

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 23, 2024

3:31 p.m.

DRAFT

MEMBERS PRESENT

Senator David Wilson, Chair
Senator James Kaufman, Vice Chair
Senator Löki Tobin
Senator Forrest Dunbar
Senator Cathy Giessel

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 17(HSS) AM(EFD FLD)
"An Act relating to insurance coverage for contraceptives and related services; and relating to medical assistance coverage for contraceptives and related services."

- MOVED SCS CSHB 17(HSS) OUT OF COMMITTEE

HOUSE BILL NO. 371

"An Act relating to medical review organizations; relating to the definitions of 'health care provider' and 'review organization'; and relating to the duties of the chief medical officer in the Department of Health."

- MOVED HB 371 OUT OF COMMITTEE

SENATE BILL NO. 231

"An Act relating to residential psychiatric treatment centers; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 17

SHORT TITLE: CONTRACEPTIVES COVERAGE;INSURE;MED ASSIST

SPONSOR(S): REPRESENTATIVE(S) CARRICK

01/19/23 (H) PREFILE RELEASED 1/9/23
01/19/23 (H) READ THE FIRST TIME - REFERRALS
01/19/23 (H) HSS, CRA, L&C, FIN
02/07/23 (H) HSS AT 3:00 PM DAVIS 106
02/07/23 (H) Heard & Held
02/07/23 (H) MINUTE(HSS)
02/18/23 (H) HSS AT 3:00 PM DAVIS 106
02/18/23 (H) -- MEETING CANCELED --
03/02/23 (H) HSS AT 3:00 PM DAVIS 106
03/02/23 (H) Moved CSHB 17(HSS) Out of Committee
03/02/23 (H) MINUTE(HSS)
03/07/23 (H) HSS AT 3:00 PM DAVIS 106
03/07/23 (H) Moved CSHB 17(HSS) Out of Committee
03/07/23 (H) MINUTE(HSS)
03/08/23 (H) HSS RPT CS(HSS) 3DP 2NR
03/08/23 (H) DP: RUFFRIDGE, SUMNER, MINA
03/08/23 (H) NR: SADDLER, PRAX
03/16/23 (H) CRA AT 8:00 AM BARNES 124
03/16/23 (H) Heard & Held
03/16/23 (H) MINUTE(CRA)
03/17/23 (H) FIN REFERRAL REMOVED
03/17/23 (H) BILL REPRINTED
03/21/23 (H) CRA AT 8:00 AM BARNES 124
03/21/23 (H) Moved CSHB 17(HSS) Out of Committee
03/21/23 (H) MINUTE(CRA)
03/22/23 (H) CRA RPT CS(HSS) 5DP 1NR
03/22/23 (H) DP: HIMSCHOOT, MEARS, MCKAY, RUFFRIDGE,
MCCORMICK
03/22/23 (H) NR: MCCABE
03/27/23 (H) L&C AT 3:15 PM BARNES 124
03/27/23 (H) Heard & Held
03/27/23 (H) MINUTE(L&C)
03/31/23 (H) L&C AT 3:15 PM BARNES 124
03/31/23 (H) Moved CSHB 17(HSS) Out of Committee
03/31/23 (H) MINUTE(L&C)
04/03/23 (H) L&C RPT CS(HSS) 2DP 3NR
04/03/23 (H) DP: CARRICK, SUMNER
04/03/23 (H) NR: RUFFRIDGE, PRAX, WRIGHT
05/17/23 (H) ADJOURNED - ON 1/16/2024 CALENDAR
01/16/24 (H) RETURNED TO RLS COMMITTEE
03/22/24 (H) CALL FOR THE QUESTION
03/22/24 (H) TRANSMITTED TO (S)
03/22/24 (H) VERSION: CSHB 17(HSS) AM(EFD FLD)
03/25/24 (S) READ THE FIRST TIME - REFERRALS
03/25/24 (S) HSS, L&C
04/16/24 (S) HSS AT 3:30 PM BUTROVICH 205

04/16/24 (S) Heard & Held
04/16/24 (S) MINUTE(HSS)
04/23/24 (S) HSS AT 3:30 PM BUTROVICH 205

BILL: HB 371

SHORT TITLE: MEDICAL REVIEW ORGANIZATIONS
SPONSOR(S): REPRESENTATIVE(S) RUFFRIDGE BY REQUEST

02/20/24 (H) READ THE FIRST TIME - REFERRALS
02/20/24 (H) HSS
02/29/24 (H) HSS AT 3:00 PM DAVIS 106
02/29/24 (H) Heard & Held
02/29/24 (H) MINUTE(HSS)
03/05/24 (H) HSS AT 3:00 PM DAVIS 106
03/05/24 (H) Moved HB 371 Out of Committee
03/05/24 (H) MINUTE(HSS)
03/06/24 (H) HSS RPT 4DP 1DNP 2NR
03/06/24 (H) DP: FIELDS, RUFFRIDGE, MINA, PRAX
03/06/24 (H) DNP: SUMNER
03/06/24 (H) NR: MCCORMICK, SADDLER
03/25/24 (H) TRANSMITTED TO (S)
03/25/24 (H) VERSION: HB 371
03/27/24 (S) READ THE FIRST TIME - REFERRALS
03/27/24 (S) HSS
04/11/24 (S) HSS AT 3:30 PM BUTROVICH 205
04/11/24 (S) Heard & Held
04/11/24 (S) MINUTE(HSS)
04/23/24 (S) HSS AT 3:30 PM BUTROVICH 205

BILL: SB 231

SHORT TITLE: MINORS & RESIDENT PSYCH TREATMENT CENTERS
SPONSOR(S): SENATOR(S) CLAMAN

02/14/24 (S) READ THE FIRST TIME - REFERRALS
02/14/24 (S) HSS
03/26/24 (S) HSS AT 3:30 PM BUTROVICH 205
03/26/24 (S) Heard & Held
03/26/24 (S) MINUTE(HSS)
04/23/24 (S) HSS AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE ASHLEY CARRICK
District 35
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 17.

LORI WING-HEIER, Director
Division of Insurance
Department of Commerce, Community and
Economic Development (DCCED)
Anchorage, Alaska
POSITION STATEMENT: Explained Amendment 1 (U.1).

REPRESENTATIVE JUSTIN RUFFRIDGE, District 7
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of HB 371

SABINA BRAUN, Staff
Representative Justin Ruffridge
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Commented on HB 371.

SENATOR MATT CLAMAN, District H
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 231

TRACY DOMPELING, Director
Division of Behavioral Health
Department of Health
Juneau, Alaska
POSITION STATEMENT: Testified on SB 231

RENEE GAYHART, Director
Division of Health Care Services
Department of Health
Juneau, Alaska
POSITION STATEMENT: Testified on SB 231.

ACTION NARRATIVE

[3:31:44 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Tobin, Kaufman, Giessel, Dunbar, and Chair Wilson.

HB 17-CONTRACEPTIVES COVERAGE:INSURE;MED ASSIST

[3:32:29 PM](#)

CHAIR WILSON announced the consideration of CS FOR HOUSE BILL NO. 17(HSS) am(efd fld) "An Act relating to insurance coverage for contraceptives and related services; and relating to medical assistance coverage for contraceptives and related services."

CHAIR WILSON stated that on March 12, 2024, the committee adopted SCS CSHB 17, work order 33-LS0222\U, as the working document.

[3:33:11 PM](#)

REPRESENTATIVE ASHLEY CARRICK, District 35, Alaska State Legislature, Juneau, Alaska, explained that HB 17 reduces barriers to contraceptive access by extending the current coverage duration from one to three months up to 12 months.

[3:33:53 PM](#)

CHAIR WILSON solicited a motion.

[3:33:56 PM](#)

SENATOR TOBIN moved to adopt Amendment 1, work order 33-LS0222\U.1, to SCS CSHB 17.

33-LS0222\U.1
Wallace
4/22/24

AMENDMENT 1

OFFERED IN THE SENATE

TO: SCS CSHB 17(HSS), Draft Version "U"

Page 1, line 1:

Delete the second occurrence of "**and**"

Page 1, line 2, following "**services**":

Insert "**; and providing for an effective date**"

Page 2, lines 7 - 9:

Delete all material and insert:

"(c) Except as provided in (d) of this section, a health care insurer may not require cost sharing for contraceptives or services covered under (a) of this section when provided by a participating health care provider or dispensing entity."

Page 2, lines 14 - 23:

Delete all material and insert:

"(e) A health care insurer that applies medical management techniques, including step therapy or prior authorization, must provide without delay a simple and easy to understand exception procedure for a covered person to access contraceptives covered under (a) of this section."

Page 2, line 28, following "prescribed":

Insert "by a participating health care provider"

Page 3, lines 6 - 13:

Delete "A religious employer that opposes coverage under this subsection shall provide a list of the contraceptives or services described in (a) of this section for which the religious employer opposes coverage

(1) to each prospective enrollee in the religious employer's health care insurance plan before the enrollee's enrollment in the plan; and

(2) annually to all insureds enrolled in the religious employer's health care insurance plan."

Page 7, following line 31:

Insert a new bill section to read:

"* **Sec. 9.** Section 1 of this Act takes effect January 1, 2025."

[3:34:00 PM](#)

CHAIR WILSON objected for purposes of discussion.

[3:34:03 PM](#)

CHAIR TOBIN said that she wanted to ensure accurate information was placed on the public record regarding Amendment 1 and may seek assistance from Ms. Wing-Heier to answer questions. She explained that Amendment 1 aligns HB 17 with Medicaid regulations and highlighted that the substantive changes begin on page 2, lines 7-9, as recommended by the Division of Insurance. These changes help create a zero fiscal note, eliminating any fiscal impact related to HB 17's intersection with Medicaid. She also pointed out that changes to page 2,

lines 14-23 would remove the indeterminate fiscal note previously attached to HB 17. Lastly, she stated that Amendment 1 would require religious employers to provide a list of contraceptives or services they oppose to healthcare enrollees before enrollment and annually thereafter, as outlined on page 3, lines 6-13.

[3:37:25 PM](#)

LORI WING-HEIER, Director, Division of Insurance, Department of Commerce, Community and Economic Development (DCCED), Anchorage, Alaska, explained the division's recommended changes in Amendment 1 (U.1). She referred to HB 17, page 2, lines 7-9 and 14-23, explaining that under the Affordable Care Act, states adopted essential health benefits, and adding to these benefits—such as proposed in HB 17—requires the state to defray costs. She noted that an indeterminate fiscal note was attached because the Centers for Medicare and Medicaid Services (CMS) might require the state to cover these costs. She noted that in previous legislative sessions there were extensive discussions to this point. Regarding changes for religious employers, she stated that the division does not oppose the language but lacks statutory authority to regulate religious employers or mandate them to provide lists of covered contraceptive options to employees. She emphasized that the division regulates insurance companies, not employers, and these limitations informed the recommended changes.

[3:39:04 PM](#)

REPRESENTATIVE CARRICK stated she supports the changes in Amendment 1 (U.1). She said the changes are technical but substantive and allow Hb 17 to take effect. She emphasized that HB 17 was not intended to generate a fiscal note, and the change in language will help it advance.

CHAIR WILSON removed his objection, found no further objection and Amendment 1 (U.1) was adopted.

[3:40:15 PM](#)

CHAIR WILSON solicited the will of the committee.

[3:40:19 PM](#)

SENATOR KAUFMAN moved to report SCS CSHB 17, work order 33-LS0222\U, as amended, from committee with individual recommendations and attached fiscal note(s).

[3:40:34 PM](#)

CHAIR WILSON found no objection and SCS CSHB 17(HSS) was reported from the Senate Health and Social Services Standing Committee.

[3:40:43 PM](#)

At ease

HB 371-MEDICAL REVIEW ORGANIZATIONS

[3:42:10 PM](#)

CHAIR WILSON reconvened the meeting and announced the consideration of HOUSE BILL NO. 371 "An Act relating to medical review organizations; relating to the definitions of 'health care provider' and 'review organization'; and relating to the duties of the chief medical officer in the Department of Health."

[3:42:42 PM](#)

REPRESENTATIVE JUSTIN RUFFRIDGE, District 7, Alaska State Legislature, Juneau, Alaska, explained that HB 371 aims to adjust components of medical review organizations, which provide recommendations and data on deaths, particularly those outside the norm. He noted three such review boards currently exist in the state, and mentioned maternal and childhood deaths, and overdose deaths. The HB 371 seeks to expand eligibility for board membership to individuals serving in medical roles and transfers oversight from the state medical board to the chief medical officer to enhance flexibility and efficiency. He added that the HB 371 also mandates the creation of reports with redacted confidential information, making data more accessible to the public and relevant departments.

[3:45:09 PM](#)

SABINA BRAUN, Staff, Representative Justin Ruffridge, Alaska State Legislature, Juneau, Alaska, added that the third review organization in Alaska focuses on congenital syphilis.

[3:45:33 PM](#)

CHAIR WILSON solicited the will of the committee.

[3:45:35 PM](#)

SENATOR KAUFMAN moved to report HB 371, work order LS-331366\A, from committee with individual recommendations and attached fiscal note(s).

[3:45:50 PM](#)

CHAIR WILSON found no objection and HB 371 was reported from the Senate Health and Social Services Standing Committee.

[3:45:59 PM](#)

At ease

SB 231-MINORS & RESIDENT PSYCH TREATMENT CENTERS

[3:47:57 PM](#)[3:47:59 PM](#)

CHAIR WILSON reconvened the meeting and announced the consideration of SENATE BILL NO. 231 "An Act relating to residential psychiatric treatment centers; and providing for an effective date."

[3:48:41 PM](#)

SENATOR MATT CLAMAN, District H, Alaska State Legislature, Juneau, Alaska, provided an overview of SB 231 and stated that the legislation seeks to enhance the rights of minors receiving inpatient psychiatric care in Alaska. It includes provisions for one hour of weekly communication with a parent or guardian, semi-annual inspections by the department, and reporting on the use of seclusion and restraint in these facilities.

CHAIR WILSON said the sponsor of SB 231 requested a committee substitute.

[3:49:33 PM](#)

CHAIR WILSON solicited a motion.

[3:49:36 PM](#)

SENATOR KAUFMAN moved to adopt the committee substitute (CS) for SB 231, work order 33-LS1196\S, as the working document.

[3:49:47 PM](#)

CHAIR WILSON objected for purposes of discussion.

[3:49:53 PM](#)

SENATOR CLAMAN stated the following concerning changes to SB 231, versions A, B, and S:

[Original punctuation provided.]

There are three versions of SB 231 in front of you today. Version A, which we discussed in the first hearing on March 26th, Version B and Version S. Version B integrated the feedback that came from the first hearing but included an unintended limitation on

the applicability of SB 231. We corrected that limitation in Version S.

[3:50:17 PM](#)

SENATOR CLAMAN continued:

[Original punctuation provided.]

Version A of SB 231 only applied to minors receiving treatment at facilities licensed as residential psychiatric treatment centers. In discussion with the Department and other stakeholders, we learned that residential psychiatric treatment centers are only one type of license for facilities that provide inpatient mental health care to minors. Some facilities are currently licensed as specialty hospitals or psychiatric hospitals. We wanted to ensure that all facilities providing in-patient mental health evaluation or treatment to minors are included in SB 231, regardless of a facility's current or future type of license.

Version B of SB 231 expanded the bills application to "treatment facilities"—defined in AS 47.30.915 as a hospital, clinic, institution, center, or other health care facility that has been designated by the department for the treatment or rehabilitation of mentally ill persons. Then we received feedback from the Department of Health and the Department of Family & Community Services that the definition for treatment facility in AS 47.30.915 is used specifically in designating psychiatric treatment facilities for involuntary admission. Using this definition of treatment facility could unintentionally limit the scope of SB 231.

Version S of SB 231 creates a new definition in statute, defining treatment facility as a hospital, clinic, institution, center, or other healthcare facility licensed to provide inpatient mental health evaluation or treatment to minors.

Both Version B and Version S include clarifications on a minor patient's rights to confidential communication while at a treatment facility. First, the weekly, one-hour requirement can be waived due to law or court order or if it's considered therapeutically

unadvisable by an overseeing physician. Second, the communication can be between a patient and their parent, guardian, or another adult approved by an overseeing physician. Third, communication can be via video or telephone and the weekly, one-hour requirement can be satisfied by cumulative sessions at no more than four occasions.

[3:52:36 PM](#)

SENATOR CLAMAN continued:

[Original punctuation provided.]

Both Version B and Version S add a requirement that the Department of Health annually publish a report on their Internet website on the aggregate total uses of seclusion and restraint at each treatment facility. Finally, Version S differs from Version B in a modification to the requirement for the Department of Health to conduct unannounced inspections of treatment facilities twice each year. In Version S, this provision only applies to treatment facilities in which a minor spends more than three nights in the preceding year. This change prevents excessive inspection of facilities that provide short-term, inpatient psychiatric treatment for minors in a mental health crisis, such as hospital emergency rooms.

In summary, Version S of SB 231 provides the most clarified and inclusive application of the bill's provisions. I encourage the Committee to adopt Version S of SB 231 today.

SENATOR CLAMAN mentioned that the summary of changes for all versions are in the committee's bill packet and at the committee's request his staff could read them for the record.

[3:53:43 PM](#)

CHAIR WILSON asked if any committee member would like the summary of changes read. Seeing no response, he asked for comments from the departments present.

[3:54:26 PM](#)

TRACY DOMPELING, Director, Division of Behavioral Health, Department of Health, Juneau, Alaska, stated that the department supports the spirit of SB 231, emphasizing the importance of ensuring minors in high-level inpatient care have rights and

receive appropriate, safe, and rehabilitative treatment. She noted ongoing discussions within the Department of Health and the Department of Family and Community Services to clarify the new committee substitute (CS) and the types of facilities it encompasses. She highlighted concerns about creating confusion with an additional definition of treatment facilities in statutes and the need for clarity on which facilities SB 231 aims to address. She referenced Senator Claman's discussion about emergency rooms, noting that they are not licensed as inpatient psychiatric treatment facilities, and stressed the importance of identifying and monitoring higher-level care facilities that engage in practices such as seclusion and restraint.

[3:56:28 PM](#)

RENEE GAYHART, Director, Division of Health Care Services, Department of Health, Juneau, Alaska, clarified that the term "treatment facility" spans two statutes, and during licensing, the focus is on licensing the facility itself rather than the services provided. She emphasized that for higher levels [of inpatient care], policies are crucial to ensuring the safety of individuals in those facilities.

[3:57:02 PM](#)

CHAIR TOBIN said she is focusing on the definition of "facility" that was added to the CS [version S], noting that it includes hospitals. She asked if this means the Department of Health would conduct inspections on a Department of Child and Family Services facility, such as the Chilkat Unit of Alaska Psychiatric Institute (API).

[3:57:35 PM](#)

MS. DOMPELING responded that her understanding was correct and acknowledged that it raises the question of whether the Department of Health would conduct surprise inspections at another department's facility. She noted that such facilities, like hospitals, already adhere to their own accreditation standards.

SENATOR TOBIN responded that it is an interesting dynamic.

[3:58:11 PM](#)

CHAIR WILSON asked if Senator Claman had any opposition to adjusting definitions.

[3:58:29 PM](#)

SENATOR CLAMAN replied that his office has been working on creating a CS to provide a narrower definition without excluding hospitals that provide inpatient psychiatric care to minors. He addressed the department's comment about emergency rooms, clarifying that under the current definition, even with the three-day provision, emergency rooms still would not qualify because they are not licensed to provide inpatient mental health evaluation and treatment. He expressed openness to refining the definition further to include current facilities providing psychiatric care to minors and those that may be licensed in the future.

[3:59:21 PM](#)

CHAIR WILSON stated he is not concerned about one department reviewing another department. For example, the Department of Corrections' treatment programs could benefit from review by the Division of Behavioral Health.

[3:59:48 PM](#)

CHAIR WILSON removed his objection; found no further objection and CSSB 231, version S, was adopted as the committee's working document.

[4:00:56 PM](#)

CHAIR WILSON held SB 231 in committee.

[4:01:36 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 4:01 p.m.