

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

April 6, 2016

3:34 p.m.

**MEMBERS PRESENT**

Representative Paul Seaton, Chair  
Representative Liz Vazquez, Vice Chair  
Representative Neal Foster  
Representative Louise Stutes  
Representative David Talerico  
Representative Geran Tarr  
Representative Adam Wool

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 345

"An Act relating to insurance coverage for contraceptives and related services; relating to medical assistance coverage for contraceptives and related services; and providing for an effective date."

- MOVED CSHB 345(HSS) OUT OF COMMITTEE

HOUSE BILL NO. 334

"An Act relating to visitation and child custody."

- MOVED CSHB 334(HSS) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 345

SHORT TITLE: INSURANCE COVERAGE FOR CONTRACEPTIVES

SPONSOR(S): REPRESENTATIVE(S) CLAMAN

02/24/16	(H)	READ THE FIRST TIME - REFERRALS
02/24/16	(H)	HSS, FIN
04/05/16	(H)	HSS AT 3:00 PM CAPITOL 106
04/05/16	(H)	Heard & Held
04/05/16	(H)	MINUTE(HSS)
04/06/16	(H)	HSS AT 3:30 PM CAPITOL 106

BILL: HB 334

SHORT TITLE: CHILD CUSTODY;DOM. VIOLENCE;CHILD ABUSE

SPONSOR(S): REPRESENTATIVE(S) MUNOZ

02/22/16	(H)	READ THE FIRST TIME - REFERRALS
02/22/16	(H)	HSS, JUD
03/22/16	(H)	HSS AT 3:00 PM CAPITOL 106
03/22/16	(H)	Heard & Held
03/22/16	(H)	MINUTE(HSS)
03/24/16	(H)	HSS AT 3:00 PM CAPITOL 106
03/24/16	(H)	<Bill Hearing Rescheduled to 3/29/16>
03/29/16	(H)	HSS AT 3:00 PM CAPITOL 106
03/29/16	(H)	Heard & Held
03/29/16	(H)	MINUTE(HSS)
04/05/16	(H)	HSS AT 3:00 PM CAPITOL 106
04/05/16	(H)	Heard & Held
04/05/16	(H)	MINUTE(HSS)
04/06/16	(H)	HSS AT 3:30 PM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE MATT CLAMAN

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HB 345 as the prime sponsor of the bill.

MEGHAN CAVANAUGH, Staff

Representative Matt Claman

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Answered questions on HB 345 on behalf of the bill sponsor, Representative Claman.

CRYSTAL KOENEMAN, Staff

Representative Cathy Munoz

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Answered questions on HB 334 on behalf of the bill sponsor, Representative Munoz.

LINDA BRUCE, Attorney

Legislative Legal and Research Services

Legislative Affairs Agency

Juneau, Alaska

**POSITION STATEMENT:** Answered questions during discussion of HB 334.

TANEEKA HANSEN, Staff  
Representative Paul Seaton  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions on HB 334 for the bill sponsor, Representative Seaton.

**ACTION NARRATIVE**

[3:34:15 PM](#)

**CHAIR PAUL SEATON** called the House Health and Social Services Standing Committee meeting back to order at 3:34 p.m. Representatives Seaton, Wool, Talerico, and Stutes were present at the call to order. Representatives Tarr, Foster, and Vazquez arrived as the meeting was in progress.

[This meeting was reconvened from Tuesday, April 5, 2016.]

**HB 345-INSURANCE COVERAGE FOR CONTRACEPTIVES**

[3:34:37 PM](#)

CHAIR SEATON announced that the first order of business would be HOUSE BILL NO. 345, "An Act relating to insurance coverage for contraceptives and related services; relating to medical assistance coverage for contraceptives and related services; and providing for an effective date." [In front of the committee was the proposed CS for HB 345, labeled 29-LS1503\H, adopted as the working draft on April 5, 2016.]

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REPRESENTATIVE TALERICO, pointing out that the State of Alaska, as an employer, had the ability to set the health benefits that it provided, asked if the state employees were included in the proposed bill.

REPRESENTATIVE MATT CLAMAN, Alaska State Legislature, replied that it was the intent of the proposed bill to include them.

REPRESENTATIVE TALERICO asked if there was any change to the non-Medicaid population for what could be prescribed or the length of the prescriptions, or was the proposed bill an attempt to ensure that payment came from insurance coverage rather than the individual.

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MEGHAN CAVANAUGH, Staff, Representative Matt Claman, Alaska State Legislature, asked if he could repeat the question.

REPRESENTATIVE TALERICO directed attention to page 2, lines 10 - 12, of the proposed bill. He asked if any copayments or deductibles had been eliminated which were required in the health insurance policy.

MS. CAVANAUGH replied that copayments were not being limited or changed under the proposed bill. She said that Department of Health and Social Services would be instructed to change its plan for Medicaid recipients. It was not a change for who was covered for prescriptive contraceptives, but only for how much could be received at any given time.

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CHAIR SEATON asked for clarification that for an insurer which provided coverage for oral contraceptives, the proposed bill would allow the recipient to receive a year's worth of coverage; however, if an insurer did not offer coverage for oral contraceptives, this would not change the coverage.

MS. CAVANAUGH relayed that under the Patient Protection and Affordable Care Act (PPACA), prescriptive contraceptive coverage was mandated, so that this proposed bill was also mandating the coverage.

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REPRESENTATIVE WOOL asked about the length of the prescription, as it was currently limited to three months.

MS. CAVANAUGH replied that this was correct.

REPRESENTATIVE WOOL mused that the proposed bill would allow coverage for a year; thereby, doctors could prescribe for a year. He asked if a person had to pick up the full year prescription at one time, or could they return for further refills, without another prescription, until that full year prescription had been filled.

MS. CAVANAUGH explained that the purpose was for the insured to pick up the entire prescription at one time; however, it was acceptable to only receive a shorter prescription.

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REPRESENTATIVE WOOL asked if, under the current law, a person would need a new prescription in three months if they only picked up a three month prescription. He asked if there could be a year prescription that was filled at three month intervals.

MS. CAVANAUGH replied that the doctor could prescribe for refills, but the person would need to return to the pharmacy for the refill.

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REPRESENTATIVE CLAMAN stated that there was a practical matter to a 12-month prescription which the pharmacy only filled for 6 months, as most pharmacies did not keep track of unfilled prescriptions.

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REPRESENTATIVE TALERICO moved to report CSHB 345, Version 20-LS1503\H, Wallace, 3/22/16, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 345(HSS) was reported out of the House Health and Social Services Standing Committee.

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The committee took a brief at-ease.

**HB 334-CHILD CUSTODY;DOM. VIOLENCE;CHILD ABUSE**

[3:47:42 PM](#)

CHAIR SEATON announced that the final order of business would be HOUSE BILL NO. 334, "An Act relating to visitation and child custody."

[Before the committee was the proposed committee substitute (CS) for HB 334, Version 29-LS1409\N, Bruce, 4/5/16, which was adopted as the working document on 4/5/16.]

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REPRESENTATIVE TALERICO moved to adopt the proposed committee substitute (CS) for HB 334, Version 29-LS1409\P, Bruce, 4/5/16, as the working draft.

CHAIR SEATON objected for discussion.

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CRYSTAL KOENEMAN, Staff, Representative Cathy Munoz, Alaska State Legislature, on behalf of Representative Munoz, prime sponsor of HB 334, explained that Version P incorporated recent committee recommendations made during the previous discussion of [Version N] on 4/5/16.

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MS. KOENEMAN walked through the changes for proposed Version P. She directed attention to Section 1, and pointed out that intent language had been removed. She moved on to Section 2, which now included the expanded definition for other parent, a child, or a domestic living partner.

CHAIR SEATON asked for clarification that it included children, domestic partners, and foster children.

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LINDA BRUCE, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency, said that this language would include a foster child.

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MS. KOENEMAN clarified that the new language was on page 2, line 2, Version P. She moved on to the second change in this version, page 3, which changed the language "convicted of a crime involving domestic violence," regarding military personnel, to "clear and convincing evidence."

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MS. KOENEMAN moved on to the next change in the proposed CS, page 4, which updated the language to "clear and convincing evidence." She directed attention to page 4, line 29, noting that there had previously been a drafting error and this language, "the willingness and ability of each parent to

facilitate and encourage a close and continuing relationship between the other parent and child," had been reinserted.

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MS. KOENEMAN relayed that the final changes in the proposed CS were on page 5, subsections (m) and (n), whereby "domestic living partner" was added.

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CHAIR SEATON removed his objection. There being no further objection, the proposed committee substitute (CS) for HB 334, labeled 29-LS1409\P, Bruce, 4/5/16, was adopted as the working draft.

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REPRESENTATIVE TALERICO directed attention to the language change on page 1, line 15, "a history of perpetrating" domestic violence, and asked whether this history referred to one event.

MS. KOENEMAN replied that, from conversations with the courts and the judges, it was understood that determination of "history" was up to the discretion of the judge. She reported that "history" had been defined in statute as "one serious incident of domestic violence, or two or more incidences of domestic violence." She pointed out that this language had been removed to leave discretion to the judge.

REPRESENTATIVE TALERICO emphasized that he had a zero tolerance level for violent outbursts and he wanted to allow for judicial discretion, so it was not necessary "to build a long case of violent behavior" if a person was dangerous.

CHAIR SEATON expressed his desire that the legislative history would show that this was the will of the committee.

[3:56:24 PM](#)

CHAIR SEATON directed attention to a letter to accompany the proposed bill to members of the House Judiciary Standing Committee which reflected some of the legal concerns of the House Health and Social Services Standing Committee.

[3:57:12 PM](#)

TANEEKA HANSEN, Staff, Representative Paul Seaton, Alaska State Legislature, paraphrased from the points of concern raised in the letter titled "Letter to Judiciary on HB 334 from the HHS committee," [included in members' packets]. She explained that there were some questions that included whether the rebuttable presumption should be removed entirely from the proposed bill, or for the standards to be adjusted. She reported that the first version of the proposed bill had included the rebuttable presumption but had required a conviction, whereas Version P removed the rebuttable presumption and changed that burden of proof for the judge to consider domestic violence to a much lower standard of clear and convincing evidence. She suggested that there could be further discussion in the next committee.

MS. HANSEN noted there had also been questions around the short-term protective orders as to whether they could be considered during the review of history of domestic violence, and how easy it was for them to be issued. She reported there was interest in knowing how often the rebuttable presumption was requested and how often it was applied. She shared the question for the availability of the batterers intervention program which was required under current statute. She that there was also a question regarding the number of supervised visitation programs available to parents who were not able to find a friend or family member to supervise for free.

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REPRESENTATIVE TARR offered her belief that it was necessary to know how often the short term protective orders were approved or denied. She asked that domestic living partners, and the challenges posed by "blended families" also be considered.

REPRESENTATIVE TARR said that she was struggling with the proposed bill and its implications. She shared that, although it was the mandate of the committee to focus on public health matters, she wanted to ensure that it was clear that the House Health and Social Services Standing Committee deemed domestic violence to be a serious public health issue that warranted a great deal of attention with additional programmatic work to address the issue. She stated that her not attempting to stop the proposed bill was not an indication of support, as the proposed bill was moving beyond the public health realm and more toward applications of the law, which was beyond the purview of this committee.

CHAIR SEATON reflected that the committee had done an excellent job of refining a proposed bill so that it was not overly broad with the possibility of interpretation for domestic violence to not receive closer scrutiny.

MS. KOENEMAN expressed agreement and understanding that discussions about domestic violence are difficult and emotional. She allowed that the laws governing the issue were not easy, and that the sponsor wanted the extra review from the House Judiciary Standing Committee to address additional concerns. She asked that both sides work together to craft good legislation "to protect victims and children."

[4:05:01 PM](#)

REPRESENTATIVE TALERICO moved to report CSHB 334, Version 29-LS1409\P, Bruce, 4/5/16, out of committee with individual recommendations and the accompanying fiscal notes.

CHAIR SEATON objected, stating a desire by Representative Vazquez to be present.

[4:05:21 PM](#)

The committee took an at-ease from 4:05 p.m. to 4:10 p.m.

[4:10:04 PM](#)

CHAIR SEATON brought the committee back to order.

[4:10:41 PM](#)

CHAIR SEATON removed his objection. There being no further objection, CSHB 334(HSS) was reported out of the House Health and Social Services Standing Committee.

[4:11:46 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:11 p.m.