

**ALASKA STATE LEGISLATURE**  
**HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

March 18, 2011

3:25 p.m.

**MEMBERS PRESENT**

Representative Kurt Olson, Chair  
Representative Mike Chenault  
Representative Dan Saddler  
Representative Steve Thompson  
Representative Lindsey Holmes  
Representative Bob Miller

**MEMBERS ABSENT**

Representative Craig Johnson, Vice Chair

**COMMITTEE CALENDAR**

HOUSE BILL NO. 155

"An Act relating to public construction contracts."

- MOVED CSHB 155(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 139

"An Act relating to qualifications for licensure as a veterinarian."

- HEARD & HELD

HOUSE BILL NO. 11

"An Act requiring that retiree health insurance coverage offered by the state and by certain local governments include coverage for colorectal screening, including colonoscopies."

- HEARD & HELD

HOUSE BILL NO. 122

"An Act relating to naturopaths and to the practice of naturopathy; establishing an Alaska Naturopathic Medical Board; authorizing medical assistance program coverage of naturopathic services; amending the definition of 'practice of medicine'; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 155

SHORT TITLE: PUBLIC CONSTRUCTION CONTRACTS

SPONSOR(s): LABOR & COMMERCE

02/11/11	(H)	READ THE FIRST TIME - REFERRALS
02/11/11	(H)	L&C
02/25/11	(H)	L&C AT 3:15 PM BARNES 124
02/25/11	(H)	Heard & Held
02/25/11	(H)	MINUTE(L&C)
02/28/11	(H)	L&C AT 3:15 PM BARNES 124
02/28/11	(H)	Heard & Held
02/28/11	(H)	MINUTE(L&C)
03/07/11	(H)	L&C AT 3:15 PM BARNES 124
03/07/11	(H)	Heard & Held
03/07/11	(H)	MINUTE(L&C)
03/09/11	(H)	L&C AT 3:15 PM BARNES 124
03/09/11	(H)	Heard & Held
03/09/11	(H)	MINUTE(L&C)
03/11/11	(H)	L&C AT 3:15 PM BARNES 124
03/11/11	(H)	Heard & Held
03/11/11	(H)	MINUTE(L&C)
03/14/11	(H)	L&C AT 3:15 PM BARNES 124
03/14/11	(H)	Scheduled But Not Heard
03/16/11	(H)	L&C AT 3:15 PM BARNES 124
03/16/11	(H)	<Bill Hearing Canceled>
03/18/11	(H)	L&C AT 3:15 PM BARNES 124

BILL: HB 139

SHORT TITLE: VETERINARIAN LICENSING QUALIFICATIONS

SPONSOR(s): P.WILSON

02/04/11	(H)	READ THE FIRST TIME - REFERRALS
02/04/11	(H)	L&C
03/18/11	(H)	L&C AT 3:15 PM BARNES 124

BILL: HB 11

SHORT TITLE: COLONOSCOPY: PUB. EMPLOYEE RETIREES

SPONSOR(s): GARA

01/18/11	(H)	PREFILE RELEASED 1/7/11
01/18/11	(H)	READ THE FIRST TIME - REFERRALS
01/18/11	(H)	L&C, FIN
03/18/11	(H)	L&C AT 3:15 PM BARNES 124

**WITNESS REGISTER**

JENNIFER SENETTE, Staff  
Representative Kurt Olson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 155.

DON ETHERIDGE  
Lobbyist  
Alaska State AFL-CIO  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 155.

KATHIE WASSERMAN, Executive Director  
Alaska Municipal League (AML)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 155.

BARBARA HUFF TUCKNESS, Director  
Governmental and Legislative Affairs  
Teamsters Local 959  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 155.

GREY MITCHELL, Director  
Division of Labor Standards & Safety  
Department of Labor & Workforce Development  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 155.

REPRESENTATIVE P. WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 139.

MICHAEL WISENKAMP, Intern  
Representative P. Wilson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 139.

MYRA WILSON, Veterinarian  
Secretary; Alaska State Veterinary Medical Association (ASVMA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 139.

DON HABENGER, Director

Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community & Economic Development (DCCED)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the discussion of  
during the discussion of HB 139.

DAVID HUNT, Veterinarian  
Chair, Board of Veterinary Examiners (BVE)  
Sitka, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 139.

JIM DELKER, Veterinarian; President  
Alaska Veterinary Medical Association (AVMA)  
Soldotna, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 139.

JON BASLER, Member  
Alaska Veterinary Medical Association (AVMA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 139.

PAM TUOMI, Veterinarian  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 139.

CATHERINE VERSTEEG, Veterinarian  
Eagle River, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 139.

JONATHAN MUSMAN  
Homer, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 139.

KAREN EWING, Executive Director  
Idaho Board of Veterinarian Medicine  
Boise, Idaho

**POSITION STATEMENT:** Testified during the discussion of HB 139.

MARYANN HOLLICK, Veterinarian  
Eagle River, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 139.

REPRESENTATIVE LES GARA  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 11.

WARD B. HURLBURT, M.D., MPH Director and Chief Medical Officer  
Division of Public Health  
Department of Health and Social Services  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 11.

BRIAN SWEENEY, SR., Physician  
Alaska Correctol Council  
Anchorage, Alaska

**POSITION STATEMENT:** Testified on behalf of his son in support of HB 11.

MOLLY MCCAMMON  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 11.

EMILY NEENAN, Alaska Government Relations Director  
American Cancer Society Cancer Action Network  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 11.

RICHARD BENAVIDES  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 11.

BOB DOLL, President  
Retired Public Employees of Alaska (RPEA)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 11.

MARIE DARLIN, Coordinator  
AARP Capital City Task Force  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 11.

#### **ACTION NARRATIVE**

[3:25:14 PM](#)

**CHAIR KURT OLSON** called the House Labor and Commerce Standing Committee meeting to order at 3:25 p.m. Representatives Olson, Saddler, Thompson, Holmes, and Miller were present at the call to order. Representative Chenault arrived as the meeting was in progress.

## HB 155-PUBLIC CONSTRUCTION CONTRACTS

3:25:40 PM

CHAIR OLSON announced that the first order of business would be HOUSE BILL NO. 155, "An Act relating to public construction contracts."

3:26:47 PM

REPRESENTATIVE SADDLER moved to adopt the proposed committee substitute (CS) labeled 27-LS0249\I, Bannister, 3/17/11 as the working document.

CHAIR OLSON objected for the purpose of discussion. [Version I was before the committee.]

3:27:22 PM

JENNIFER SENETTE, Staff, Representative Kurt Olson, Alaska State Legislature, stated that the stakeholders were at odds but the parties worked to develop a consensus bill.

3:28:19 PM

CHAIR OLSON agreed that the parties have worked for over a year on this issue but have developed a conceptual committee substitute (CS).

3:29:50 PM

MS. SENETTE reviewed the three changes contained in the proposed committee substitute (CS) for HB 155, Version I. She related that the bill title has changed from a broader to a more specific title. The second change is that the threshold of when the Little Davis Bacon Act (LDBA) provisions would apply to projects is set at \$25,000. The third change is that the definitions in proposed Section 8 of the bill have been removed. The definition for "maintenance" was a huge sticking point for some parties. She highlighted testimony before the committee as well as a 1983 attorney general's (AG) opinion. Those are the three changes to the bill and all the parties indicated they could "live with the changes." He commented that it appeared that this bill was a union versus nonunion issue, and a road service area (RSA) versus municipality issue. The proposed CS symbolizes that the issue did not attempt to target one group

but to update an antiquated statute, in particular to update the dollar threshold amount for LDBA in Alaska to 2011.

[3:32:22 PM](#)

DON ETHERIDGE, Lobbyist, Alaska State AFL-CIO, agreed that as Chair Olson and his staff indicated the parties reached a compromise. He stated that no one is happy but everyone came together. He offered his appreciation for Chair Olson's indulgence. He offered his support for the proposed Version I.

[3:33:47 PM](#)

KATHIE WASSERMAN, Executive Director, Alaska Municipal League (AML), thanked the committee. She stated that although no one is happy with the result she worked with Mr. Etheridge and Ms. Huff Tuckness to consider the scenarios and potential results. She anticipated each will have members from their organizations with some push back, which is okay. She said she has conferred with Mr. Etheridge who agreed with the outcome. She reiterated her gratitude and summarized that she thought the bill represented an agreement that would be beneficial for everyone.

[3:35:15 PM](#)

BARBARA HUFF TUCKNESS, Director, Governmental and Legislative Affairs, Teamsters Local 959, thanked members and reiterated previous testimony. She characterized the proposed CS for HB 155, Version I as a product that she supports and will continue to support as it goes through the legislative process.

[3:36:43 PM](#)

REPRESENTATIVE SADDLER asked for the relationship between the threshold in the bill and filings with the Department of Labor & Workforce Development's (DLWD).

MS. HUFF TUCKNESS answered that the \$25,000 threshold would match the threshold currently established for a filing fee.

[3:37:54 PM](#)

GREY MITCHELL, Director, Division of Labor Standards & Safety, agreed with Ms. Huff Tuckness that the \$25,000 threshold would match the threshold currently established for a filing fee. This change would zero out fiscal note. The \$25,000 threshold

would be consistent for application of the LDBA and the filing fee requirement.

CHAIR OLSON removed his objection.

[3:39:19 PM](#)

REPRESENTATIVE SADDLER moved to report the proposed committee substitute (CS) for HB 155, labeled 27-LS0249\I, Bannister, 3/17/11, out of committee with individual recommendations and the accompanying zero fiscal notes. There being no further objection, the CSHB 155(L&C) was reported from the House Labor and Commerce Standing Committee.

[3:39:46 PM](#)

The committee took an at-ease from 3:39 p.m. to 3:43 p.m.

[3:43:47 PM](#)

#### **HB 139-VETERINARIAN LICENSING QUALIFICATIONS**

CHAIR OLSON announced that the next order of business would be HOUSE BILL NO. 139, "An Act relating to qualifications for licensure as a veterinarian."

[3:43:54 PM](#)

REPRESENTATIVE P. WILSON, Alaska State Legislature, stated goal of the bill is to increase the number of veterinarians in the state. Currently, the Board of Veterinary Examiners (BVE) allows only one certification program to be used to certify veterinary graduates who have graduated from foreign certification programs. The certification program is the Educational Commission for Foreign Veterinary Graduates (ECFVG). At the time that the statutory board was initiated the ECFVG was the only credentials certification program available. This bill would allow the board to decide which certification program to use. As new programs are developed the veterinarians should determine which programs are appropriate. In 2003, another certification program for foreign veterinarians was developed which she identified as the Program for the Assessment of Veterinary Education Equivalence (PAVE).

[3:45:44 PM](#)

CHAIR OLSON asked whether the Board of Veterinary Examiners (BVE) had requested the bill since this seems to be a function of the board.

REPRESENTATIVE P. WILSON responded that two veterinarian graduates who cannot get licensed in Alaska requested assistance since it is costly, approximately \$6,000, to obtain licensure using the current certification program. She explained that 32 states and territories use this approach. This bill would allow the board the option.

[3:47:11 PM](#)

MICHAEL WISENKAMP, Intern, Representative P. Wilson, Alaska State Legislature, reiterated that this bill would give the Board of Veterinary Examiners (BVE) the latitude to choose which certification program for veterinarians who have graduated from foreign universities. He highlighted that this bill is not about the certification programs themselves. The idea for HB 139 arose with e-mail from a constituent who complained that his wife could not practice veterinary medicine in Alaska even though she was licensed in three other states. His wife is a graduate of a foreign university. She graduated from St. George's University in Granada and completed her clinical year in veterinary medicine at the University of Minnesota. She completed the Program of Assessment of Veterinarian Education Equivalence (PAVE) in order to ensure she could practice veterinary medicine in the U.S. He reported that PAVE is one of two certification programs offered in the U.S. to evaluate foreign veterinarian programs. Currently, the constituent cannot practice in Alaska since Alaska exclusively accepts the Educational Commission for Foreign Veterinary Graduates (ECFVG). The constituent is currently licensed in California and Washington to practice veterinary medicine, he said.

[3:49:10 PM](#)

MR. WISENKAMP detailed that the constituent had researched the requirements to complete the ECFVG program and discovered it would require two round trips to one of the testing sites in the Lower 48 plus \$6,000 in fees. She asked Representative Wilson to introduce a bill that would allow the state to accept both programs. In 2000, PAVE began offering services and 32 states currently accept it as a means for foreign students to have a path for licensure. He referred to a detailed description titled, "American Association of Veterinary State Boards PAVE Standards and Policies" in members' packets. He explained that

other states have evaluated the two programs and deem it as equivalent to the ECFVG, he said. Washington and Idaho are among the 32 states that accept PAVE. Since 2006, Idaho or Washington has not experienced any issues with any PAVE candidates. This bill, HB 139, would empower the BVE to select either or both certification programs. The BVE is comprised of four licensed veterinarians and one public member. He referred to the mission statement, which read, "The Board adopts regulations to carry out laws governing veterinarian practice in Alaska. It makes final licensing decisions and takes disciplinary actions against people who violate licensing laws." Currently, the statute precludes the board from making a licensing decision by directing foreign university graduates to a specific program. He concluded if the BVE would like to accept PAVE in addition to the ECFVG that it should be have the ability to do so.

[3:52:11 PM](#)

REPRESENTATIVE MILLER referred to language on page 2, line 2 of HB 139 that specifies "shall." He asked whether the language should be softened.

REPRESENTATIVE P. WILSON answered that the specific language he referred to is current statute.

[3:53:11 PM](#)

MYRA WILSON, Veterinarian, stated she is a Past President of the Alaska State Veterinary Medical Association (ASVMA). The ASVMA represents 150 licensed veterinarians in Alaska statewide. The ASVMA is opposed to the bill since it does not believe it is a good bill for citizens in Alaska. She expressed concern that it would bring ambiguity to turn over licensing standards to a five member board appointed by the governor on a rotating basis. The Educational Commission for Foreign Veterinary Graduates (ECFVG) is recognized by 50 states and Canada and is the only certification program with federal approval. She emphasized the importance of having all 50 states recognize the same requirements for consistency.

[3:55:30 PM](#)

DR. WILSON also expressed concern that the public would not know their veterinarian's qualifications. Citizens expect competency and not ambiguity in the certification program, she said. Additionally, it may cause some ambiguity for business owners

hiring veterinarians. She commended the current level of excellence in veterinary medicine in Alaska.

[3:56:36 PM](#)

REPRESENTATIVE HOLMES asked whether she believes the problem is the PAVE certification or if the issue surrounds the Board of Veterinary Examiners' (BVE) ability to make and change standards or both.

DR. WILSON related that the bill does not specify PAVE certification but would allow the BVE's choice in selecting accreditation programs.

REPRESENTATIVE HOLMES asked whether the ASVMA has a position on the PAVE accreditation program.

DR. WILSON answered that the group has not taken a formal position so ASVMA would have to meet as group and vote. She offered to report back to the committee.

[3:57:35 PM](#)

REPRESENTATIVE SADDLER asked whether she represents the ASVMA.

DR. WILSON answered yes.

[3:57:51 PM](#)

REPRESENTATIVE MILLER asked whether the BVE is an existing board.

DR. WILSON answered the BVE is an existing board consisting of four veterinarians and one lay person, with rotating terms.

[3:58:30 PM](#)

REPRESENTATIVE MILLER said he assumed she had confidence in other licensed veterinarians to assess credentials of candidates.

DR. WILSON suggested that question is better answered by the BVE's members.

[3:58:55 PM](#)

REPRESENTATIVE MILLER related a scenario in which Dr. Wilson was appointed to the BVE. He asked whether she would trust the other board members to determine capabilities of veterinary candidates.

CHAIR OLSON reported the BVE's current chair will testify.

[3:59:17 PM](#)

DR. WILSON stated that she preferred not to get into comparisons between PAVE and ECFVG, but pointed out that the ECFVG certification process requires a clinical competency test. However, not all PAVE graduates are required to do so.

[3:59:54 PM](#)

REPRESENTATIVE SADDLER asked how many veterinarians are licensed und ECFVG.

DR. WILSON answered that is currently the only certification program in statute so she thought all veterinarians licensed in Alaska were ECFVG certified. She suggested the Department of Commerce, Community & Economic Development, Division of Corporations, Business, and Professional Licensing could answer that question.

REPRESENTATIVE SADDLER clarified that he was seeking the total number of foreign accreditation licensed veterinarians in Alaska.

DR. WILSON said she did not know.

[4:00:41 PM](#)

DON HABENGER, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community & Economic Development (DCCED), stated he did not have the number either, but he offered to provide the information to the committee.

[4:01:25 PM](#)

DAVID HUNT, Veterinarian, stated that the Board of Veterinary Examiners (BVE) does not currently accept PAVE, which is the program for assessment of veterinary education equivalence. However, the BVE has researched PAVE and is supportive to accept it. In 2009, the PAVE Committee presented to the board at its

meeting in Fairbanks. He indicated he has been to the National Board of Veterinary Examiner's meeting for the past five years and has learned about the PAVE program requirements. The BVE is on record that it is supportive of accepting PAVE and has determined the PAVE program is equal to standards of the ECFGV, which is the test now being used for foreign graduates given by the American Veterinary Medical Association (AVMA) for veterinary candidates. This bill would allow the BVE to decide which programs to accept for veterinary licensure in Alaska and to accept the PAVE program.

[4:02:47 PM](#)

REPRESENTATIVE SADDLER asked for clarification on the number of veterinarians practicing in Alaska who graduated from foreign schools and were certified under the ECFVG.

DR. HUNT answered probably less than ten. He suggested the department would have the figures.

REPRESENTATIVE SADDLER asked whether he could predict the number of foreign veterinary candidates who are likely to see licensure using the PAVE program.

DR. HUNT answered that he is only aware of one veterinary candidate who is seeing licensure via the PAVE program. He identified the candidate as a woman from Homer. He did not believe a rush of candidates would try to get into the program using the PAVE standard. He offered his belief that the PAVE program is a solid program and in the future it could be an important program. He predicted that in the future all the states would accept the PAVE program. He also offered his view that the PAVE program is just as good as the ECFVG program. He remarked that he has been pretty well educated on the elements of the PAVE program by attending the national meetings. He related that the bill is structured to allow the BVE to decide which program to accept. He did not think any other accreditation programs would surface for veterinary candidates.

REPRESENTATIVE SADDLER related his understanding that this bill would allow the BVE to choose which of the accreditation programs to use. He asked whether the BVE board would use one or the other or both programs.

DR. HUNT answered the BVE would use both programs. The PAVE process would just represent a different path for veterinary candidates to gain licensure.

REPRESENTATIVE SADDLER asked for clarification on the reason that PAVE began in 2000.

DR. HUNT answered that the ECFVG only offers examinations once a year and it is difficult for people to take the exams all at one time. The PAVE examination is offered twice a year and has a practical exam that people can take to familiarize themselves with the test. He considered the frequency of testing as the primary reason candidates are interested in PAVE.

4:05:40 PM

REPRESENTATIVE SADDLER remarked that the military license bill might allow for licensure via a courtesy license.

4:05:53 PM

REPRESENTATIVE HOLMES asked whether the BVE has a position on the bill.

DR. HUNT answered he thought that the BVE would want this bill to pass.

REPRESENTATIVE HOLMES asked whether he could address concerns in terms of the ambiguity. She further asked whether simply adding PAVE to the list of accredited programs would suffice.

DR. HUNT responded that he did not have any problem with that approach but the current bill offers the board flexibility in the event another program would be offered. He said either way would work.

JIM DELKER, Veterinarian, President, Alaska Veterinary Medical Association (AVMA), the Alaska Veterinary Medical Association (ASVMA) represents the majority of the practicing veterinarians in Alaska. The AVMA formally adopted a resolution against HB 139. The main reason for opposition is that presently the licensing standards and requirements are clearly stated in statute in the Veterinary Practices Act. The AVMA does not think the bill should be changed to allow a five-member revolving board since it could subject the board to bias. He agreed with Dr. Hunt that the PAVE and ECFVG programs are likely the only programs that will be offered. He does not believe the board should have the power to select certification programs. He related a scenario in which in which three of five members decided that a veterinary school in India not accredited by the

AVMA was sufficient that the BVE could accept students for licensure. He expressed concern that accepting other standards could reduce the overall standards of the veterinarian profession in Alaska. He offered his belief that HB 139 as written is not a good bill.

4:09:48 PM

DR. DELKER recalled the bill's purpose would be to increase the number of veterinarians and he did not think this would happen, especially in rural Alaska. He suggested the National Veterinary Medical Service Act as another option to increase rural veterinarians. He reported the NVMSA has allotted five spots for rural veterinarians. Currently, 20 states offer veterinarian student repayment plans for veterinarians that choose to serve in rural communities, which he thought would be more effective. way to increase veterinarian services in Alaska. He reiterated that he does not think HB 139 will accomplish this goal.

DR. DELKER stated that AVMA has not formally taken a position so his comments on PAVE are his own. He related that two veterinary schools in the Caribbean gained some benefits by not requiring its students to take a clinical competency exam as other foreign veterinary graduates are required to take. The school arranged to have students take a fourth year in an accredited school in the U.S. Thus, the veterinary students would attend three years at the non-accredited school and one year at the accredited school and would skip the clinical competency test. The general consensus by the AVMA was that it was not fair or equitable approach to take since these foreign graduates do not take the test all the other foreign graduates must take which is why the PAVE program is not approved by all states. He acknowledged that PAVE is a very good program, but it is not equitable in all situations. He offered his belief that it would not be fair to allow two schools in the Caribbean to circumvent the standards by not requiring the competency examination. He acknowledged that one of the two schools just gained AVMA accreditation so this may become a moot point.

4:12:59 PM

REPRESENTATIVE HOLMES asked how the AVMA would respond if HB 139 specifically listed the PAVE program and did not offer the BVE any additional discretion.

DR. DELKER acknowledged that it would more palatable, but not necessarily fully supported since there is still a little discrepancy in the PAVE program.

DR. DELKER suggested that the AMVA may wish to adopt a Model Practice Act in the next year or so. He suggested that the AMVA could review the PAVE program at the time it considers adopting current standards of veterinary medicine.

[4:15:15 PM](#)

REPRESENTATIVE SADDLER asked for the current supply and demand for veterinarians in Alaska. He further inquired as to whether there is a shortage of veterinarians in Alaska.

DR. DELKER responded that it can be somewhat difficult in smaller communities to attract or retain veterinarians. He commented he has practiced in Alaska since 2003 and has always been able to fill positions.

REPRESENTATIVE SADDLER stated that he read letters and e-mails indicated adopting the PAVE program would diminish standards. He recalled that Dr. Delker reported the program as a good program. He inquired as to whether HB 139 would diminish the standards.

DR. DELKER answered that he would not say it specifically would diminish the standards but it potentially could if programs other than the PAVE or ECFVG accreditation programs were used.

[4:16:43 PM](#)

JON BASLER, Member, Alaska Veterinary Medical Association (AVMA), stated that he serves as the Alaska delegate to the American Veterinary Medical Association (AVMA). He spoke in opposition to the bill. He has practiced in Alaska since 1985 and also spent three years in rural Alaska in the North Slope Borough. He concurred with earlier testimony that this bill would not bring a significant number of practitioners to Alaska. He expressed concern with HB 139 due to its ambiguity since it leaves it wide open for the BVE to accept other accreditation processes. He agreed with earlier testimony that PAVE may become a moot point if the final school in the Caribbean becomes accredited. He reiterated that his personal opposition to the bill is because the bill would create ambiguity and leaves wide open the standards for veterinarian applicants as to what is acceptable. He related substantial work has been performed

nationally to try to standardize and provide specific guidelines for veterinarians. He did not see this as a barrier to entry but as a concern about the level of competency of veterinary candidates.

4:19:18 PM

REPRESENTATIVE THOMPSON recalled that the PAVE and ECFVG programs are acceptable. He inquired as to whether other programs exist.

DR. BASLER answered that currently the only two programs in the U.S. are the ECFVG and the PAVE process, which he believed was specifically designed for Caribbean schools without full accreditation.

4:20:14 PM

DR. BASLER related that other countries have veterinary programs and it really depends on the country as to the quality of the program. He offered his belief that the European Union's programs are likely as extensive as the U.S. programs, but programs in South America, Africa, or India would not be anything like the American programs.

4:21:03 PM

REPRESENTATIVE MILLER commented that after hearing each of the organizations testifying against the bill that people just don't seem to trust the BVE.

DR. BASLER responded no, that he did not think so. He pointed out that the people serving on the BVE are his colleagues. He emphasized that bills should be clear and not ambiguous and not leave anything open ended. He said he applauded his colleagues for taking the time out of their personal lives for their willingness to serve. He characterized their service as adding to the professionalism of their veterinarian service.

REPRESENTATIVE MILLER stated he would defer to the BVE's judgment and other testifiers. He pointed out that he did not see that the bill would "open the door" other than to ask fellow veterinarians to assess certification programs for foreign candidates that do not fall under the ECFVG program.

DR. BASLER responded that the national Model Practice Act has been making a big push to standardize Veterinary Practice Acts

across the country in an effort to create more uniform laws. He thought this bill would take Alaska away from the model act rather than to move towards it.

[4:23:25 PM](#)

PAM TUOMI, Veterinarian, stated that she previously served on the BVE and as a veterinarian that has practiced in Alaska since the 1970s.

CHAIR OLSON interjected that Dr. Tuomi is his veterinarian.

[4:24:04 PM](#)

DR. TUOMI stated that she served on the board at the time when some of the initial statutes were adopted and when veterinarians wrote and administered the exam. She acknowledged the difficulty in taking average practitioners appointed by the governor to design and oversee the licensing process. She indicated the board took its responsibilities seriously and welcomed the national examining process. This allowed the board to use the expertise of national academics to verify that veterinary applicants were meeting standards and were qualified to practice nationwide. She expressed concern with HB 139 since it potentially "throws a door open." She reinforced that veterinarians trust their board members and acknowledge the difficult job of serving as a board member. However, the practices act should not be rewritten to serve one individual. She related that valid routes for licensure exist that protect the public health and welfare of animals. The current system works well. She suggested she would be happier if the BVE would like to specifically add the PAVE program as an option than to have a wide open program.

[4:26:38 PM](#)

CHAIR OLSON inquired as to whether this bill would expand the number of veterinarians working in rural Alaska.

DR. TUOMI answered no. She offered her belief that the potential for harm is greater than any potential benefits.

[4:27:11 PM](#)

REPRESENTATIVE SADDLER related his understanding that she did not like the wide open language to allow the BVE to select its

own accreditation and would feel more comfortable although not entirely comfortable if the bill specified the PAVE program.

DR. TUOMI answered yes, which is strictly her personal perspective.

[4:27:36 PM](#)

CATHERINE VERSTEEG, Veterinarian, stated she is also a past President of the AVMA. She stated that she opposes the bill as written. She has worked in rural Alaska and has worked with nonprofits to try to increase the number of practicing veterinarians in Alaska. She did not think HB 139 would attract veterinarians to practice in rural Alaska. She offered her belief that it would be better to have the certification program in statute rather than have a "gray zone" that would allow for changes in the program.

[4:28:47 PM](#)

JONATHAN MUSMAN thanked Representative Wilson for sponsoring the bill. He originally contacted the BVE in 2009 with respect to PAVE and was referred to the legislature. He related that the BVE originally opposed changing the practice act due to a potential merger of PAVE and ECFVG, but any potential merger is years away according to his sources at PAVE. He listened to testimony today relating that the bill would not benefit Alaska. He said that two Alaskans would benefit if his wife could work in the state. She would like to work in the state and for the past year and a half she has flown to Oregon and Washington to work. Last year she spent nearly three weeks of every month for six months working in Washington to keep her skills sharp. He indicated that the cost of taking the ECFVG. Although the actual test costs are \$5,000, the typical process time ranges from 12 to 24 months and requires two trips to testing centers. Her classmates have made more than three trips to complete the testing process.

[4:32:12 PM](#)

KAREN EWING, Executive Director, Idaho Board of Veterinarian Medicine, stated that the Idaho board changed its rules in 2007 to accept PAVE. The Idaho has not had any problems with the PAVE program. She explained that she has found her board members to be extremely qualified to evaluate a testing program to determine whether a foreign graduate meets the same competency standards. She offered her belief that public could

have great faith in their veterinary board members. She related that one of her board members served on the PAVE development committee and he found the program to be outstanding. She reported that what the Idaho board has found an increase of about five percent of licensees in the past four years since the board has accepted PAVE. Additionally, a majority of the foreign graduates grew up in the U.S. but attended the Idaho Board received a letter from a student in a foreign university in a PAVE program who grew up in Idaho and wanted to practice Veterinary medicine in Idaho upon graduation. She indicated that the Idaho Board researched the matter and found PAVE to be an exceptional program, at least as good as the AVMA's ECFVG. She concluded that the public can trust their board members to be qualified to make these decisions.

[4:35:32 PM](#)

REPRESENTATIVE SADDLER asked whether she was speaking on behalf of the board.

MS. EWING answered that she is speaking on behalf of the board to describe Idaho's experience.

[4:35:55 PM](#)

REPRESENTATIVE MILLER asked whether the Idaho's board is similar to Alaska's board, which is a five member board, four of whom are veterinarians and one public member appointed by the governor.

MS. EWING answered that the Idaho Board consists of five licensed veterinarians and one public member. She reiterated that one former Idaho Board member also served on the PAVE committee. The current public member also serves as the public member on the National Board of Veterinary Medical Examiners (NBVME). The NBVME also created the qualifying exam that is part of the PAVE program and the Veterinary Clinical Skills Assessment Test that is part of the PAVE completion pathway, she said.

[4:37:10 PM](#)

REPRESENTATIVE MILLER related his understanding that once the Idaho Board could accept the PAVE process, the Idaho board created additional testing.

MS. EWING explained that in Idaho, the authorizing statute specifically mentioned students of non-accredited universities and mentioned the ECFVG program. Additionally, the Idaho board allowed any equivalency program established for the purpose of evaluating an individual's educational knowledge and clinical skills as it related to the practice of Veterinary medicine and as approved and outlined by the rules of the board. Thus, the Idaho Board did not have to change its statute and just added a rule that incorporated the PAVE program by reference. She added that the ECFVG program was also incorporated by reference.

[4:38:59 PM](#)

REPRESENTATIVE MILLER related his understanding that the Idaho Board has not seen any diminished in capabilities of the veterinary licensees.

MS. EWING answered that in the four years the Idaho Board has accepted foreign graduates who participated in the PAVE program that the Idaho Board has not received a single complaint against any of the veterinarians nor has it taken any disciplinary action against them. However, it has taken disciplinary actions against ECFVG graduates. She characterized the disciplinary process as largely based on individual person since she finds both the PAVE and the ECFVG programs are excellent programs to determine educational equivalency for graduates of non-accredited universities.

[4:39:58 PM](#)

MARYANN HOLLICK, Veterinarian, stated that she has been a veterinarian in Alaska for over 20 years. She testified in opposition to HB 139. She stated that in addition to clinical practice, she previously owned and operated a large Veterinary Hospital in Anchorage. She said, "I object to HB 139. This bill would delete the requirement for the nationally AVMA testing standard. In my opinion Alaskan pet owners receive and deserve the best care." She found it troubling to see bills of this nature. Since Alaska currently has high standards the implication is that the standard will be reduced. She offered her belief that the bill would create uncertainty for practices from year to year as practitioners await the actions of the board. She urged members not to adopt HB 139. Additionally, she related that she personally has visited the non-accredited Caribbean Veterinary Schools and met with their dean in last six months. They do not have a Veterinary teaching hospital and do not provide any clinical training until the students come to the

U.S. She pointed out that a non-accredited university is not the same as an accredited U.S. university. She indicated that the AVMA has decided to accept the ECFVG and not to accept PAVE. If at some point the AVMA accepts PAVE then she would suggest Alaska should reconsider this issue. Until then she does not believe the two programs are equal.  
[HB 139 was held over.]

[4:42:26 PM](#)

**HB 11-COLONOSCOPY: PUB. EMPLOYEE RETIREES**

[4:43:31 PM](#)

CHAIR OLSON announced that the final order of business would be HOUSE BILL NO. 11, "An Act requiring that retiree health insurance coverage offered by the state and by certain local governments include coverage for colorectal screening, including colonoscopies."

[4:43:36 PM](#)

REPRESENTATIVE LES GARA, Alaska State Legislature, stated that in the State of Alaska, only one group of people is not covered. All people covered by private insurance plans and state employees are covered by law. Thus, the group that needs coverage the most are the Retired Public Employees who are not covered. Colon cancer is the third leading cause of cancer and testing is most important for people over the age of 50. Screening is important since the survival rate for early detection is high, with an approximately 90 percent survival rate for longer than five years. Without screening and early detection the survival rate is 10 percent for over five years. This bill would ask for coverage under the Retired Public Employees plan consistent with the standards adopted by the American Cancer Society. Typically, screening consists of a colonoscopy but could be some other procedure depending on what the doctor and patient agree is necessary. Additionally, the Alaska Native population suffers from colon cancer at a two to one rate over Caucasians. An alternative blood test is especially dangerous to Alaska Natives, which makes the colonoscopy more important. He referred to cost analysis on colonoscopies. He expressed surprised by the fiscal note since the studies show colonoscopies save money. The cost of colonoscopy or other preventive care is offset by cost to treat someone with colon cancer. He referred to a study in members' packets by Buck Consultants, which shows a likely cost savings

by screening individuals over the age of 50 as opposed to not providing screening and paying for cancer coverage. He referred to the state's fiscal note which indicates a cost of \$4 million to provide a colonoscopy for everyone. He stated that the bill is requesting colonoscopy coverage for those individuals who are retired since the test is not necessary for someone who is 20 or 30 years old.

[4:48:47 PM](#)

WARD B. HURLBURT, M.D., MPH Director and Chief Medical Officer, Division of Public Health, Department of Health and Social Services (HSS), stated that he is a general surgeon who has dealt with colorectal cancer for many decades.

REPRESENTATIVE GARA inquired as to whether he could speak to costs for colonoscopies. He stated that the Department of Administration (DOA) takes the position that it costs more to provide the screening than treatment.

DR. HURLBURT stated that he has not performed an analysis on the screening. He said he could not comment since the fiscal note is prepared by another department. He related that he is speaking of colorectal cancer screening in the same sense that Centers for Disease Control (CDC). The CDC colorectal cancer screening for individuals ages 50 to 75. The screening tests include a fecal occult blood test, a flexible sigmoidoscopy every five years, or a colonoscopy every ten years. The colonoscopy is the most expensive test but those in the public health circles subscribe to early intervention for colorectal cancer since early detection and intervention can make a big difference. He recommended preventive efforts to identify lesions such as benign polyps and remove them or identify an early cancer while it is still localized since it greatly increases the odds of survival. He did not have a specific analysis on the immediate costs, but over the long term when considering costs of end of life care it would balance out. He suggested it is reasonable to think in the short run that a program would incur costs but the savings would come "further down the road."

[4:52:42 PM](#)

BRIAN SWEENEY, SR., Physician, Alaska Correctol Council, stated that he is a member of the American College of Gastroenterology\* Alaska Correctol Council He is speaking today on behalf of his son who is a member of the Alaska Correctol Council. He has

provided Representative Gara with the American College of Gastroenterology guidelines. The guidelines cover all insurers except the retired State of Alaska (SOA) employees. A number of studies have shown the long term cost effectiveness of colonoscopy cancer screening. One of the dilemmas is that people 65 years and older become Medicare patients so any specific entity making reimbursement payments may not see short term cost effectiveness since the cost benefits accrue later on, he said. Recent studies have shown a 30 percent decline in colon cancer rates which has been attributed to the aggressive screening procedures that began about eight years ago. He reported that gastroenterologists nationwide have been taking a more aggressive approach to screening. Patients identified as high risk with cancerous polyps have had a 90 percent decline in new cancer. The American Cancer Society has developed its guidelines and the legislature has adopted their guidelines for almost everyone in Alaska. He pointed out that patients often know what they should do to maintain good health but if they experience a financial hardship or the procedures are not covered by insurance it makes it difficult. He has seen retired state employees deny themselves their colonoscopy tests due to lack of insurance coverage. He strongly supports coverage for retired SOA employees so they may have parity with other Alaskans. He urged members to pass HB 11.

[4:56:16 PM](#)

MOLLY MCCAMMON stated that in 1997 she was 45 years old and a SOA employee diagnosed with Stage 1 colorectal cancer following a colonoscopy paid for by her state insurance coverage. She knew her grandfather had died of colon cancer at 45 years old but a grandfather is a second degree relative so she was not too concerned. However, her doctor recommended a colonoscopy. Her symptoms were very minor and she felt confident she would have ignored them if state insurance had not covered the procedure. Fortunately, she was scoped and her tumor was discovered early enough to be surgically removed so she was able to avoid radiation and chemotherapy. She is now 59 and a SOA retiree and screening colonoscopies are not covered under the SOA retiree's health insurance. She said, "This seems totally absurd to me. My body continues to want to make cancer as evidenced by numerous precancerous polyps removed over the last 13 years. If left in place these polyps would have developed into cancerous tumors that would have required extensive treatment at a substantial cost yet this is considered routine screening." She reported that the American Cancer Society recommends routine screening for colorectal cancer starting at age 50 unless a

person's family history indicates otherwise. She stated that the ACS recommends that preventing colorectal cancer should be a major reason for getting tested and the best way to test is the colonoscopy. She pointed out that this cancer is so treatable if caught early but the procedure is expensive enough that the tendency is to postpone or avoid the test until a tumor is too large to ignore or the cancer has spread. She concluded that due to screening and improved treatment the U.S. has one million survivors of colorectal cancer including her. She urged members to support HB 11.

[4:58:41 PM](#)

EMILY NEENAN, Alaska Government Relations Director, American Cancer Society Cancer Action Network, stated she has worked on for six years. In 2006, the state law passed that required a full range of colorectal cancer screening for all state-regulated insurance plans many other plans followed suit for colonoscopy screening including Providence Health Systems. The active state employees already had this coverage. Some union plans did not have coverage but have since added coverage. The SOA retirees are the only group not covered for the 50-64 year age group since Medicare has had coverage for some time for those 65 years of age or older.

[5:01:13 PM](#)

The committee took an at-ease from 5:01 p.m. to 5:02 p.m.

[5:02:25 PM](#)

MS. NEENAN related that as of January 1, 2011, Medicare covers screening, including colonoscopies at 100 percent with no copayment. Screening can prevent cancer from ever developing, which is unique to colorectal cancer. She expressed concern with the 2007 Buck Consultants analysis including that the consultant used the terms "screening" and "diagnostic" interchangeably which indicates some confusion.

[5:04:12 PM](#)

REPRESENTATIVE SADDLER referred to information in members' packets from Buck Consultants and to the relative tests including fecal occult blood test, flexible sigmoidoscopy, barium enema, and colonoscopy. He inquired as to whether it fair to assume that it is a straight cost which is a less

effective strategy. He further inquired as to whether there is a hierarchy for the screening tests.

MS. NEENAN responded that differences exist in the effectiveness of the screening tests and the decision needs to be made patient and the doctor dependent on the patient's comfort. She reported that the colonoscopy is the most sensitive test since it screens entire colon and can remove precancerous polyps. She recalled earlier testimony that fecal occult blood testing poses some problems in the Alaska Native population due to a high incidence of a stomach lining infection that causes low grade bleeding and should not be used in that population. She offered to provide new facts and figures on colorectal cancer to members from the Alaska Cancer Society.

[5:06:45 PM](#)

REPRESENTATIVE GARA stated that retired public employees are only covered if the retiree shows symptoms. This is problematic since the whole point of screening is to identify issues prior to symptoms developing. Currently, retirees are eligible for colonoscopies if they exhibit symptoms of cancer such as bleeding. The colonoscopy will remove the polyp before any bleeding exists. Once bleeding occurs it may be too late for the patient to survive.

[5:07:38 PM](#)

REPRESENTATIVE SADDLER inquired as to whether other tests are covered.

REPRESENTATIVE GARA answered that the tests are only covered when symptoms are present.

CHAIR OLSON offered to provide additional information.

[5:07:48 PM](#)

RICHARD BENAVIDES stated that he has been a legislative aide for Senator Bettye Davis. He is in Anchorage receiving cancer treatment for Stage 4 colorectal cancer that metastasized to his liver. His doctor recommended a colonoscopy in 2008 during a routine physical, which he credits for saving his life. The colonoscopy was covered under his state health plan so he had it done. He did not experience any symptoms. He passed all the tests. He was stunned to learn he had any cancer let alone anything as serious as a stage four colorectal cancer. He was

told that the average survival rate for his cancer is two years. Since diagnosis he has had two radiation treatments, two major surgeries, five months of chemotherapy, and is now on oral chemotherapy. The point is that without this coverage he would not have known and he would not have had the test done since he felt great. He stated that this bill would offer retirees the same coverage that he attributed to saving his life. He offered his belief that this bill would save thousands of dollars by identifying colorectal cancer before it becomes more serious and by preventing it before it is cancerous. He thought any reduction in colon cancer is a good thing. He thought the bill is a great idea. He urged members to pass HB 11.

[5:11:06 PM](#)

CHAIR OLSON related he has known Mr. Benavides for some time and urged him to "keep up the battle."

[5:11:22 PM](#)

BOB DOLL, President, Retired Public Employees of Alaska (RPEA), stated that the Retired Public Employees of Alaska (RPEA) consists of 2,200 individuals who have retired from municipalities and the SOA. He urged members to support HB 11. Each year this issue emerges at the top of the RPEA's agenda. Retirees are aware of the benefit for active employees but are acutely aware of problem of not having it for retirees. It is implied in the coverage for active employees that efficacy is indicated and saves lives. It is a good thing to do. Its absence has implications that dive it to the top of the list. He offered his belief that this is a benefit that would not be abused. No one would undergo the procedure except to maintain good health. He referred to a letter of November 2007 from Buck Consultants. He related that their letter states in four instances that colonoscopy screening benefits is likely to produce a positive return on investment. He referred to pages 1, 3, and 4 as references. He acknowledged that likely does not mean certainty, but it does suggest a trial may be in order. He observed that for us to bemoan the existence of an unfunded liability and yet resist the adoption of a likely cost savings procedure on at least a trial basis is inexplicable. It suggests a bargaining position rather than address good health care. He urged members to support HB 11.

[5:14:50 PM](#)

MARIE DARLIN, Coordinator, AARP Capital City Task Force, referred to a letter from AARP in members packets. The AARP fully supports HB 11. This bill could save money and save lives for state employees and retirees.

[HB 11 was held over.]

[5:16:22 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:16 p.m.