

SENATE FINANCE COMMITTEE  
March 30, 2013  
1:06 p.m.

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CALL TO ORDER

Co-Chair Meyer called the Senate Finance Committee meeting to order at 1:06 p.m.

MEMBERS PRESENT

Senator Pete Kelly, Co-Chair  
Senator Kevin Meyer, Co-Chair  
Senator Lyman Hoffman  
Senator Donny Olson  
Senator Anna Fairclough, Vice-Chair (via teleconference)  
Senator Mike Dunleavy (via teleconference)

MEMBERS ABSENT

Senator Click Bishop

ALSO PRESENT

Susan Schrader, Self, Juneau; George W. Brown, Physician, Douglas; Cynthia Simpson-Sugar, Self, Juneau; Joyanne Bloom, Self, Juneau; Rachel Gearhart, Self, Juneau; John Sonin, Self, Juneau; Ann Fiorella, Self, Juneau; Alyson Currey, Juneau, Self.

PRESENT VIA TELECONFERENCE

Jim Minnery, Alaska Family Action, Anchorage; Jennifer Allen, Director of Public Policy, Planned Parenthood Great Northwest, Seattle; Laura Einstein, Chief Legal Officer, Planned Parenthood Great Northwest, Seattle; Paul Johnsen, Self, Petersburg; Kate Finn, Nurse, Homer; Lynn Ammu, Self, Palmer; Amy Bollenbach, Self, Homer; Diana Conway, Self, Halibut Cove; Jean James, Self, Fairbanks; Mary Kehrhahn-Stark, Self, Fairbanks; Robin Ford, Self, Anchorage; Eiluned Hogenson, Physician, Fairbanks; Karen Lewis, Executive Director, Center for Bio Ethical Reform, Palmer; Dee Longenbaugh, Self, Juneau; Cathy Girard, Self, Anchorage; Sheila Howe, Self, Anchorage; Clover Simon,

Self, Anchorage; Elann Moren, Self, Palmer; Robin Smith, Self, Anchorage.

SUMMARY

SB 49 MEDICAID PAYMENT FOR ABORTIONS; TERMS

SB 49 was HEARD and HELD in committee for further consideration.

#sb49

SENATE BILL NO. 49

"An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."

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JIM MINNERY, ALASKA FAMILY ACTION, ANCHORAGE (via teleconference), testified in support of SB 49. He felt that SB 49 did not restrict a person's access to abortion. He pointed out that SB 49 would not restrict a woman's right to an elective an abortion. He stated that SB 49 was intended to restrict an abortion that is paid for Medicaid to be considered "medically necessary." He referred to testimony by the Chief Legal Counsel from Planned Parenthood. He shared that she could not define an "elective abortion." He quoted Laura Einstein's testimony, "With all due respect, I don't know an elective abortion is." He felt that there needed to be a clearer definition of "medically necessary." He was uncomfortable with a doctor deeming an abortion "medically necessary" just because a woman felt a pregnancy was interfering with her life. He remarked that if the state pays for the abortion, Alaska might be looked at as endorsing the choice to have an abortion. He stressed that the bill's intent was related to definitions. He felt that the issue was culture versus law. He remarked that Alaska was working hard to ensure that Medicaid was not paying for elective abortions. He felt that it was fraud for Medicaid to pay for elective abortions.

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JENNIFER ALLEN, DIRECTOR OF PUBLIC POLICY, PLANNED PARENTHOOD GREAT NORTHWEST, SEATTLE (via teleconference),

spoke in opposition to SB 49, to protect the freedom and privacy of all Alaska women, no matter their income, to make their own pregnancy decisions in consultation with their doctors. She remarked that Planned Parenthood was a health care provider, whose mission was to ensure access to high quality reproductive health care. She stated that Planned Parenthood operated five health care centers in Alaska; and served over 7000 Alaskans in 2011, and two thirds of those people were low income individuals. She stressed that the vast majority of the services focused on prevention; including cancer screenings, birth control, and screening for sexually transmitted infections. She shared that Planned Parenthood was also a provider of safe abortion care. She explained that Planned Parenthood could not give a definition of an "elective abortion", because that Planned Parenthood believed the term "elective" had been imbued with negative value, and was used to demean or shame women who choose to end a pregnancy. She furthered that Planned Parenthood could not give a definition of "medically necessary", because the only person who could answer that question would be a physician. She explained that Planned Parenthood worked extensively with Department of Health and Social Services on a new regulation that was established to add a layer of extra certification to ensure that Medicaid-paid abortions in Alaska were medically necessary. She felt that the legislation would put women's health at risk by deterring or delaying women from seeking abortions in Alaska, for whatever reason. She stressed that pregnancy decisions should be made by a woman and her doctor.

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LAURA EINSTEIN, CHIEF LEGAL OFFICER, PLANNED PARENTHOOD GREAT NORTHWEST, SEATTLE (via teleconference), testified against SB 49, and aligned her testimony with Ms. Allen. She felt that the testimony in favor of the bill was extremely inaccurate. She shared that the 2001 Supreme Court ruling stated that "if the purpose of this definition was to limit abortions or to favor childbirth, it was not constitutional." She felt that the presentation of the bill did not reflect savings to the State. She stressed that the bill was not constitutional, because there was no evidence that denying abortion care would save the State money; particularly compared to those cost involved, if some of the women continue their pregnancy. She stressed that the 2001 case of Planned Parenthood vs. State of Alaska, the

Supreme Court concluded that the State was unable to articulate the compelling need to discriminate against women seeking abortions. She felt that the same result would occur, if the legislature adopted the legislation.

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PAUL JOHNSEN, SELF, PETERSBURG (via teleconference), testified in opposition to SB 49. He stated that he believed the right of all women to choose what to do with their bodies, and felt that Roe v. Wade affirmed that right. He felt that the legislation was an attempt to circumvent Roe v. Wade. He did not feel that the legislature had a right to impose morality on others, and remarked that the bill would have a detrimental effect on poor women. He remarked that the legislature should not spend time on this legislation, because there were real government problems in the state that warranted attention.

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KATE FINN, NURSE, HOMER (via teleconference), spoke in opposition to SB 49. She shared that she had worked for five years as a sexual assault nurse examiner. She stated that the legislature had guidelines as to what activities constitute rape behavior; there was nothing on who decided if those activities occurred during a particular sexual encounter. She wondered how rape was defined as "rape." She wondered if the rape was decided based on the circumstances reported by the woman; was it a decision that a physician or an examiner made, based on the reported incident and physical findings; was the decision up to the police who may or may not have been asked to respond to the incident; does the decision require witnesses to corroborate the woman's report; does a judge and jury decide. She remarked that the determination of rape was important to when and whether or not a woman could use Medicaid to obtain an abortion.

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LYNN AMMU, SELF, PALMER (via teleconference), testified in opposition to SB 49. She shared that she worked with adoptions and foster care families. She stressed that there is always a grief reaction for a woman who chooses to have an abortion; but there was also a grief reaction for a woman who chooses to give her child up for adoption. She

explained that the mother always grieves for the state of the child that she relinquished. She stressed that the fate of the adopted child was always a concern and source of worry for the birth mother. She felt that there should not be limitation on abortions, especially for poor and minority women.

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AMY BOLLENBACH, SELF, HOMER (via teleconference), spoke in opposition to SB 49. She stressed that the cost of abortion was much less than financing the birth and personal expenses. She agreed with the previous testifiers, who had testified in opposition. She felt that poor woman have the same rights as men and rich woman. She referred to a request from Senator McGuire from Legislative Research, which reflected that the status of women in Alaska was worse than much of the rest of the nation. She stressed that there were many Alaskan women who were homeless, because of domestic violence. She felt that these homeless women would face additional challenges, if they were not granted State funds for abortions.

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DIANA CONWAY, SELF, HALIBUT COVE (via teleconference), testified against SB 49. She referred to her letter of opposition (copy on file). She shared that she had given birth twice, and later had an abortion after her birth control failed. She stated that she had some experience working very poor people and families. She pointed out that when women are discriminated against, they become second class citizens, and therefore made women more susceptible to violence. She felt that SB 49 was discriminatory, because it only chooses one medical procedure for which to define the term "medically necessary." She remarked that the bill did not describe any procedures that men obtain. She stressed that the decisions were made between the man and his doctor; which was were the decision properly belonged.

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JEAN JAMES, SELF, FAIRBANKS (via teleconference), spoke in opposition to SB 49. She shared that she grew up in a time when abortion was illegal. She felt that it was the physician's decision to determine was it considered

medically necessary, and not the decision of the legislature. She remarked that the bill would be subject to expensive litigation. She felt that the money could be used towards pregnancy prevention care. She shared that her late husband would have been opposed to SB 49.

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MARY KEHRHAHN-STARK, SELF, FAIRBANKS (via teleconference), testified in opposition to SB 49. She felt that poor and rich people should be given equal protection under the law as ruled by the Alaska Supreme Court. She remarked that an unplanned pregnancy was not an issue to be discussed by politicians; she felt that it was an issue to be discussed between a woman and her doctor.

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SUSAN SCHRADER, SELF, JUNEAU, spoke in opposition to SB 49. She felt that the decisions should be left to the woman, her family, her physician. She stressed that neither she nor her husband had ever discussed their medical treatment options with their legislators. She understood that her testimony would not sway those that are philosophically opposed to abortion rights.

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GEORGE W. BROWN, PHYSICIAN, DOUGLAS, testified in opposition to SB 49. He understood that the issue was very complicated. He remarked that abortions were the result of mental health and behavioral health issues. He felt that it was scientifically inaccurate to differentiate between mental and physical health. He stressed that there was a better way to deal with the problem. He felt that the issue was confrontational and controversial. He stressed that the focus should be on decreasing unwanted pregnancy through prevention.

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CYNTHIA SIMPSON-SUGAR, SELF, JUNEAU, testified in opposition to SB 49. She shared that she had lived in Alaska for 40 years. She stressed that only a trained and licensed physician had the right to determine what was medically necessary for their patients. She shared that Alaskans valued freedom, privacy, and independence. She

felt that SB 49 would interfere with the private and autonomous patient and doctor relationship. She stated that the legislation would erode the ability of the patient, their medical doctor, and their family to privately make the best medical decisions. She felt that SB 49 was discriminatory, because it limited reproductive health options for those who relied on the government for their health care.

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JOYANNE BLOOM, SELF, JUNEAU, spoke against SB 49. She shared that she taught Government in school. She felt that SB 49 would be a terrible teaching tool. She remarked that the bill would show a disregard to the constitution. She felt the committee needed to focus on the priorities. She remarked that an unplanned pregnancy was not an issue to be discussed by politicians; she felt that it was an issue to be discussed between a woman and her doctor.

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RACHEL GEARHART, SELF, JUNEAU, testified in opposition to SB 49. She felt that if the bill passed, there would still be unplanned pregnancies, which would result in higher social services costs. She pointed out that behavioral health providers must attest to medical necessary treatments, as defined by the consumer's specific taken into consideration. She remarked that that a blanket list of medically necessary criteria could not adequately meet the requirement that were so personal between a woman and her doctor. She reiterated Dr. Brown's comments. She pointed out that daughters born to young, low-income, unprepared cycles repeat their mother's cycle.

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JOHN SONIN, SELF, JUNEAU, testified in opposition to SB 49. He agreed with many of the previous testifiers. He felt that the bill's consideration should be based on logic. He felt that education should be the focus of the committee, and added that the new oil tax legislation was also unnecessary.

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ROBIN FORD, SELF, ANCHORAGE (via teleconference), spoke in opposition to SB 49. She remarked that she was planning on practicing medicine in the state upon her graduation from medical school. She felt that the bill would come between decisions between patients and their doctors. She remarked that there are no good reasons why women should be discriminated against as related to their ability to afford health care. She stressed that the Alaska Supreme Court had upheld that the Alaska Constitution protected the right to privacy for individuals, especially between a woman and her doctor.

EILUNED HOGENSON, PHYSICIAN, FAIRBANKS (via teleconference), testified against the legislation. She believed the bill was poorly crafted and was too broad to accomplish anything. She discussed medical conditions pointed to under the bill and items that were medically questionable. She explained conditions that could potentially be fatal for pregnant women. She wondered who would decide what was serious; and remarked that the bill would create confusion. She spoke to traumatic experiences for pregnant women.

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KAREN LEWIS, EXECUTIVE DIRECTOR, CENTER FOR BIO ETHICAL REFORM, PALMER (via teleconference), spoke in support of SB 49. She felt that abortion was violent, and killed babies. She likened children in the womb to slavery. She stated that the children in the womb were not a part of the mother's body, because they had their own unique genetic make-up. She remarked that the children were destroyed, because they had been deemed the property of their mother; the mother then deemed them unwanted and "sentenced them to death." She felt that abortion had no place in the United States.

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DEE LONGENBAUGH, SELF, JUNEAU (via teleconference), testified in opposition to SB 49. She referred to an article in Harper's Magazine that stated that the bible was not against abortion. She referred to Exodus in the bible that stated that killing a baby through abortion resulted in the payment of a fine. Abortion was not considered murder in Roman times.

2:12:50 PM

CATHY GIRARD, SELF, ANCHORAGE (via teleconference), spoke against SB 49. She reiterated the previous testifiers' comments related to the Alaska Supreme Court decision on privacy. She felt that legislators should not make decisions about health care and health determinations. She stressed the importance of providing easier access to birth control for men and women, in order to prevent pregnancy. She added that comprehensive sex education was necessary to preventing unwanted pregnancies.

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SHEILA HOWE, SELF, ANCHORAGE (via teleconference), spoke against SB 49. She remarked that there were many different ways to prevent abortion, specifically pertaining to preventative care and sex education. She also felt that limiting early childhood education funding was detrimental to the well-being of poor families. She remarked that education was the key to preventing unwanted pregnancies. She stressed that the bill would not solve any problems, and would only add to the greater burden on the State.

2:17:53 PM

CLOVER SIMON, SELF, ANCHORAGE (via teleconference), testified in opposition to SB 49. She urged the committee to vote against the legislation. She remarked that Alaska should have healthy families, rather than the highest rates of child abuse and neglect in the nation. She felt that the focus should be on prevention, and remarked that abortion was a symptom of individuals of people who did not have access to proper prevention and education. She urged an expansion of family planning services through Medicaid.

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ELANN MOREN, SELF, PALMER (via teleconference), testified in opposition to SB 49. She stressed that poor women should have the same rights and opportunities of everyone. She felt that the passage of the bill would result in higher numbers of illegal abortions. She shared that she was raped when she was 17, and did not have access to a legal abortion. She shared her story in the Anchorage Daily News. She felt that the bill was unfair, and stressed that the decision to have an abortion was extremely complicated. She

agreed with the testimony from Planned Parenthood representatives. She reiterated that the decision on the legislation should be based on reason and not moral judgment.

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ROBIN SMITH, SELF, ANCHORAGE (via teleconference), spoke in opposition to SB 49. She remarked that individual tax payers do not pay for abortions, rather Medicaid funds came from oil tax dollars. She stated that there was a recent negative report from Legislative Research about women. She pointed out that Alaska had one of the highest rates of domestic violence; and Alaskan women commit suicide at twice the rate of the national average. She also stated that there were many families in Alaska that were homeless. She stated that if these issues were compounded with the lower employee pay for women, one could see why a woman may not realize financial, emotional, or physical where-with-all to deliver and care for a child in her life. She felt that a woman should not be forced to carry a child to term and potential risk her health.

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ANN FIORELLA, SELF, JUNEAU, testified against SB 49. She stated that there was nothing in the legislation related to fetal anomalies. She shared that a member of her family had recently obtained an abortion, because the baby had no brain. She believed that not including that information was wrong. She believed the list of what was considered "medically necessary" was ridiculous.

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ALYSON CURREY, JUNEAU, SELF, spoke in strong opposition to SB 49. She stressed that if the bill was about redefining the definition, that politicians should not be the ones defining the terms. She stated that the decision should be left to a woman, her family, doctor, and faith. She stated that politicians had no business making decisions for women's medical life. She reiterated that if legislators want to reduce the number of abortions in Alaska, the focus should be related to increased access to family planning service and sex education.

Co-Chair Meyer CLOSED public testimony. He discussed that the bill would be heard again on Monday.

#

ADJOURNMENT

2:33:09 PM

The meeting was adjourned at 2:33 p.m.