaboratively.

CHAIR DAVIS said John Sherwood and Mike Lesman from the Department of Health and Social Services (DHSS) are also available to speak to the bill.

[1:41:00 PM](#)

BILL STREUR, Deputy Commissioner, Medicaid and Health Care Policy, Department of Health and Social Services, Juneau, AK, said the department supports movement toward electronic health records, health information exchanges and health information technology in general; this is the future of health care in the State of Alaska. The stimulus bill provides a rare opportunity for the state to receive significant financial assistance from the federal government, but the state has to follow certain rules and guidelines for that money. The department has worked very closely with the bill sponsor and others in the community to ensure they have the latitude to meet those guidelines. They remain concerned with the distribution of downstream costs, but believe they can be fairly distributed as the program develops. The CS has addressed the department's concerns and they support this bill.

[1:42:06 PM](#)

CHAIR DAVIS came back to the bill and said she was ready to entertain a motion.

[1:42:17 PM](#)

SENATOR THOMAS moved to report CS for SB 133 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 133(HSS) moved from committee.

At ease from 1:42 p.m. to 1:44 p.m.

SB 101-STUDENT QUESTIONNAIRES AND SURVEYS

[1:44:34 PM](#)

CHAIR DAVIS announced consideration of SB 101.

TOM OBERMEYER, staff to Senator Davis, said SB 101 is the "Act relating to questionnaires and surveys administered in the public schools." This bill addresses specifically the Youth Risk Behavior Survey (YRBS) that is administered in schools throughout the state and the nation. Alaska is one of three or four states that require active consent, which means that schools have to send notice of the test to parents and obtain signed permission from them to administer the survey. The change in this bill is simply from active to passive consent so the survey can be administered without [written] parental consent two or more weeks after the required notification has been sent to parents. Parents are given the opportunity to review the survey if they wish; if they decide not to allow their children to take the survey, they must complete a denial of permission form in writing and provide it to the teacher or principal.

Another safeguard is included in this bill for students sitting for the survey who find that they do not want to answer some or all of the questions. Section 3, page 2 allows students to refuse to answer specific questions or it refuse to participate in the survey at the time it is given.

The purpose of this is to ensure that the state has adequate information for the Health and Social Services and the school districts about matters related to the significant causes of mortality and morbidity during youth and adulthood in Alaska. The survey includes questions about such things as tobacco, alcohol, drug abuse, sexual behavior, diet and nutrition, and exercise.

CHAIR DAVIS asked Mr. Obermeyer to explain why this change to passive permission is important.

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MR. OBERMEYER explained that the state must have 60 percent participation by students in the YRBS for the data to be validated by the Centers for Disease Control and Prevention. Alaska has failed to achieve that participation level in 3 out of the last four surveys administered in the past 10 years. The primary reason appears to be fact that Alaska requires active parental consent. In the interests of the health and education of youth in this state, the sponsors decided this change was necessary and would still provide sufficient opportunity for parents and/or students to opt out of the survey.

CHAIR DAVIS noted that this bill has been supported by almost all of the non-profit organizations that use this data as well as by the school districts; it was heard and passed out of the Education Committee and Senator Davis said she is ready to move it out of this committee as well.

[1:49:38 PM](#)

SENATOR PASKVAN moved to report SB 101 from committee with individual recommendations and attached fiscal note(s). There being no objection, it was so moved.

At ease from 1:50 p.m. to 1:51 p.m.

SB 27-FOSTER CARE AGE LIMIT/TUITION WAIVER

CHAIR DAVIS announced consideration of SB 27 and asked Mr. Obermeyer to provide an overview.

SENATOR PASKVAN asked if it is the CS that the committee has before them.

Mr. Obermeyer confirmed that version E CS for SB 27 is the working document [having been adopted during the 3/11/09 hearing.]

[1:52:03 PM](#)

TOM OBERMEYER said this is "An Act relating to tuition waivers for a child who was in out-of-home care; relating to out-of-home care for a child; amending the definition of 'child' in certain statutes; and relating to out-of-home care transition to independent living."

This bill provides waivers of tuition and fees, combined with other assistance to help foster or out-of-home care children enjoy the opportunity and benefits of a higher education afforded to others.

Recognizing the severe educational disadvantages of persons placed in foster or out-of-home care many states have initiated a variety of college tuition waiver and scholarship programs for these persons. The University of Alaska at this time has tuition waivers for only ten students statewide who were in foster care on their 18th birthdays but the need is much greater. In 2006, data indicated that there are over 2000 children in Alaska in foster care at any one time; over 5000 live in out-of-home care with relatives who are in subsidized guardianship programs. The average stay in foster care in Alaska was 25 months but only 40 percent of children had two or fewer placements. The constant moving around in foster care and the lack of continued assistance has impaired the education of most students in foster care and this program is designed to help remedy some of those problems.

[1:54:11 PM](#)

MR. OBERMEYER mentioned that the primary change between the original bill and this CS is that the term "out-of-home" care has replaced the term "foster care" throughout the bill because there are so many children who have been placed with relatives under a guardianship program.

CHAIR DAVIS asked if there is anyone online or in the audience who wishes to testify.

[1:55:06 PM](#)

MIKE LESMAN, Community Relations Manager and Legislative Contact, Department of Health and Social Services, Office of Children's Services (OCS), said SB 27 is a piece of legislation that the department sees great merit in; it has the potential to help kids who are exiting the foster care system as well as those who may need to stay another year. However, the department's position on SB 27 is neutral. He explained that the department agrees with the results of the most recent federal Child and Family Services Review, which found that the most urgent work for OCS to do is on the front end of the foster care system; it surrounds the safety of children, timeliness of investigations and the proper assessments of safety and risk. It has to do with keeping kids in their homes if it is possible to do that safely and, if kids are removed, reunifying families as quickly as is possible. One of the key ingredients of that which the federal government has recognized and the department acknowledges, is getting to all of the home visits their staff has to do. So with the intent of focusing on the front end of the system, they believe there will be correspondingly positive benefits to the back end, that fewer youth will have these challenges as they exit care. Right now the Office of Children's Services is focusing its resources and its attention on safety and the front end of the system.

[1:57:51 PM](#)

CHAIR DAVIS said she recognizes that there is work to do on this bill but it is a start. While she agrees that it is important for the department to work on the front end, she feels that if this bill passes, it will also be of help to them. She commented that SB 27 and SB 28 also address aspects of this issue, but making sure these children have educational opportunities is very important and many of them have no one else to help them.

She appreciates the fact that the department recognizes the importance of this legislation and is willing to work with the committee on it; she encouraged the department to make suggestions on anything they feel will improve the legislation and to let the committee know if there is anything they believe is problematic for the department. She hopes the legislature will come up with a comprehensive package by the time they finish the 26th legislature, one that incorporates all the components the legislature is working on this year including: housing, school transportation, providing for children to finish the year at their school of origin when they go into foster care and providing continuing educational assistance.

[2:00:29 PM](#)

CHAIR DAVIS closed public testimony on SB 27 and held the bill in committee.

2:00:46 PM

There being no further business to come before the committee, Chair Davis adjourned the meeting at 2:00 p.m.