

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 8, 2014

3:03 p.m.

MEMBERS PRESENT

Representative Pete Higgins, Chair
Representative Wes Keller, Vice Chair
Representative Lance Pruitt
Representative Lora Reinbold
Representative Paul Seaton
Representative Geran Tarr

MEMBERS ABSENT

Representative Benjamin Nageak

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 169(FIN)

"An Act establishing in the Department of Health and Social Services a statewide immunization program and the State Vaccine Assessment Council; creating a vaccine assessment account; requiring a vaccine assessment from assessable entities and other program participants for statewide immunization purchases; repealing the temporary child and adult immunization program; and providing for an effective date."

- MOVED HCS CSSB 169(HSS) OUT OF COMMITTEE

HOUSE BILL NO. 90

"An Act establishing a temporary program in the Department of Health and Social Services for testing newborns for baseline vitamin D levels."

- MOVED CSHB 90(HSS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 169

SHORT TITLE: IMMUNIZATION PROGRAM; VACCINE ASSESSMENTS

SPONSOR(s): SENATOR(s) GIESSEL

02/10/14	(S)	READ THE FIRST TIME - REFERRALS
02/10/14	(S)	HSS

02/21/14	(S)	HSS AT 1:30 PM BUTROVICH 205
02/21/14	(S)	Heard & Held
02/21/14	(S)	MINUTE(HSS)
02/24/14	(S)	HSS RPT CS 4DP NEW TITLE
02/24/14	(S)	DP: STEDMAN, MICCICHE, MEYER, ELLIS
02/24/14	(S)	FIN REFERRAL ADDED AFTER HSS
02/24/14	(S)	HSS AT 1:30 PM BUTROVICH 205
02/24/14	(S)	Moved CSSB 169(HSS) Out of Committee
02/24/14	(S)	MINUTE(HSS)
03/03/14	(S)	FIN AT 5:00 PM SENATE FINANCE 532
03/03/14	(S)	Scheduled But Not Heard
03/05/14	(S)	FIN AT 5:00 PM SENATE FINANCE 532
03/05/14	(S)	Moved CSSB 169(FIN) Out of Committee
03/05/14	(S)	MINUTE(FIN)
03/07/14	(S)	FIN RPT CS 5DP NEW TITLE
03/07/14	(S)	DP: MEYER, KELLY, BISHOP, DUNLEAVY, OLSON
03/21/14	(S)	TRANSMITTED TO (H)
03/21/14	(S)	VERSION: CSSB 169(FIN)
03/24/14	(H)	READ THE FIRST TIME - REFERRALS
03/24/14	(H)	HSS, FIN
03/25/14	(H)	HSS AT 3:00 PM CAPITOL 106
03/25/14	(H)	Heard & Held
03/25/14	(H)	MINUTE(HSS)
03/27/14	(H)	HSS AT 3:00 PM CAPITOL 106
03/27/14	(H)	Heard & Held
03/27/14	(H)	MINUTE(HSS)
04/03/14	(H)	HSS AT 3:00 PM CAPITOL 106
04/03/14	(H)	Heard & Held
04/03/14	(H)	MINUTE(HSS)
04/08/14	(H)	HSS AT 3:00 PM CAPITOL 106

BILL: HB 90

SHORT TITLE: TESTING NEWBORNS FOR VITAMIN D

SPONSOR(s): REPRESENTATIVE(s) SEATON

01/30/13	(H)	READ THE FIRST TIME - REFERRALS
01/30/13	(H)	HSS, FIN
02/21/13	(H)	HSS AT 3:00 PM CAPITOL 106
02/21/13	(H)	Heard & Held
02/21/13	(H)	MINUTE(HSS)
02/06/14	(H)	HSS AT 3:00 PM CAPITOL 106
02/06/14	(H)	Heard & Held
02/06/14	(H)	MINUTE(HSS)
04/08/14	(H)	HSS AT 3:00 PM CAPITOL 106

WITNESS REGISTER

TOM STUDLER, Staff
Representative Pete Higgins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the committee substitute (CS) for SB 169.

SENATOR CATHY GIESSEL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as the sponsor of SB 169.

STEPHANIE WRIGHTSMAN-BIRCH, Chief
Women, Children & Family Health
Division of Public Health
Department of Health and Social Services
Anchorage, Alaska

POSITION STATEMENT: Testified during discussion of HB 90.

ACTION NARRATIVE

[3:03:07 PM](#)

CHAIR PETE HIGGINS called the House Health and Social Services Standing Committee meeting to order at 3:03 p.m. Representatives Higgins, Keller, Seaton, Reinbold, and Pruitt were present at the call to order. Representative Tarr arrived as the meeting was in progress.

SB 169-IMMUNIZATION PROGRAM; VACCINE ASSESSMENTS

[3:04:10 PM](#)

CHAIR HIGGINS announced that the first order of business would be CS FOR SENATE BILL NO. 169(FIN), "An Act establishing in the Department of Health and Social Services a statewide immunization program and the State Vaccine Assessment Council; creating a vaccine assessment account; requiring a vaccine assessment from assessable entities and other program participants for statewide immunization purchases; repealing the temporary child and adult immunization program; and providing for an effective date."

[3:04:23 PM](#)

REPRESENTATIVE KELLER moved to adopt the House committee substitute (HCS) for CSSB 169, labeled 28-LS1219\D, Mischel, 4/7/14. There being no objection, it was so ordered.

[3:04:46 PM](#)

TOM STUDLER, Staff, Representative Pete Higgins, Alaska State Legislature, paraphrased from the Sectional Analysis for the house committee substitute for CSSB 169, Version D [Included in members' packets], which read:

Section 1. Establishes a Statewide Immunization Program with a State Vaccine Assessment Council; sets requirements for vaccine assessments, reporting and penalties for assessable entities and other program participants; and creates a vaccine assessment account.

Section 2. Definitions.

Section 3. Amends Title 21 (Insurance) to require assessable entities to provide information and pay assessments.

Section 4. Adds the vaccine assessment account to the list of program receipts authorized in the budget.

Section 5. Repeals this act on January 1, 2021.

Section 6. Repeals Ch. 24 SLA 2012.

Section 7. Redirects the unobligated funds from Ch. 24 SLA 2012 to be deposited into the vaccine assessment account.

Section 8. Makes the effective date January 1, 2015.

CHAIR HIGGINS asked for clarification that the January 1 date, a calendar year, was for accounting purposes for the assessable entities.

MR. STUDLER explained that the effective date would allow this to coincide with the assessable entities and providers fiscal year. It would also allow Department of Health and Social Services the opportunity to use the existing funds in the House Bill 301 account before this effective date.

[3:07:38 PM](#)

MR. STUDLER paraphrased from the Explanation of changes for the House CS for CS SB 169\D [Included in members' packets], which read:

Section 1. Adds Article 1A Statewide Immunization Program to AS 18.09.

Sec. 18.09.200(a). Establishes a statewide immunization program in the Department for the purpose of monitoring, purchasing, and distributing vaccines to providers.

Sec. 18.09.200(b). The Department of Health and Social Services shall maintain a list of recommended vaccines for inclusion in the program; establish the 1st year's assessment & thereafter make annual assessments based on commission determinations; notify insurers and other program participants of the assessment amount; devise a method for crediting overpayments; coordinate the bulk purchase of vaccine; set procedures for distributing vaccines; and review appeals for errors.

Sec. 18.09.210. Establishes the State Vaccine Assessment Council within HSS for the purpose of determining the assessment amount. The council has 8 members appointed by the Commissioner: the state's Chief Medical Officer (chair); Director of Division Insurance; 3 health care insurers, one of whom must be a plan administrator; 2 health care providers, one of which must be a pediatrician; and 1 representing a tribal or public health insurance plan who serve without compensation or reimbursement of expenses. Terms are 3 years with a 2- term limit. HSS will provide staff and other assistance to the council. The commission establishes and implements a plan of operation, submits an annual financial report to HSS each July 1st, and monitors compliance with the program.

Sec. 18.09.210(b)(1) the department's chief medical officer for public health or the chief medical officer's designee, who shall serve as the chair;

Sec. 18.09.210(f)(2). Requires an annual financial report to the commissioner and legislature.

Sec. 18.09.220(a) Establishes the vaccine assessment and reporting requirements after being phased into the program by the commissioner.

Sec.18.09.220(e). An assessable entity may opt out of the program during the three year phase-in period.

Sec. 18.09.225(a). Allows health care providers to opt into the program to purchase vaccine.

Sec. 18.09.225(b) a health care provider who did not opt into the program may not be denied a claim from an assessable entity.

Sec. 18.09.225(c) a health care provider cannot bill a payer or resell a vaccine distributed under the program.

Sec. 18.09.230. Creates a special account in the general fund for the purpose of purchasing vaccines. The legislature may appropriate program receipts from vaccine assessments, money from other sources, and interest earned. Appropriations do not lapse.

Sec. 18.09.240. Allows the commissioner to determine a monetary penalty for noncompliance.

Section 2. 18.09.990. Defines the terms assessable entity, commissioner (Health & Social Services), council, covered individual, other program participant, program, provider, recommended vaccine, and vaccine.

Section 3. Requires assessable entities to provide information to the department under (AS 21.09.242)

Section 4. Adds the vaccine assessment account to the list of special accounts for program receipts in (AS 37.05.146(c))

Section 5. repeals this act on January 1, 2021

Section6. Repeals Ch. 24, SLA 2012 (HB310), a temporary statewide immunization program.

Section 7. Redirects the remaining HB310 funds to be deposited to the vaccine account.

Section 8. Makes the act effective January 1, 2015.

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CHAIR HIGGINS referred to an earlier discussion regarding the window of opportunity for an assessable entity to opt out of the program, pointing out that the opt out was no longer voluntary, but would now be up to the discretion of the commissioner for determination of the time period.

[3:10:18 PM](#)

[Chair Higgins closed public testimony.]

SENATOR CATHY GIESSEL, Alaska State Legislature, said that this was a small but important step in reducing the health care costs for Alaskans, as well as a step toward fulfillment of the goals of the Alaska Health Care Commission.

[3:11:40 PM](#)

REPRESENTATIVE KELLER moved to report HCS CSSB 169, Version 28-LS1219\D, Mischel, 4/7/14, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection HCS CSSB 169(HSS) was moved from the House Health and Social Services Standing Committee.

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The committee took an at-ease from 3:12 p.m. to 3:16 p.m.

HB 90-TESTING NEWBORNS FOR VITAMIN D

[3:16:43 PM](#)

CHAIR HIGGINS announced that the next order of business would be HOUSE BILL NO. 90, "An Act establishing a temporary program in the Department of Health and Social Services for testing newborns for baseline vitamin D levels." [In front of the committee was the proposed committee substitute (CS) for HB 90, labeled 28-LS0376\0, Mischel, 2/4/14, adopted as the working draft on February 6, 2014.]

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HB 90, labeled 28-LS0376\Y, Mischel, 3/31/14, as the working draft. There being no objection, it was so ordered.

REPRESENTATIVE SEATON, as the sponsor of the bill, explained the changes to Version Y, reporting that these changes were made in response to suggestions from the House Health and Social Services Standing Committee. He noted that the original proposal had been for statewide universal testing for one year with an opt out option, and that the research did not direct any immediate benefit for the newborns or the mothers. He explained that Version Y would make this a two year pilot project for 500 volunteer pregnant women. He was discussing involvement with various providers to become the coordinating local entity and to provide program analysis and data for the participants benefit. He reported that this would become a project based on the application of medical science to collect the information on pregnancies in Alaska and to provide medical benefits for mothers and newborns. He pointed out that a similar project in South Carolina had reduced the pre-term births to 7 percent, which would equate to a reduction of 25 pre-term births in Alaska and a savings of \$1.3 million. He shared that the state would have a maximum match with the partners of 20 percent, about \$100,000. He referred to the Protect Our Children Now program description and cost schedule. [Included in members' packets] He stated that this would move the population forward in prevention of unintended pregnancy outcomes. He asked that the committee move the bill forward.

[3:23:08 PM](#)

CHAIR HIGGINS asked for clarification that the end goal for the program was for documentation proving that Vitamin D does what Representative Seaton had presented, and to encourage its use.

REPRESENTATIVE SEATON expressed his agreement, reiterating that this was a voluntary demonstration project and that, should the results support it, the medical community would encourage the use of Vitamin D.

CHAIR HIGGINS asked about the study in Australia.

REPRESENTATIVE SEATON clarified that the proposed program, Protect Our Children Now, was based on a South Carolina study. He opined that the program could lower pre-term births in Alaska.

[3:25:37 PM](#)

REPRESENTATIVE SEATON, in response to Chair Higgins, said that the South Carolina study had been conducted since 2004, and had begun as a research project. He said that the proposed program for Alaska was an outgrowth of this project.

CHAIR HIGGINS reflected on a recent seminar he had attended which discussed studies and research. He offered an anecdote claiming that a two year study was useless and needed to be drawn out over a much longer period, and that the performance of the studies often made the research useless. He pointed out that the proposed bill was for a two-year study, yet he opined that it was necessary for a longer research project to fully understand the data.

REPRESENTATIVE SEATON expressed his agreement. He pointed out that the aforementioned had been a research study, while this was a project based on that research. He noted that pregnancy outcomes were recognized in 9 months, and it would require about 500 pregnancies for enough data to review the pre-term birth rate. He declared that the proposed bill was for a project based on scientific research, and although it would offer more data, was not a research project.

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REPRESENTATIVE SEATON pointed out that the fiscal note from Department of Health and Social Services was higher than permitted by the proposed bill, and he relayed that there was a search for a different partner to do this more economically. He mentioned partners in other states performing this program for much less than the attached fiscal note proposed. He shared that the proposed bill would show a willingness by the State of Alaska to participate in the improvement of the health of pregnant women and infants. He reiterated that this was a pilot project, implementing earlier research findings from other studies.

[3:31:19 PM](#)

REPRESENTATIVE TARR referred to other screenings, and asked if any of them would be willing to incorporate questions about Vitamin D use.

REPRESENTATIVE SEATON replied that this would be part of the nutritional and screening information compiled from those who volunteered to be in the program. He clarified that the project

was not designed for a questionnaire, but would focus on better outcomes and healthier mothers and newborns. The proposed bill would show that the state would be willing to participate as a minor partner.

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CHAIR HIGGINS stated that public testimony was still open.

[3:33:55 PM](#)

STEPHANIE WRIGHTSMAN-BIRCH, Chief, Women, Children & Family Health, Division of Public Health, Department of Health and Social Services, stated appreciation for the changes to Version Y, especially as it included treatment and public information after the data had been collected. She expressed concerns with the content of the bill as it pointed toward conducting an experimentally designed research study which would be the responsibility of the Division of Public Health to carry forward. She stated that this was not a core function of Division of Public Health. She acknowledged that participation was voluntary, although she opined that all research was voluntary. She stated that a longer time was necessary to collect the data. She declared that DHSS was very sensitive to requiring Institutional Review Board (IRB) approvals. She noted that there were rigorous study design elements and national standards that needed to be adhered. She noted that the proposed fiscal note included state personnel time for administration, and even if the intent was for a contractor and a grantee, it was the responsibility of the Division of Public Health to oversee the study design and protocol, and to conduct a secondary review of the data. She declared that there were costs included for this. Once the data was collected and analyzed, it had to be compared with prior research and recommendations. She declared a challenge to be the lack of acceptable standard recommendations or guidelines for Vitamin D levels on newborns or pregnant women. She acknowledged a difference of opinion between the Vitamin D literature and the recommendations for its use by organizations to which public health officials were bound to follow.

[3:39:09 PM](#)

CHAIR HIGGINS closed public testimony and took a brief at-ease.

[3:39:45 PM](#)

REPRESENTATIVE KELLER moved to report the proposed committee substitute (CS) for HB 90, labeled 28-LS0376\Y, Mischel, 3/31/14, out of committee with individual recommendations and the attached fiscal notes. There being no objection, CSHB 90(HSS) was moved from the House Health and Social Services Standing Committee.

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The committee took a brief at-ease.

[3:42:11 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 3:42 p.m.