



SB

235

STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

JASON
FRANK H. MURKOWSKI, GOVERNOR

Goldbelt Place
801 West Tenth Street, Suite 2100
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax

January 26, 2006

The Honorable Fred Dyson, Chair
Senate Health, Education & Social Services Committee
Alaska State Legislature
State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Dyson:

Senate Bill 235, establishing a school performance incentive program, has been referred to the Senate Health, Education & Social Services Committee. The Department of Education & Early Development would like to request that the bill be calendared and heard as soon as possible.

Dick Luther, the department's legislative liaison will be happy to work with you or your staff to schedule a committee hearing on SB 235. Please contact Dick at 465-2803 or Richard_Luther@eed.state.ak.us.

Thank you for your consideration.

Sincerely,



Roger Sampson
Commissioner

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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January 13, 2006

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would provide for a public school performance incentive program. This program is an innovative approach to creating a learning environment in which students will improve more rapidly than would usually be expected.

This program would inspire and empower Alaska's outstanding educators to use their expertise and innovative instructional practices to improve student growth and achievement. A performance incentive program would enhance Alaska's teacher recruitment efforts, raise accountability by linking the incentive payments directly to increased levels of student achievement, and promote effective instruction, staff collaboration, and shared responsibility. The program would encourage public schools to adjust schedules to maximize instructional time and align teacher skills to student needs.

This bill would authorize a substantial performance incentive payment, subject to appropriation, to school personnel -- up to \$5,500 for certificated personnel such as teachers, counselors, and administrators, and up to \$2,500 for noncertificated personnel such as instructional aides, school nurses, and school secretaries. Public school personnel would be eligible for a performance incentive payment if the students in their school achieved substantial improvement on the statewide assessments.

The program provided for in this bill is unique in two ways. First, it is intended that a performance incentive payment would be made when students achieve more than one year's academic growth. We expect learning growth in students each year and public school personnel are paid to teach students a

COMMITTEE COPY

The Honorable Ben Stevens

January 13, 2006

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normal year's worth of information. This program, however, would reward public school personnel if students acquire more than one year's worth of growth. When students gain more than one year's worth of growth, they will advance one or more levels on the state's statewide achievement assessments, triggering a performance incentive payment. If students were already at the most advanced level, keeping them advanced would trigger a payment.

Tying the performance incentive payment to growth would mean that all public schools would have an opportunity to earn the payment. Because the performance incentive payment would not be pegged at a set level of achievement, public schools that have high-achieving students would not have an advantage over schools with low-achieving students. All children can learn, and all can improve their achievement level. Schools would not be in competition with each other -- a school would be eligible for the performance incentive payment if its students achieve sufficient growth, even if some other schools show more growth or faster growth.

The second unique aspect of this proposed program is that it is intended to apply to all public school employees. Even noninstructional personnel would be eligible for the performance incentive payment if the students at the public school achieved the requisite growth. This would create within the public school building a community in which all employees have a stake in the success of the students. Teachers who teach subjects that are not tested; administrators, paraprofessionals, and support staff all would have an incentive to encourage students to excel at all scholastic pursuits, and to keep students interested and engaged. The school community would have an incentive to work together for the greater good.

The details of the performance incentive program would require mathematical formulae and the setting of eligibility requirements that are best left to regulation. The Department of Education and Early Development (department) would have to determine what level of growth is appropriate for the performance incentive payment -- if it is too easy or too difficult to obtain, it would not provide an incentive. The department also would provide in regulation for a mechanism to reward school district central office personnel -- such as a curriculum or special education director -- who have a significant influence on the achievement of the students in the eligible schools in that district.

The bill provides that a payment under the program is not included in an employee's compensation for retirement purposes. Also, under the bill, whether an employee does or does not receive a performance incentive payment

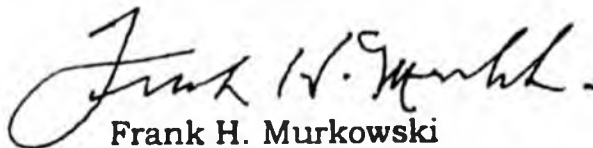
The Honorable Ben Stevens
January 13, 2006
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would have no bearing on the employee's evaluation, and a school district could not diminish or supplant an employee's regular salary because the employee received a payment.

This program is not intended to have any effect on the current or future levels of foundation or other funding for public education. This program is intended to reward excellence by providing incentives for a public school community to work collaboratively to exceed the expected level of learning for all students in a single year. Foundation funding and this program are entirely separate and each stands on its own.

This bill is good for children and good for Alaska. I urge your prompt and favorable action on it.

Sincerely yours,

A handwritten signature in cursive script, reading "Frank H. Murkowski".

Frank H. Murkowski
Governor

Enclosure

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1 (CORRECTED)
 Bill Version: SB 235
 (S) Publish Date: 1/17/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Education
 Title An act relating to school performance RDU K-12 Support
incentive payments Component New -School Performance
 Sponsor Rules Committee Incentive Program
 Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	15,000.0					
Miscellaneous						
TOTAL OPERATING	15,000.0	**	**	**	**	**

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	15,000.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	15,000.0	**	**	**	**	**

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will allow the Department of Education & Early Development to establish a school performance incentive program. This program will provide an incentive payment of up to \$5,500 for certified personnel and up to \$2,500 for noncertified personnel if the students in their school demonstrate substantial growth in achievement on state assessments from one year to the next. Incentive payments will be based on four achievement levels. The cost of the incentive program will vary from one year to the next based on the number of schools that qualify and at which level. Because it is not known how many schools will qualify for the incentive payments in FY2007, the department will seek an extended lapse date for this appropriation through June 30, 2008.

The following page outlines the amount of the bonus for each of the achievement levels. There is also an estimate of the range of costs for the program. If 5% of Alaska's school staff qualified for the incentive at the highest level, the cost would be approximately \$3 million and up to \$15 million if 25% qualify.

Prepared by: Barbara Thompson, Director Phone _____
 Division: Teaching & Learning Support Date/Time 1/11/06 3:00 PM
 Approved by: Roger Sampson Date 1/12/2006
 Agency: Commissioner

FISCAL NOTE #1 (CORRECTED)

**STATE OF ALASKA
2006 LEGISLATIVE SESSION**

BILL NO. SB 235

ANALYSIS CONTINUATION

Staffing: The department will utilize existing staff, to the extent possible, to calculate the schools that qualify for the bonus at which level, the staff to be awarded the bonus and to make the actual grant payments and provide the accounting support. Depending upon the volume of payments, it may be necessary to hire staff. If so, funds would be transferred from the grant line to cover personnel costs.

The School Performance Incentive Program will have four levels: Strong; High; Excellent; Outstanding. All school staff, certified and non-certified will be eligible for the incentive payment if the students in the school meet the achievement targets. The table below outlines the levels and the amount of the incentive payment for each level:

Achievement Level	Bonus Amount for Certified Staff	Bonus Amount for Non-Certified Staff
Strong	\$2,500	\$1,000
High	\$3,500	\$1,500
Excellent	\$4,500	\$2,000
Outstanding	\$5,500	\$2,500
Approximate # of Employees Statewide	9,000	3,700

The following chart illustrates a range of costs based on estimates of the percentage of school staff that would qualify for the incentive at the highest level or \$5,500 per certified staff and \$2,500 for non-certified staff:

Achievement Level = Outstanding

Range of Cost - Assumptions

Assumption % of staff that qualify for bonus	Estimate of Certified Staff that qualify (of approx. 9,000)	Estimate of Non-Certified Staff that qualify (of approx. 3,700)	Range of Certified Cost Based on % of staff	Range of Non-Certified Cost Based on % of staff	Central Office Staff may receive up to 5% of the total paid to all employees at all schools	Total
5%	450	185	\$2,475,000	\$462,500	\$146,875	\$3,084,375
10%	900	370	\$4,950,000	\$925,000	\$293,750	\$6,168,750
15%	1,350	555	\$7,425,000	\$1,387,500	\$440,625	\$9,253,125
20%	1,800	740	\$9,900,000	\$1,850,000	\$587,500	\$12,337,500
25%	2,250	925	\$12,375,000	\$2,312,500	\$734,375	\$15,421,875
30%	2,700	1,110	\$14,850,000	\$2,775,000	\$881,250	\$18,506,250
40%	3,600	1,480	\$19,800,000	\$3,700,000	\$1,175,000	\$24,675,000
50%	4,500	1,850	\$24,750,000	\$4,625,000	\$1,468,750	\$30,843,750
75%	6,750	2,775	\$37,125,000	\$6,937,500	\$2,203,125	\$46,265,625
100%	9,000	3,700	\$49,500,000	\$9,250,000	\$2,937,500	\$61,687,500



School Performance Incentive Program

Goal: To accelerate growth in student achievement.

Overview of benefits to Alaska

1. Accountability: money directly linked to high levels of student learning.
2. Promotes effective instruction, staff collaboration, and shared responsibility.
3. Enhances Alaska's teacher recruitment efforts.
4. No-risk program: no performance = no cost.

Why is this program different from other bonus programs?

- Focuses on how the same students(s) performed this year compared to last year – student growth.
- Provides clear targets for meeting success.
- Provides an incentive for **ALL** school staff to work together, be creative, and design and implement systems to improve student performance.
- Provides a system for policy makers to evaluate school performance.
- Focuses on improving each student's performance from where they currently are to proficiency.

Why have other models failed?

- Not based on individual student growth related to achievement standards.
- Unrealistic or unclear targets for success.
- Competition among staff – some must lose for others to win.
- Excluded building administrators and other school staff.
- The instrument/criteria used to measure success was not reliable and consistent.
- Compensation was not large enough to change behavior.

What will be the outcomes from this program?

- Ownership of instruction and results by all school staff resulting in less turf guarding.
- Incentive to work differently and create partnerships that will result in more than a year's growth in learning for students.
- Cause creative and effective use of instructional time in schools – scheduling the school day and year with a focus on higher levels of student learning.
- Accountability and incentive to cause students to reach proficiency and higher levels of advanced achievement.



School Performance Incentive Program

The bottom line: The program will award bonuses to a school's administrators, teachers and support staff each year that its students show more than a year's academic growth. In some cases, school district central office staff will receive bonuses as well.

How growth is measured:

1. Each student's score on state standards-based assessments will be placed in one of six achievement categories: advanced, proficient, below proficient plus, below proficient minus, far below proficient plus, and far below proficient minus.
2. Each student's performance will be compared with his or her performance the previous year. Schools will earn various points based on whether a student moves up or down in the categories or remains in the same one.
3. The points will be totaled, and then divided by the number of students in the school to produce a school score. That score will be applied to an index that has several levels.
4. The higher the points, the larger the bonus, up to the maximum set in law. Schools that do not show progress will not earn a bonus.

Cost:

1. Bonuses will range from \$2,500 to \$5,500 for certificated staff (administrators and teachers) and \$1,000 to \$2,500 for noncertificated staff (support staff such as aides and custodians). School district central office staff, except for superintendents, who play a significant role in a school's growth will be eligible for bonuses of up to \$5,500.
2. The cost will depend on how many people earn bonuses, and on details of the point system and the index, which will be set in regulation by the State Board of Education & Early Development.
3. A fiscal note prepared by the department estimates the range of what the program could cost. For example, if 5 percent of the state's school staff members won the highest level of bonus, it would cost nearly \$3.1 million. If 25 percent of the state's school staff members won the highest level of bonus, it would cost about \$15.4 million.

Alaska School Performance Incentive Program

Measuring Individual Student Achievement

January 11, 2006



What is the Program?

School Performance Incentive Program

- Performance incentive pay for improved student achievement
- Entire staff in a school receive incentive (all or none)
- Target based on growth, or sustained advanced performance of student achievement
- All schools qualify if they meet growth target
- Based on a reliable tool aligned to the Grade Level Expectations
- Program is unlike merit pay programs which cause conflict rather than cooperation

January 11, 2006



Why have the Program?

School Performance Incentive Program

- Accelerate growth in student achievement
- Stimulate the educational system by using a proven private sector concept
- Utilize and empower expertise within the schools to work together for the benefit of Alaska students
- Increase return on Alaska's investment in public schools

January 11, 2006



Benefits

School Performance Incentive Program

- No risk program: no performance = no cost
- Create a strong workforce for Alaska
- Enhance teacher recruitment efforts
- Accountability: directly linked to high levels of achievement
- Promote collaboration, effective instruction and spread responsibility across grade levels and content areas
- Involve all staff: currently in large high schools only 15% of staff are responsible for reading, writing and mathematics

January 11, 2006



Why Measure Growth?

School Performance Incentive Program

- Focus on individual student learning
- Expect high performing and low performing students to grow in achievement
- Provide visible and objective targets to meet
- Incentive for all school staff to team together, think creatively, and design systems to improve student performance
- Evaluate school performance
- Focus is on improving each student from where he or she is to proficiency and beyond

January 11, 2006



How Growth is Measured

School Performance Incentive Program

- How did "Student A" do in the current year compared to the previous year
- How did all of the students perform within the school
- Did the school demonstrate growth based on a comparison of the same individual students from current year to the previous year

January 11, 2006



**THE
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Value Table

School Performance Incentive Program



Values may change as a result of 2006 data analysis, public input, and State Board regulations.

January 11, 2006



Computing Index

School Performance Incentive Program



January 11, 2006



Computing Index

School Performance Incentive Program



January 11, 2006



Computing Index

School Performance Incentive Program



January 11, 2006



Performance Levels

School Performance Incentive Program

Growth Index Level	Index Point Value
Strong	102-104.99
High	105-107.99
Excellent	108-109.99
Outstanding	110 and Greater

Model is built on 100 as one year of growth.

January 11, 2006



Performance Level Incentive

School Performance Incentive Program

Level	Certificated	Non-Certificated
Strong	\$2,500	\$1,000
High	\$3,500	\$1,500
Excellent	\$4,500	\$2,000
Outstanding	\$5,500	\$2,500

Multiple levels provide greater incentive and achievable gradations, but recognize real growth in achievement.

January 11, 2006



Expected Outcomes

School Performance Incentive Program

- All staff have ownership of instruction and share responsibility for results
- Incentive to work differently, embrace innovation and create partnerships to improve student achievement
- Accountability and incentive to cause all students to reach proficiency and higher levels of advanced achievement

January 11, 2006



Why Other Models Fail

School Performance Incentive Program

- Not based on student growth
- Unrealistic targets
- Conflict among staff: Some must lose for others to win
- Exclude building administrators
- Instrument used to measure is not reliable and consistent
- Compensation not large enough to provide incentive for change
- Weak commitment to the program

January 11, 2006



What Lies Ahead

School Performance Incentive Program

- The final target or value table will be established by examination of 2005 to 2006 assessment results to create a baseline
- Once the incentive program is in place, then motivation exists to accelerate academic achievement beyond a year's growth
- The cost of the program will vary from year to year

January 11, 2006



School Performance Incentive Program

- Based on growth in student achievement
- Empowers expertise of educators and school personnel
- Includes all staff: all make it or no one makes it
- Based on an understandable system

January 11, 2006





School Performance Incentive Program

Goal: To accelerate growth in student achievement.

Overview of benefits to Alaska

1. **Accountability:** The money is directly linked to high levels of student learning.
2. **Promotes effective instruction, staff collaboration, and shared responsibility.**
3. **Enhances Alaska's teacher recruitment efforts.**
4. **No-risk program:** If there is no performance, there is no cost.

Why is this program different from other bonus programs?

- Focuses on how the same students performed this year compared to last year – student growth.
- Provides clear targets for meeting success.
- Provides an incentive for **ALL** school staff to work together, be creative, and design and implement systems to improve student performance.
- Provides a system for policy makers to recognize school performance.
- Focuses on improving each student's performance from where he or she currently is to proficiency and beyond.

Why have other models failed?

- Not based on individual student growth related to achievement standards.
- Unrealistic or unclear targets for success.
- Competition among staff – some must lose for others to win.
- Excluded building administrators and other school staff.
- The instrument/criteria used to measure success was not reliable and consistent.
- Compensation was not large enough to change behavior.

What will be the outcomes from this program?

- Instruction directly linked to outcomes.
- Incentive to work differently and create partnerships that will result in more than a year's growth in learning for students.
- Cause creative and effective use of instructional time in schools – scheduling the school day and year with a focus on higher levels of student learning.

- Accountability and incentive to cause students to reach proficiency and higher levels of advanced achievement.
- Responsibility for student learning and achievements is expanded to all staff.

The bottom line: The program will award bonuses to a school's administrators, teachers and support staff each year that its students show more than a year's academic growth. In some cases, school district central office staff will receive bonuses as well.

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1. Each student's score on state standards-based assessments will be placed in one of six achievement categories: advanced, proficient, below proficient plus, below proficient minus, far below proficient plus, and far below proficient minus.
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3. The points will be totaled, and then divided by the number of students in the school to produce a school score. That score will be applied to an index that has several levels.
4. The higher the points, the larger the bonus, up to the maximum set in law. Schools that do not show progress will not earn a bonus.

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2. The cost will depend on how many people earn bonuses, and on details of the point system and the index, which will be set in regulation by the State Board of Education & Early Development.
3. A fiscal note prepared by the department estimates the range of what the program could cost. For example, if 5 percent of the state's school staff members received the highest level of bonus, it would cost nearly \$3.1 million. If 25 percent of the state's school staff members received the highest level of bonus, it would cost about \$15.4 million.

Alaska School Performance Incentive Program

*Measuring Individual Student
Achievement*



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Value Table

School Performance Incentive Program

Previous Year Level ↓	Current Year Level					
	Far Below Prof. Minus	Far Below Prof. Plus	Below Proficient Minus	Below Proficient Plus	Proficient	Advanced
Far Below Prof. Minus	0	140	170	200	220	220
Far Below Prof. Plus	0	80	140	170	200	200
Below Prof. Minus	0	40	90	140	180	180
Below Prof. Plus	0	10	50	90	140	150
Proficient	0	0	20	50	100	130
Advanced	0	0	20	50	100	110

Values may change as a result of 2006 data analysis, public input, and State Board regulations.

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Computing Index

School Performance Incentive Program

Student	Last Year	Current Year	Points
Student A	Proficient		
Student B	Below Prof. Minus		
Student C	Advanced		
Student D	Below Prof. Plus		
Student E	Far Below Prof. Plus		
Student F	Proficient		
Student G	Far Below Prof. Plus		
Student H	Below Prof. Minus		
Student I	Below Prof. Plus		
Student J	Advanced		
School Index Score			

January 31, 2006



Computing Index

School Performance Incentive Program

Student	Last Year	Current Year	Points
Student A	Proficient	Advanced	
Student B	Below Prof. Minus	Below Prof. Minus	
Student C	Advanced	Proficient	
Student D	Below Prof. Plus	Far Below Prof. Plus	
Student E	Far Below Prof. Plus	Below Prof. Minus	
Student F	Proficient	Below Prof. Plus	
Student G	Far Below Prof. Plus	Below Prof. Plus	
Student H	Below Prof. Minus	Below Prof. Plus	
Student I	Below Prof. Plus	Below Prof. Plus	
Student J	Advanced	Advanced	
School Index Score			

January 31, 2006



Computing Index

School Performance Incentive Program

Student	Last Year	Current Year	Points
Student A	Proficient	Advanced	130
Student B	Below Prof. Minus	Below Prof. Minus	90
Student C	Advanced	Proficient	100
Student D	Below Prof. Plus	Far Below Prof. Plus	10
Student E	Far Below Prof. Plus	Below Prof. Minus	140
Student F	Proficient	Below Prof. Plus	50
Student G	Far Below Prof. Plus	Below Prof. Plus	170
Student H	Below Prof. Minus	Below Prof. Plus	140
Student I	Below Prof. Plus	Below Prof. Plus	90
Student J	Advanced	Advanced	110
School Index Score			1030/10 = 103

January 31, 2006

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Performance Levels

School Performance Incentive Program

Growth Index Level	Index Point Value
Strong	102-104.99
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January 31, 2006

PO Box 1
Tok, AK 99780

Sen. Fred Dyson
State Capitol Room 121
Juneau, AK 99801-1182

RECEIVED
FEB 06 2006

Dear Senator Dyson:

Re: SB 235 the incentive for improved public school performance:

This is a truly horrible idea. As a retired teacher who has had experience with an incentive program, I can tell you that the best teachers are already working as hard as they can to improve student learning. They would be unable to increase the learning outcomes more than they are already doing.

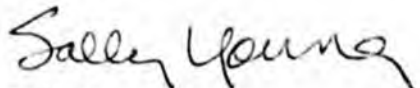
What has happened where this has been tried is that those few teachers who perhaps were not working to their full ability do work harder. But even worse, some skewed results by making changes on test answers prior to returning tests for scoring. Given an honest teacher the following year, test scores dropped to their true level.

So who gets the incentive: the teacher who isn't giving fully. And who gets hurt: the children. Is that what you want?

While an increase in income would be appreciated, an incentive program simply rewards the wrong people.

Put the money toward teachers' salaries, toward supplies and materials, even toward maintenance, and let teachers do the best job they can because you support them, not because you think they are money grubbers who aren't doing their best already.

Sincerely,


Sally Young

2/23/06
HESS Testimony

TESTIMONY ON SB 235
TOM HARVEY, EXECUTIVE DIRECTOR NEA-ALASKA

Chairman Dyson, members of the Senate HESS Committee, thank you for the opportunity to testify. My name is Tom Harvey and I serve as the Executive Director of NEA-Alaska. NEA-Alaska believes it is essential that the State of Alaska focus its education resources on student achievement. That focus should emphasize programs and initiatives that are proven avenues to increased student achievement such as:

- ✓ A qualified teacher in every classroom supported by qualified administrators and classified personnel. Research tells us this is the #1 factor in student achievement.
- ✓ Small class sizes, which provide the opportunity for one-on-one attention.
- ✓ Professional development for all staff, which includes teaching strategies to motivate students with varying learning styles.
- ✓ Planning time, which allows for collaboration by staff to plan implementation of innovative strategies.
- ✓ Early childhood reading readiness programs, which provide the foundation skills for years of student achievement.
- ✓ Intervention programs, which provide remediation opportunities that lead to student successes and provide encouragement.
- ✓ Mentoring programs for new hires, which provide the employees access to a skilled colleague, who can demonstrate winning strategies.

To focus on proven programs school districts need to be adequately funded. Thus, NEA-Alaska believes that before the state considers new programs, it adequately funds our schools.

In regards to the specific proposal outlined in SB 235, please consider the following:

Commissioner Sampson should be commended for his efforts in avoiding the pitfalls of past failed performance incentive programs.

- ✓ School climate is one of the six effective factors in a school. The Commissioner's inclusion of the entire school staff in the incentive program is acknowledgement that everyone in the school helps set the learning climate.
- ✓ Faculty collaboration and collegiality is another factor of effective schools. The issuance of the incentive to a school and not to individuals avoids competition, which inhibits sharing of ideas.
- ✓ High student expectations is another of the factors of effective schools. The proposed program focuses on student growth and the expectation that students can exceed the expected annual growth.

However, the reality is that trying to fashion an objective performance incentive program in the public schools is like being a tomb robber; there are too many traps to avoid. The greatest obstacle is the changing environment of the student. The school cannot control the home life of the child. The school cannot control the happenings outside the school that impact the student. The school cannot control the emotional and physiological changes in the student. Yet the growth of the student will be measured by a single test given on a certain day. US Senator Murkowski acknowledged the shortcomings of such a measurement in determining "adequate yearly progress." We must avoid such a measurement in rewarding our school employees.

Commissioner Sampson came to the annual NEA-Alaska Delegate Assembly in January to present his proposal to the 350 delegates from every school district in Alaska. He received a lot of critical feedback. These delegates, who are the #1 factor in student achievement, must be confident in the tools they are provided. They are skeptical of the success of this tool's actual impact on student achievement. The bottom line was the resources should be used in proven programs that get to every school not to certain schools.

The concerns voiced included:

- ✓ The program competes for scarce resources.
- ✓ The program provides an incentive for good teachers to transfer to schools that receive the incentive. Veteran teachers, who have a proven record, presently transfer out of Title I schools. It is natural for an employee to want to be on a championship team.
- ✓ The program implies that teachers are not presently trying their best to have students achieve. Teachers are doing their best. They need more time to teach and more time to collaborate.
- ✓ The program is not an effective recruitment tool when compared to competitive compensation and a pension plan that provides a retirement with dignity.

In closing, I urge the committee to consider the returns on investments in proven programs such as, the teacher mentoring program, the attracting and retaining of quality educators, the reading readiness programs and early childhood programs. Invest in these proven programs for all schools before you invest in this program, which mirrors failed programs in other places.

Thank you for your time and consideration.

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/13/06

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3.3.06

Health, Education and Social Services Committee considered SENATE BILL NO. 235

SB 235 SCHOOL PERFORMANCE BONUSES

"An Act relating to a public school performance incentive program; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
EED	1/11		X		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>K. S. [Signature]</i>		✓		
<i>Gary Wilken</i>			✓	
<i>Ludo Green</i>	✓			
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✓			

SB

242

Senator Hollis French


Capitol Room 504
465-3892
465-6595 fax



MEMORANDUM

Date: February 10, 2006

To: Senator Fred Dyson, Chair
HESS Committee

From: Senator Hollis French 

RE: Request for Hearing – SB 242 – “An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date.”

This is a request that you schedule a hearing on SB 242 – “An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date” at the earliest possible date.

I have attached a copy of the bill, a sponsor statement, and a sectional analysis for your use. Additional materials will be made available to your committee aide prior to the hearing.

Attachments

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 25, 2006

SUBJECT: SB 242, a bill updating the terminology in statutes for persons with disabilities (Work Order No. 24-LS1496A)

TO: Senator Hollis French
Attn: Max

FROM: *TB*
Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Provides legislative intent for the bill. Indicates that the legislature intends to modernize the terminology in the statutes without altering substantive provisions.

Section 2. Amends AS 14.30.630(b) to replace two occurrences of "handicapped" with forms of "disabled."

Section 3. Amends AS 18.15.210 to replace "handicaps" with "disabilities."

Section 4. Amends AS 18.55.130(b) to replace "handicaps" with "disabilities."

Section 5. Amends AS 23.15.080 to replace the occurrences of "handicapped" with a form of "disability."

Section 6. Amends AS 23.15.090 to replace "handicapped" with "with disabilities" and "severely handicapped" with "with severe disabilities."

Section 7. Amends AS 23.15.100 to replace "handicapped" and "severely handicapped" with "with disabilities" and "with severe disabilities."

Section 8. Amends AS 23.15.125(e)(2) to delete a reference to a "handicapped individual."

Section 9. Amends AS 23.15.133(a) to replace "severely handicapped" with forms of "severe disability" and to make a technical correction of a citation to federal law.

Section 10. Amends AS 23.15.134 to replace "severely handicapped" with "with severe disabilities."

Section 11. Amends AS 23.15.170 to replace "handicapped " with "with a disability."

Section 12. Amends AS 23.15.180(b) to replace "severely handicapped" with "with a severe disability."

Section 13. Amends AS 23.15.210(1) and (3) to make technical changes. Amends AS 23.15.210 to move the definition of "individual having a physical or mental disability" from (7) to (5). Amends (6) to replace the defined term, "handicapped individual," with "individual with a disability," makes a technical change, and changes "handicap" to "barrier." Rewrites former (8) to replace the reference to "severely handicapped " with "severe disability" and makes a stylistic change. Moves the definition for "severely handicapped person" at (10) to the definition of "person with a severe disability" at the new (8). In (11) and (12), replaces "handicapped" with forms of "disability."

Section 14. Amends AS 29.60.120(f)(1) to replace a reference to "the mentally or physically handicapped" with "persons with mental or physical disabilities."

Section 15. Amends AS 35.10.015(a) to replace "the physically handicapped" with "persons with disabilities and by the" and to make related stylistic changes.

Section 16. Amends AS 35.10.015(c) to replace "physically handicapped" with "persons with disabilities and by" and "person with a disability or an." Makes some stylistic changes.

Section 17. Amends AS 35.10.015(d) to replace "physically handicapped" with "persons with disabilities and by." Makes some stylistic changes.

Section 18. Amends AS 35.10.015(e) to replace "physically handicapped" with "persons with disabilities and by." Makes some stylistic changes.

Section 19. Amends AS 36.30.040(b)(16) to replace "handicap" with "disability."

Section 20. Amends AS 36.30.990(11) to replace "handicaps" with "barriers."

Section 21. Amends AS 39.25.160(f) to replace "handicap" with "disability" and to make a stylistic change.

Section 22. Amends AS 42.21.027(b)(10) to replace "handicapped" with "with disabilities."

Section 23. Amends AS 47.14.100(d)(1) to replace "physically or mentally

handicapped" with "with physical or mental disabilities" and adds "and."

Section 24. Amends AS 47.75.060(2) to make a stylistic change and to replace "the physically handicapped" with "persons with physical disabilities."

Section 25. Amends AS 47.80.010 to replace forms of "handicap" with forms of "disability."

Section 26. Amends AS 47.80.020 to replace "handicaps" with "disabilities."

Section 27. Amends AS 47.80.040(f) to replace "handicaps" with "disabilities."

Section 28. Amends AS 47.80.100(a) to replace "handicaps" with "disabilities."

Section 29. Amends AS 47.80.100(b) to replace "handicaps" with "disabilities."

Section 30. Amends AS 47.80.110(6) to replace "handicap" with "disability."

Section 31. Amends AS 47.80.120 to replace "handicap" and "handicapped" with words and phrases using "disabilities."

Section 32. Amends AS 47.80.130(a) to replace "handicaps" with "disabilities."

Section 33. Amends AS 47.80.150(a) to replace "handicap" with "disability."

Section 34. Amends AS 47.80.150(b) to replace "handicap" with "disability."

Section 35. Amends AS 47.80.150(e) to replace "handicap" with "disability."

Section 36. Amends AS 47.80.150(f) to replace "handicap" with "disability."

Section 37. Amends AS 47.80.900(3) to replace "handicaps" with "disabilities" and to make a technical change.

Section 38. Amends AS 47.80.900(4) to replace "the handicapped" with "persons with disabilities."

Section 39. Amends AS 47.80.900(5) to replace forms of "handicap" with "disability."

Section 40. Amends AS 47.80.900(6) to replace forms of "handicap" with "disability" and "disabled."

Section 41. Amends AS 47.80.900(8) to replace "handicaps" with "disabilities."

Senator Hollis French

January 25, 2006

Page 4

Section 42. Amends AS 47.80.900(9) to replace forms of "handicap" with "disability" and "disabled."

Section 43. Directs the revisor of statutes to change the catchline for AS 47.80.100. Directs the regulations attorney to change versions of the term "handicap" in the Alaska Administrative Code in a manner consistent with this bill.

Section 44. Gives the bill an immediate effective date.

If I may be of further assistance, please advise.

TLB:med

06-074.med

ALASKA STATE LEGISLATURE

SENATOR HOLLIS FRENCH

SB 242 Updating the terminology in statutes for persons with disabilities

Sponsor Statement

After the passage of the Americans with Disabilities Act of 1990, most states modified their statutes to change the word "handicapped" to "person with a disability." This bill changes all Alaska state statutes to rid them of this archaic reference that has negative connotations regarding a person's ability and potential. Using "a person with a disability" reflects language that is in Federal legislation.

These changes are being proposed in consultation with the Department of Labor and other state agencies, along with the Governor's Council on Disabilities and Special Education, and are supported by numerous organizations that represent people with disabilities.

This bill will not modify any existing requirements or exemptions.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 242
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title "An Act updating the terminology in statute for persons with disabilities;" RDU Teaching & Learning Support
 Component Student and School Achievement
 Sponsor French Component No. 2797
 Requester Senate HESS

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill modernizes the terminology in statutes in recognition of the ability of individuals with disabilities to contribute to society and to the state. It does not change the manner in which funding for the educational programs which serve these individuals is determined.

There are no additional cost associated with this bill.

Prepared by: Barbara Thompson, Director
 Division: Teaching & Learning Support
 Approved by: Karen Rehfeld, Deputy Commissioner
 Agency: Education & Early Development

Phone 465-8727
 Date/Time 2/24/06 2:50 PM
 Date 02/24/2006

SB

244



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May - December

145 Main Street Loop; Suite 226


Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

February 14, 2006

MEMORANDUM

To: Senator Fred Dyson, Chair
Senate Health Education and Social Services Committee

From: Senator Tom Wagoner 

Subject: Hearing Request

I would like to request a hearing for Senate Bill 244 in the Senate Health, Education and Social Services Committee.

This bill adds acupuncture to the list of services by licensed providers under the unfair discrimination section of the insurance statutes.

I have attached a packet of information for the committees review, and if you have any questions please contact Amy Seitz at 3421.

Thank you



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
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Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

SPONSOR STATEMENT SENATE BILL 244

With health care costs rising and the general health of the public decreasing, people are looking everywhere for places to help lower their costs and improve their health. One place that is well worth looking into, is adding licensed acupuncturists to the list of health care providers that cannot be unfairly discriminated against by insurance companies that offer group policies.

Acupuncture, when used alone or in conjunction with conventional western medicine, has proven to have a significant cost-savings while improving patient's health. In 1993 a study in Sweden showed that an estimated \$26,000 per patient was saved when acupuncture was part of their treatment. A study was done on patients scheduled for knee surgery that showed and estimated \$9,000 in savings, per patient, and some were able to cancel their surgeries. In worker's compensation cases, involving low back pain, a significantly larger number were able to return back to their original or equivalent jobs when receiving acupuncture treatment along with standard care.

Acupuncture has been cited by the World Health Organization to treat over 43 conditions; asthma, allergies, back pain, carpal tunnel, depression, headaches, heart problems, sciatica, tendonitis and addictions are just a few examples. Senate Bill 244 makes it possible for Alaskans to have the option of choosing acupuncture as part of their health plan.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 244
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An Act prohibiting unfair discrimination against an acupuncturist; amending definition of 'provider'... RDU: Centralized Administrative Services
 Component: Group Health Insurance
 Sponsor: Senator Wagoner
 Requester: Senate Labor and Commerce Committee Component No.: 2152

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 244 would not create a fiscal impact to Alaska's group health insurance plans (active and retiree).

Acupuncturists are already covered under the plans when acupuncture is used in lieu of anesthesia at surgery. Adding this provider type to the list of covered providers under AS 21.26.090(d) would not expand additional coverage for their services without plan modifications.

Prepared by: Melanie Millhorn, Director Phone: 465-4408
 Division: Retirement and Benefits Date/Time: 2/7/06 7:19 AM
 Approved by: Mike Tibbles, Deputy Commissioner Date: 2/7/2006
 Agency: Department of Administration

QUICK FACTS ABOUT ACUPUNCTURE AND ORIENTAL MEDICINE IN THE U.S.

Acceptance of Acupuncture in the United States

Acupuncture and Oriental medicine is one of the fastest growing forms of health care in the United States. This explosion is due to the recognition by consumers and regulators of the safety, effectiveness and low cost of this form of health care.

- Over 40 states and the District of Columbia have recognized the practice of acupuncture and Oriental medicine. Legislation has been introduced in an additional four states.
- The FDA estimated in May 1993 that there were 9 to 12 million patient visits each year for acupuncture.
- Acupuncture has been cited by the World Health Organization to treat over forty-three conditions including allergies, asthma, back pain, carpal tunnel, colds and flu, constipation, depression, gynecological disorders, headache, heart problems, infertility, insomnia, pre-menstrual syndrome, sciatica, sports injuries, tendonitis and stress.
- The Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) is recognized by the United States Department of Education. Acupuncture is a three-year masters level program. Oriental medicine is a four-year masters level program.
- Acupuncture is used across the country in more than 20 states in over 800 drug dependency programs. Patients who go through these programs have lower re-arrest rates on drug-related charges than those not treated with acupuncture.
- The 1997 National Institutes of Health Consensus Conference on Acupuncture stated, *"The data in support of acupuncture are as strong as those for many accepted Western medical therapies."*
- The National Institutes of Health Consensus Conference on Acupuncture recognized the effectiveness of acupuncture in the treatment of several diseases and stated that *"One of the advantages of acupuncture is that the incidence of adverse effects is substantially lower than that of many drugs or other accepted medical procedures used for the same conditions."*
- A study in six clinics in five states showed efficacy and cost savings of acupuncture. Of the patients treated with acupuncture, 91.5% reported disappearance or improvement of symptoms; 84% said they see their MDs less; 79% said they use fewer prescription drugs and 70% of those to whom surgery had been recommended said they avoided it.

- The number of licensed acupuncturists in the U.S. has nearly tripled between 1992 and 2000, rising from 5,525 in the fall of 1992 to 14,228 in the fall of 2000.
- Controlled clinical trials in the United States have evaluated the use of acupuncture combined with standard stroke protocol for the treatment of paralysis due to stroke. Effective or markedly effective results were found for over 80% of the patients receiving acupuncture with a cost savings of \$26,000 per patient.
- The National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) offers three independent certification programs: Acupuncture, Chinese Herbology, and Asian Bodywork Therapy.
- In Miami-Dade County drug offenders have a choice of acupuncture or jail.
- Clinical studies indicate that acupuncture is effective in treating headache, dysmenorrhea, fibromyalgia, stroke, substance abuse, menopause, depression, female infertility, neck pain, low back pain, osteoarthritis, morning sickness, respiratory disease, urinary dysfunction, tennis elbow and facial pain.
- A study by the New York advocacy group, Patients Have Rights, showed that 90% of the respondents had heard of Chinese medicine and acupuncture and 13% had used acupuncture. 80% of the respondents described their experience as "favorable" and 100% thought it was important to have a choice in the type of medicine they use.

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COST EFFECTIVENESS OF ACUPUNCTURE

Acupuncture Treatment Results In the Avoidance of Surgery

29 patients with severe osteoarthritis of the knee, each awaiting arthroplasty surgery, were randomized to receive a course of acupuncture treatment or be placed on a waiting list to receive similar acupuncture treatment starting 9 weeks later. Of the 29 patients, 7 were able to cancel their scheduled surgeries.

Cost savings: \$9,000 per patient.

Christensen BV et al (1992) "Acupuncture treatment of severe knee osteoarthritis: a long-term study", *Acta Anaesthesiol Scand* 36:519-525.

Acupuncture Treatment Results In Decreased Days In Hospital Or Nursing Home

Half of 78 stroke patients receiving standard rehabilitative care were randomly chosen to receive adjunctive acupuncture treatment. Patients given acupuncture recovered faster and to a greater extent, spending 88 days/patient in hospital and nursing homes compared to 161 days/patient for standard care alone.

Cost savings: \$26,000 per patient.

Johansson K et al (1994), "Can sensory stimulation improve the functional outcome in stroke patients?", *Neurology* 43:2189-2192.

Acupuncture Treatment Allows Low-Back Pain Patients To Return To Physical Labor

56 patients at a workers' compensation clinic were randomized to receive either physical therapy/ occupational therapy/exercise or the standard care plus acupuncture. Of the 29 treated with acupuncture, 18 returned to their original or equivalent jobs and 10 returned to lighter employment. Of the 27 who received only standard therapy, 4 returned to original or equivalent jobs and 14 to lighter employment.

Gunn CC et al (1980), "Dry needling of muscle motor points for chronic low-back pain", *Spine* 5:279-291

Acupuncture Treatment Results In Avoidance Of Surgery, Fewer Hospital Visits And Greater Return To Employment

69 patients with severe angina pectoris received 12 acupuncture treatments in 4 weeks. Patients were also instructed to perform shiatsu 2x/day and received counseling in stress reduction, exercise and diet. Of the 49 patients who were candidates for coronary bypass or balloon angioplasty surgery, 30 had surgery postponed by the 2-year follow-up due to clinical improvement.

Cost savings: \$13,000 per patient. Decrease in number of in-hospital days for all 69 patients: 79% first year post-treatment, 95% 2nd year post-treatment. Reduction in number of out-patient visits: 60% and 87% respectively. Estimated additional cost savings from increase in percent of patients able to work: 11% prior to treatment; 60% at 2 years post-treatment. Estimated savings in annual sick-pay: \$18,000/patient.

Ballegaard S et al (1996) "Cost-benefit of combined use of acupuncture, shiatsu and lifestyle adjustment for treatment of patients with severe angina pectoris", *Acupunct Electro-Ther Res* 21:187-197.

Reduction in Days of Missed Work Due to Migraine

One hundred twenty patients with migraine without aura were randomly assigned to an acupuncture group (AG) or a conventional drug therapy group. AG patients received acupuncture twice a week for a maximum of thirty treatments. Four sites in Italy, two hospital and two university public centers provided the acupuncture, the two university sites also provided the pharmacological therapy. Severity and frequency of headache and days of missed work were evaluated 12 months after admission. The AG had an absence rate of 1120 working days per year while the drug therapy group had a total absence rate of 1404 working days per year.

Cost savings: \$35,480 per year for the sixty patients receiving acupuncture compared to those in conventional drug therapy.

Liguori A et al (2000) Comparison of pharmacological treatment versus acupuncture treatment for migraine without aura, *J Trad Chin Med* 20:231-240

Acupuncture Treatment of Angina Pectoris Saves Money

One hundred five patients with angina pectoris had acupuncture and self-care education added to their pharmaceutical treatment. Seventy-three participants had been recommended for invasive procedures. The treatment protocol consisted of 12 visits over a four-week period that included an acupuncture treatment and an education session. A 90% reduction in hospitalization and a 70% reduction in surgery resulted in an estimated

Cost saving: \$32,000 per patient.

Ballegaard S et al (1999) Addition of acupuncture and self-care education in the treatment

of patients with severe angina pectoris may be cost beneficial: An open, prospective study.
J Altern Complement Med 5: 405-413.

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<i>Patient's Condition</i>	<i>Traditional Medicine Used and Cost</i>	<i>Results of Traditional Medicine</i>	<i>Cost of Acupuncture</i>	<i>Results of Acupuncture</i>
<i>Lupus</i>	<i>Numerous medication, 2 visits per month to physician, 6 chemotherapy treatments, 1 kidney biopsy, 2 spinal taps.</i>	<i>Some relief but also resulted in side effects such as hairloss and nausea.</i>	<i>\$300.⁰⁰</i>	<i>Patient no longer displays lupus symptoms, patient feels better, has more energy, better eyesight, and no headaches.</i>
<i>Ovarian Cysts</i>	<i>Surgery recommended.</i>	<i>Only option given was surgery.</i>	<i>\$265.⁰⁰</i>	<i>After 1 treatment pain went away. After 5 treatments with herbal intervention, cyst on right ovary went away, cyst on left ovary had shrunk considerably.</i>
<i>Depression</i>	<i>Prozac taken daily, psychiatric visits 3 times a week (\$150.⁰⁰ per session)</i>	<i>Alleviated symptoms but medication necessary for remainder of patient's life.</i>	<i>\$3,100.⁰⁰ over 3 years.</i>	<i>Symptoms gone. Patient no longer takes Prozac and only visits psychiatrist 3 times a year.</i>
<i>Gallstones</i>	<i>Gall bladder removal surgery recommended (\$4,000.⁰⁰ +) plus patient would be out of work for six weeks for recovery.</i>	<i>Only option given was surgery.</i>	<i>\$130.⁰⁰</i>	<i>After 2 treatments and herbs, patient passed 150 gall stones and thereafter no longer experienced gall bladder attacks without having gall bladder removed.</i>

Acupuncture Cost Effectiveness

<i>Patient's Condition</i>	<i>Traditional Medicine Used and Cost</i>	<i>Results of Traditional Medicine</i>	<i>Cost of Acupuncture</i>	<i>Results of Acupuncture</i>
<i>Degenerative arthritis in lower back</i>	<i>\$1,000.00 plus cost of recommended surgery.</i>	<i>No relief. Only option left was fusion of the spine or nerve surgery.</i>	<i>\$840.00</i>	<i>After 2nd treatment, pain noticeably diminished. By 10th treatment, no pain, patient able to walk straight, patient able to stop taking pain medications</i>
<i>Slipped lumbar disc</i>	<i>Surgery recommended.</i>	<i>Only option given was surgery</i>	<i>\$400.00</i>	<i>After 5 treatments in 2 weeks, patient was pain free and spine has regained its appropriate alignment</i>
<i>Clinical depression</i>	<i>\$106.00 a month for medications.</i>	<i>Alleviated symptoms but also resulted in side effects.</i>	<i>\$65.00 per month.</i>	<i>Provided same relief that the medication did but without the side effects</i>
<i>Foot pain as a result of blockage</i>	<i>Surgery recommended</i>	<i>Only option given was surgery.</i>	<i>\$30.00</i>	<i>After 1 treatment, patient walks better and without pain.</i>
<i>Asthma</i>	<i>Medication plus inhaler every day (inhalers- 1/month at \$22.00 each)</i>	<i>Alleviated symptoms if used regularly.</i>	<i>\$540.00</i>	<i>Many days are now symptom-free for patient; inhaler used only occasionally. Medication no longer needed</i>

Acupuncture Cost Effectiveness

<i>Patient's Condition</i>	<i>Traditional Medicine Used and Cost</i>	<i>Results of Traditional Medicine</i>	<i>Cost of Acupuncture</i>	<i>Results of Acupuncture</i>
<i>Hyperemesis</i>	<i>During 1st pregnancy patient spent 7 of 9 months in hospital at a total of \$260,000.00</i>	<i>Helped pregnancy but at considerable cost and hardship.</i>	<i>\$3,100.00</i>	<i>Acupuncture treatments during 2nd pregnancy resulted in normal pregnancy.</i>
<i>Allergies</i>	<i>Weekly allergy shots at \$20.00 per shot (\$3,120.00 per year).</i>	<i>Helped but didn't make allergies go away.</i>	<i>approx. \$200.00</i>	<i>Allergies almost completely gone</i>
<i>Depression</i>	<i>Group therapy at a cost of \$40.00 per week.</i>	<i>Somewhat helpful in providing general improvement.</i>	<i>\$400.00</i>	<i>Patient felt immediate improvement in overall mood, easing of depression</i>
<i>Lower back pain due to protrusion of intervertebral disc following car accident.</i>	<i>Surgery on back twice at over \$4,000.00</i>	<i>Back pain worsened.</i>	<i>\$490.00</i>	<i>Pain gone. Patient completely recovered</i>
<i>Endometriosis</i>	<i>3 operations at \$3,000.00 each plus \$100.00 per month for medications. 4th operation recommended.</i>	<i>Condition always returned.</i>	<i>\$1,000.00</i>	<i>All symptoms / signs of endometriosis are gone.</i>
<i>Paraplegia</i>	<i>Hospital treatments at a cost of \$5,000.00 per year</i>	<i>No relief from disease.</i>	<i>\$900.00</i>	<i>After three treatments patient able to stand, walk and run. Condition greatly improved.</i>

central peninsula general hospital

250 Hospital Place, Soldotna, AK 99669
(907) 714-4404 • www.cpgh.org

Senator Tom Wagoner
145 Main Street Loop, Ste 226
Kenai, AK 99611

Dear Senator Wagoner,

I am writing in support of SB 244 and HB 236 that will mandate insurance payments for acupuncturists in Alaska.

Studies of varying quality have established the efficacy of acupuncture treatment in a broad range of pain complaints. One of the higher quality studies that appeared in the British Medical Journal examined acupuncture for chronic headache (predominately migraine) in 401 patients. Study subjects were randomized to receive up to 12 acupuncture treatments over a period of 3 months or to receive standard care from their general practitioner. The result showed a 34% reduction in pain from baseline for acupuncture versus a 16% reduction for standard care. Acupuncture patients also required 15% less pain medication, 25% fewer physician visits, and took 15% fewer sick days compared to the control group. A cost-benefit analysis based on this study found clear advantage in the use of acupuncture compared to standard medical treatment.

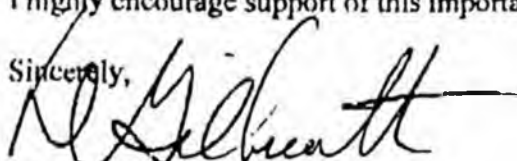
In addition, the National Acupuncture Detoxification Association (NADA) has created an ear acupuncture protocol to alleviate chemical dependency including all forms of drug addiction as well as alcoholism and a variety of mental disorders. NADA protocols, especially designed for this type of treatment, have been carefully developed and extensively tested. More than 500 clinical sites in the U.S., Europe, Australia and the Caribbean currently utilize these protocols. This program is so successful that repeat drug offenders in Dade County, Florida are given the option of jail or receiving the NADA protocol. The web site and information is located at <http://www.acudetox.com>.

In 2000, Central Peninsula General Hospital conducted a randomized survey of our service area residents and found that eighty-four percent of respondents feel the community needs programs to assist people with substance abuse and programs to treat emotional disorders.

As a community hospital it would behoove us to be able to offer options to our patients for pain control and addiction treatment that has found to be evidence-based and effective and that does no harm. Acupuncture clearly has a place in today's hospitals and healthcare facilities, but due to insurance discrimination for these services, many who desperately need these treatments are unable to pay for them.

I highly encourage support of this important step in providing affordable health care to Alaskans.

Sincerely,



David D. Gilbreath
President, CEO

Amy Seitz

From: Kelley, Kevin [Kevin.Kelley@alveska-pipeline.com]
Sent: Wednesday, February 01, 2006 12:03 PM
To: Amy Seitz
Subject: Alaska Statute 11.33.090 Bill SB 244

Dear Amy Seitz,

I have been made aware that there is a bill coming up in Alaska that could affect how my insurance might be able to help pay a portion of my Acupuncture. I am supportive of this action as I have been using Traditional Chinese Medicine since 1995 and even though I have insurance I pay 100% of my treatments so far. My personal choice for my health is important to me and I am looking forward to seeing a change in the way insurance supports this issue.

Thank you, Kevin Kelley
Palmer, AK

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Donna L. Chester M.D., FACOG

OBSTETRICS and GYNECOLOGY



January 31, 2006

Senator Thomas Wagoner
FAX (907) 465-4779

Senator Wagoner:

I am writing this letter to you as a licensed physician in the State of Alaska and a registered voter urging you to support SB244 the proposed change to Alaska Statute 21.36.090 which will no longer allow insurance companies to discriminate against acupuncturists within this state. As a physician I try to provide my patients with as many options for their well being and treatment of medical problems. I feel acupuncture is an important complimentary medical approach for many chronic illnesses and pain. For many of my patients that I refer for treatment acupuncture is not an accessible as it is not covered by their health insurance.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Donna L. Chester M.D." with a stylized flourish at the end.

Donna L. Chester, M.D.

Amy Seitz

From: Hope Wing & Rick Abbott [rickhope82@yahoo.com]
Sent: Wednesday, February 01, 2006 10:53 AM
To: Sen. Con Bunde; Amy Seitz
Subject: Support for SB 244

Dear Senator Bunde,

My wife and I live in your district. I am a Chiropractor and she is a Naturopath.

We have been in practice in Anchorage for over twenty years and refer to Acupuncturist frequently. We have been impressed with their professional manner and the high degree of therapeutic success they frequently attain. This is an important service to our patients.

We would like to cast our voices in support of SB 244.

Sincerely,

Rick Abbott, D.C.
Hope Wing, N.D.
19660 Villages Scenic Parkway
Anchorage, AK 99516

Bring words and photos together (easily) with
PhotoMail - it's free and works with Yahoo! Mail.

Amy Seitz

From: Sen. Tom Wagoner
Sent: Wednesday, February 01, 2006 10:33 AM
To: Amy Seitz
Subject: FW: Please cover acupuncture treatments

-----Original Message-----

From: Norm and Laura McDonald [mailto:aknorm@mtaonline.net]
Sent: Tuesday, January 31, 2006 10:32 PM
To: Sen. Tom Wagoner
Subject: Please cover acupuncture treatments

Dear Senator:

I have been receiving acupuncture treatment and I support the change of Alaska Statute 11.36.090, which will allow acupuncture insurance reimbursement.

This is particularly important to me personally. I've been fighting an aggressive form of sarcoma for almost 4 years. I continue to endure conventional treatment such as surgery, chemotherapy and radiation. It is difficult to think about continuing these treatments long term but as a young mom, I'll do whatever it takes to keep my disease stable. This past fall, after doing a year and a half of chemo and enduring the side effects while I continued to work full time, I sought the treatment of nausea and fatigue with acupuncture. It has helped tremendously with the side effects and has reduced stress and generally improved the quality of my life. And for \$90 a session, the cost is much less than the thousands of dollars my insurance company pays to cover the cost of my anti-nausea medication. However, paying this out of pocket is difficult and I feel the medical benefit to me warrants these treatments being covered by my health insurance.

Please do what you can to support the change proposed in SB 244. I would be happy to help show my support of this legislation any way I can

Sincerely,
Laura McDonald
Sutton



**NATUROPATHIC
MEDICAL CENTER INC.**

January 27th, 2006

Senator Thomas Wagoner
Alaska State Capitol
Juneau, 99801-1182

Dear Senator Wagoner,

Thank you for sponsoring SB 244 that, if passed, will prevent unfair discrimination against acupuncturists by insurance companies. I've believed it was an oversight when acupuncturists were not listed as a "provider" in this subsection when the statute was first created. This correction is long over due.

"Vis
medicatrix
naturae"

In the ten years that I have been practicing in the great State of Alaska, I have seen the ancient practice of acupuncture and oriental medicine benefit the health and well being of many Alaskans. I have also witnessed the frustration of those patients that couldn't access this modality due to lack of insurance coverage.

Dr. Daniel J. Young
Naturopathic Physician
Licensed Acupuncturist

Dr. Madeline Morrison-Young
Naturopathic Physician

In addition, a significant number of extremely well educated acupuncturists in Alaska have difficulty maintaining practice due to discrimination by insurance companies. Although I am not sure that the insurance industry is really affected by state law, i.e. they can basically do whatever they want, I do believe that this legislation is definitely a step in the right direction.

On behalf of both my patients and my profession, thank you for taking the steps necessary to correct this damaging oversight.

10928 Eagle River Road
Suite 254
Eagle River, Alaska
99577

Telephone
(907) 694-5522

Facsimile
(907) 694-5524

Email
eagledoc@alaska.net

Sincerely,

Daniel J. Young, ND, LAc.

*Vice President - The Alaska Association of Acupuncture and
Oriental Medicine*

*Vice President - The Alaska Association of Naturopathic
Physicians*

Amy Seitz

From: Lisa Rogers [lisa@rogersandco biz]

Sent: Tuesday, January 31, 2006 6 13 PM

To: Amy Seitz; Sen. Tom Wagoner; Sen. Ralph Seekins; Sen. Ben Stevens; Sen. Con Bunde; 'Senator Davis'; Sen. Johnny Ellis

I am asking for your support for S B 244 which prevents insurance companies from discriminating against acupuncturists in Alaska. Acupuncture is a cost effective form of health care.

I injured my rotator cuff and sought relief through a licensed acupuncturist. I am almost fully recovered, and I expect the total cost will be less than \$850 over an 8 week period. Had I sought relief from a traditional doctor trained in western medicine, I would have probably paid more than that for an initial exam, MRI, and follow-up exam; and treatment would not have even begun. Despite the great results, my insurance provider has denied 100% of my claim. Let's spend our health care dollars wisely.

*Lisa M. Rogers, CPA
Rogers & Company, CPA, P C
1029 West Third Avenue, Suite 640
Anchorage, AK 99501
Ph (907) 272-5104 or 1-877-572-9310
Fax (907) 272-7965
"America Counts on CPAs"*

Amy Seitz

From: jill adamson [alaska3ssa@yahoo com]
Sent: Tuesday, January 31, 2006 1:40 PM
To: Amy Seitz
Subject: *****SPAM***** SB 244/ HB 236

Jill Adamson, RN, CCRN
PO 220372
Anchorage, Alaska 99522-0372
(907) 344-7271

January 31, 2006
Senator Tom Wagner
Alaska State Legislature

Dear Senator Wagner,
Re: Alaska Statute 21.36.090
SB 244/ HB236

In my opinion, omitting insurance reimbursement for acupuncture services promotes a further disparity in health care availability and is discriminatory.

Acupuncture as treatment has been present in the Chinese therapy for over three thousand years. There are little or no side effects from acupuncture and positive results patients have reported are supported in scientific evidenced based studies. Positron emission computed tomography (PET) scanning has objectively verified activation of regional brain function after acupuncture. Acupuncture has been successfully used on dogs, cats, horses and other animals.

As an RN for twenty years, I have often experienced clients who's treatment options were limited to complex technically invasive procedures or expensive medications. These technical solutions are often reimbursed. Since I have experience with chronic myofacial pain, I can personally attest to my own positive response to acupuncture. Prior to having acupuncture, I was treated with chiropractic care, physical therapy, multiple medications with sedative and cognitive side effects, TENS stimulation, cervical injections and botox injections. With acupuncture, I am twice as active with half the pain and on minimal medications. To my way of thinking, acupuncture treatment compliments the care I receive from my primary care Physician. I have no side effects from acupuncture and the quality of my sleep is both restful and healing

I strongly support both Senate Bill 244 and House Bill 236 allowing acupuncture insurance reimbursement and stopping this unfair discrimination. Our fellow Alaskans deserve the opportunity to have choices in their health care options.

Respectfully,
Jill Adamson

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Alaska Center for Traditional Chinese Medicine

Julie Currier, L.Ac., MAcOM, Dipl.Ac.

January 30, 2006

Dear Senator Bunde:

I am asking that you please support the upcoming SB 244, sponsored by Senator Tom Wagoner, and scheduled to go before the Labor and Commerce Committee on February 7th and then to HESS in the Senate. The legislation presented in this bill will change Alaska Statute 21.36.090, allowing insurance reimbursement for acupuncture, and preventing insurance companies from discriminating against acupuncturists in the state of Alaska. Acupuncture is a very valuable course of treatment for many patients, and can often provide relief when available traditional medical treatments cannot. There are many Alaskans who could benefit greatly from acupuncture, but cannot access this method of treatment because it is not covered by insurance.

Please assist your fellow Alaskans in having as many choices as possible in their own health care, by supporting SB 244. Thank you very much for your time, and for caring about the needs of your constituents.

Sincerely,



Julie Currier, L.Ac.

*Acupuncture * Chinese Herbal Medicine * Qigong * Wellness Education*
P.O. Box 3027 Homer, Alaska 99603
Phone/Fax (907) 235-5606

Amy Seitz

From: Rosemary Cody [acupunct@alaska.net]
Sent: Monday, January 30, 2006 3:31 PM
To: Sen. Con Bunde
Cc: Amy Seitz, Sen. Tom Wagoner, Sen. Ben Stevens
Subject: [Fwd SB 244]

----- Original Message -----

Subject: SB 244

Date: Mon, 30 Jan 2006 15:24:32 -0900

From: Rosemary Cody <acupunct@alaska.net>

To: "Sen. Johnny Ellis" <Senator_Johnny_Ellis@legis.state.ak.us>

----- Original Message -----

Subject: SB 244 HB 236

Date: Mon, 30 Jan 2006 15:20:35 -0900

From: Rosemary Cody <acupunct@alaska.net>

To: Rep_Berta_Gardner@legis.state.ak.us

Dear Senator,

As one of your constituents I am requesting your support of proposed bill (SB 244 and companion bill HB 236) that will make acupuncture more favorable to insurance reimbursement.

Acupuncture was one of few types of medicine omitted from the original insurance discrimin it originated years ago. Now that this acupuncture has grown in acceptance by the medical establishment and has been "proven" by clinical research, more and more people are seeking treatment and need coverage. As an acupuncturist n Anchorage for 11 years I have seen tremendous growth.

Thank you for helping patients have freedom of choice in their medical decisions.

Rosemary Cody
 1246 Annapolis Dr.
 Anchorage, AK 99508
 phone 346-3803
 acupunct@alaska.net

Amy Seitz

From: Sen. Tom Wagoner
Sent: Monday, January 30, 2006 1:38 PM
To: Amy Seitz
Subject: FW: SB 244

-----Original Message-----

From: Dr. Scott Luper [mailto:drluper@acsalaska.net]
Sent: Monday, January 30, 2006 12:56 PM
To: Sen. Tom Wagoner
Subject: SB 244

January 30, 2006
Senator Tom Wagoner

Re: SB 244, HB 236

Dear Senator Wagoner,

I am writing in support of SB 244 and HB 236 the bill to remove insurance discrimination against acupuncture.

As a physician, I refer my patients for acupuncture frequently. Acupuncture is the best treatment I know for many patients with headaches, musculoskeletal pain, menopausal symptoms and neuropathy. Currently many of my patients with insurance can't afford the treatment so must suffer or use less effective therapies. Currently acupuncture is discriminated against unfairly in insurance coverage.

I am pleased you sponsored this bill.

Sincerely,
Scott Luper, N.D.

Scott Luper, N.D.
Alaska Center for Natural Medicine
104 Kutter Road
Fairbanks, Alaska 99701
(907) 452-3600
Fax (907) 452-3695

Amy Seitz

From: Ramon Gonzalez, Jr. [raherbs@hotmail.com]
Sent: Wednesday, February 01, 2006 10:05 PM
To: Amy Seitz
Subject: bills-sb244/sb236

Dear Amy,

Please allow me to introduce myself. My name is Ramon Gonzalez, Jr., and I'am a practicing acupuncturist in Seward, Alaska. I would also ask you to excuse the tardiness of this reply, as I just received notice today of the impending bills that will be voted on , on 2/3/06. These bills in a sense would level the playing field, and allow patients to be able to utilize their insurance to seek alternative treatment with a acupuncturist to deal with many of their problems. Although, acupuncture is not a panacea, it is very viable treatment in many disorders and should be available to everyone.

Thank you for taking some of your time to read this message. Sincerely, Ramon Gonzalez, Jr.

Amy Seitz

From: Sen. Tom Wagoner
Sent: Thursday, February 02, 2006 9:07 AM
To: Amy Seitz
Subject: FW: Bill SB 244

From: K Kelley [mailto:kkelley@gmp.san-jose.ca.us]
Sent: Wednesday, February 01, 2006 10:15 PM
To: Sen. Tom Wagoner
Subject: Bill SB 244

1/31/06

<!--[if !supportEmptyParas]--> <!--[endif]-->

<!--[if !supportEmptyParas]--> <!--[endif]-->

Dear Senator Wagoner:

<!--[if !supportEmptyParas]--> <!--[endif]-->

I have been receiving acupuncture treatment and I support the change of Alaska Statute 11.36.090 (bill SB244) which will allow acupuncture insurance reimbursement and remove unfair discrimination against acupuncturists.

Thank you for your support of this bill.

<!--[if !supportEmptyParas]--> <!--[endif]-->

Sincerely,

<!--[if !supportEmptyParas]--> <!--[endif]-->

Judith A. Keech

8231 Gold Bullion

Palmer, AK. 99645

(907) 746-0245

Amy Seitz

From: Jean Bodeau [moonstone@gci.net]
Sent: Wednesday, February 01, 2006 10:54 PM
To: Sen. Tom Wagoner, Sen. Con Bunde
Subject: SB 244

February 2, 2006

Dear Senator Bunde:

I am writing to urge you to support SB244 which would remove insurance company discrimination against licensed acupuncturists. Acupuncturists are licensed professionals in Alaska; they are nationally certified and have a 3 or 4 year graduate degree at the post-baccalaureate level. Acupuncture has been shown in numerous studies to be an effective treatment for many conditions such as chronic pain, and side-effects of cancer treatment. Discrimination against acupuncturists by insurance companies prevents many people who cannot pay for it out-of-pocket from benefiting from this helpful form of therapy.

Thank you for your interest.

Sincerely,

Jean Bodeau, L.Ac.

Jean Bodeau, L.Ac.
Moonstone Acupuncture
1227 West Ninth Ave., Suite 302
Anchorage, AK 99501
(907) 243-5033

ACUPUNCTURE WORKS!
Janice K. Royce, Dipl. Ac., Lic. Ac.
3600 Lake Otis Pkwy., Suite 200
Anchorage, AK 99508
907-830-0273 - phone
907-346-4443 - fax

February 2, 2006

Dear Senator Bunde,

I am a constituent in your district and value your representation of our district. I am writing to you to encourage you to support SB 244 sponsored by Senator Tom Wagner.

Support and passage of this bill would eliminate insurance company discrimination against licensed acupuncturists. At this point, many insurance companies will not reimburse for acupuncture unless it is performed by a medical doctor (MD). Other individuals, such as me hold a Master's Degree in Acupuncture and Oriental Medicine and are licensed by the state of Alaska. We are required by state law to pass a national board certification exam and obtain continuing education hours in order to maintain the license. Medical doctors are not licensed as Acupuncturist and have no requirement to maintain continuing education in order to practice acupuncture.

The World Health Organization recognizes acupuncture as a way to treat many disorder and syndromes. Currently, most individuals receiving acupuncture treatment pay for treatment out of pocket. Many others would benefit from acupuncture and are unable to do so because treatment is not reimbursed by their insurance carrier.

I urge your support for passage of this bill which will remove the unfair discrimination.

If you have additional questions or want additional information, please do not hesitate to contact me.

Sincerely,

Janice K. Royce, L.Ac.
Licensed Acupuncturist

Home address: 5721 E. 97th Ave.
Anchorage, AK 99507

cc: Senator Tom Wagoner
Amy Seitz (Senator Wagoner's Assistant
Rande Lucas (TAOMAAK President)