

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

March 28, 2011

1:35 p.m.

**MEMBERS PRESENT**

Senator Bettye Davis, Chair  
Senator Dennis Egan  
Senator Johnny Ellis  
Senator Kevin Meyer  
Senator Fred Dyson

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 5

"An Act relating to eligibility requirements for medical assistance for certain children and pregnant women; and providing for an effective date."

- MOVED SB 5 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 5

SHORT TITLE: MEDICAL ASSISTANCE ELIGIBILITY

SPONSOR(S): SENATOR(S) DAVIS, EGAN, ELLIS, FRENCH, WIELECHOWSKI

01/19/11	(S)	PREFILE RELEASED 1/7/11
01/19/11	(S)	READ THE FIRST TIME - REFERRALS
01/19/11	(S)	HSS, FIN
03/07/11	(S)	HSS AT 1:30 PM BUTROVICH 205
03/07/11	(S)	Heard & Held
03/07/11	(S)	MINUTE(HSS)
03/23/11	(S)	HSS AT 1:30 PM BUTROVICH 205
03/23/11	(S)	Heard & Held
03/23/11	(S)	MINUTE(HSS)
03/28/11	(S)	HSS AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

JOHN SHERWOOD  
Medical Assistance Administrator

Department of Health and Social Services  
Juneau, AK

**POSITION STATEMENT:** Presented information regarding SB 5.

**ACTION NARRATIVE**

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**CHAIR BETTYE DAVIS** called the Senate Health and Social Services Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Egan, Dyson, Meyer, Ellis, and Chair Davis.

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**SB 5-MEDICAL ASSISTANCE ELIGIBILITY**

CHAIR DAVIS announced the first order of business would be SB 5, the Denali KidCare bill.

JON SHERWOOD, Medical Assistance Administrator, Department of Health and Social Services (DHSS), said he would speak briefly to two issues. At the last hearing there were some questions about regulations defining "therapeutic abortion." Those regulations apply to the old general relief medical program which has not been funded in 13 years; they do not apply to Denali KidCare.

Second, DHSS has a process for determining what an "abortion-related" service is. They look at the procedure code/diagnosis code combination. There is a wide range of possible combinations. If necessary they request medical records for review. The significant point is to confirm that stillbirths and miscarriages are not included when counting the number of abortion-related services.

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SENATOR MEYER asked, "When was the last time we looked at the definition of medically necessary?"

MR. SHERWOOD answered it was around 2003; he was not involved so he doesn't know any details, but there was a bill introduced to try and define it.

SENATOR MEYER said the definition the committee saw last week seemed pretty broad. He asked if any counseling services with regard to adoption are required to be offered by the doctor prior to performing an abortion.

MR. SHERWOOD said doctors are not required to certify that they have done any counseling. Basically, case law says "medical necessity" means to be neutral. The state cannot be restrictive in terms of what it deems medically necessary.

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SENATOR MEYER said he had already voiced his frustration with the bill, unless the governor's concerns can be addressed. We would be potentially increasing the number of abortions.

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MR. SHERWOOD said we would expand access, but he could not comment on the absolute number.

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CHAIR DAVIS opened the floor for discussion from the committee. She said she knows members are concerned about the legislation being vetoed when it reaches the governor's desk. She has talked with him and members of DHSS staff, and has been assured that they are trying to reach a solution. She said she was ready to move the bill.

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SENATOR DYSON said he appreciated her attitude and he wanted to clear up something. The governor did not veto this bill for political reasons. He had been assured that no state funds would go to finance elective abortions; then he found out that was not true. Expansion of Denali KidCare would finance state funded elective abortions. It was a principled decision by the governor, not politically motivated. The governor's office has been trying to find a way out of this dilemma and they are not optimistic.

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CHAIR DAVIS said she appreciated his comments.

SENATOR EGAN moved to report SB 5 from committee with individual recommendations and attached fiscal note(s).

SENATOR DYSON objected.

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SENATOR MEYER said he would like to speak. He said Denali KidCare provides a very valuable service, and because of that he would vote to move the bill forward. He said the legislature should continue the discussion. He does want to see a resolution

to the concerns he has voiced; however, if the bill just sits in committee the conversation will stop. He is hopeful that a resolution will be reached before the bill reaches the Senate floor.

A roll-call vote was taken. Senators Meyer, Ellis, Egan, and Chair Davis voted yes. Senator Dyson voted no. In a 4:1 vote, SB 5 was passed from committee.

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There being no further business to come before the committee, Chair Davis adjourned the meeting at 1:50 p.m.