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4/8/09

CS FOR HOUSE BILL NO. 223(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the qualifications for residential psychiatric treatment center**
2 **caregiver staff; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 47.32 is amended by adding a new section to read:

5 **Sec. 47.32.055. Residential psychiatric treatment caregiver qualifications**
6 **and training.** (a) In addition to the other requirements of this chapter, an applicant for
7 a license or renewal of a license to operate a residential psychiatric treatment center
8 must comply with the standards set out in this section relating to training and
9 scheduling of caregivers.

10 (b) A caregiver employed by a residential psychiatric treatment center must

11 (1) have a bachelor's degree;

12 (2) have

13 (A) completed not less than two years of work experience in
14 the treatment of

- 1 (i) severely emotionally disturbed children;
2 (ii) children in a residential child care facility; or
3 (iii) children in a long-term inpatient facility; and
4 (B) completed
5 (i) an associate degree; or
6 (ii) not less than two years of full-time course work
7 toward a bachelor's degree;
8 (3) have
9 (A) completed not less than four years of work experience as a
10 caregiver of
11 (i) severely emotionally disturbed children;
12 (ii) children in a residential child care facility; or
13 (iii) children in a long-term inpatient facility; and
14 (B) satisfied one of the following:
15 (i) earned a high school diploma or a general
16 educational development diploma; or
17 (ii) completed the training provided or approved under
18 (c) of this section; or
19 (4) satisfy or comply with all of the following:
20 (A) have earned a high school diploma or a general educational
21 development diploma;
22 (B) have completed the training provided or approved under (c)
23 of this section; and
24 (C) be assigned to work at the center only during hours in
25 which an individual is on duty at the center who has a bachelor's degree in a
26 human-services-related field or who meets the requirements of (1), (2), or (3)
27 of this subsection.
28 (c) The department shall provide or approve training for caregivers employed
29 by a residential psychiatric treatment center in the state.
30 (d) In this section, "caregiver" means an individual employed by a residential
31 psychiatric treatment center to provide direct care and supervision of children admitted

1 to the center and who is not a physician, registered nurse, or mental health
2 professional.

3 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

House Health and Social Services Committee

Wes Keller, Co-Chair

State Capitol Building, Room 13
Juneau, AK 99801-1182
Phone (907) 465-2186
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Bob Herron, Co-Chair

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Sponsor Statement

This bill has been filed in response to an urgent issue brought forward by four of Alaska's Residential Psychiatric Treatment Centers in Anchorage and Fairbanks. The Legislation intends to advance and accelerate the efforts to bring our most troubled Alaskan children home through the *Bring the Kids Home Project*. Existing DHSS regulations 7 AAC50.815 Qualifications of Caregiver Staff require that a majority of treatment staff in these facilities, namely the caregivers, be held to a higher qualification standard than Federal Medicaid laws and other states' currently housing Alaska's children. The current qualifications are as follows: 1) bachelors degree; 2) an associate degree and two years work experience in a RPTC; or 3) four years work experience in a RPTC. This proposed legislation remedies the current situation by requiring that each facility have at least one staff member with a bachelor degree on each shift to oversee caregivers. Additionally, caregivers will be required to meet strict training standards as authorized or approved by the Department as a condition of employment. The committee urges swift passage of this legislation.

SECTIONAL

CSHB 223(HSS)

“An Act relating to the qualifications for residential psychiatric treatment center caregiver staff; and providing for an effective date.”

Section 1: Title 47.32 Centralized Licensing and Related Administrative Procedures

Adds a new section AS 47.32.055 which expands the acceptable alternative qualifications for caregiver staff in a residential psychiatric treatment center under 7 AAC 50.815 by incorporating the existing standards and adding a fourth alternative. In the fourth alternative a person would be a qualified caregiver if he or she has at least a high school diploma or general educational development diploma, completes a training course provided or approved by the Department of Health and Social Services, and works only during hours when a person with a bachelor’s degree in a human services related field or who satisfies one of the other alternatives is also on duty.

Section 2: Providing that the new section will take effect immediately.

HOUSE BILL NO. 223

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Introduced: 4/8/09

Referred: Health and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the qualifications for residential psychiatric treatment center**
2 **caregiver staff; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 47.32 is amended by adding a new section to read:

5 **Sec. 47.32.055. Residential psychiatric treatment caregiver qualifications**
6 **and training.** (a) In addition to the other requirements of this chapter, an applicant for
7 a license or renewal of a license to operate a residential psychiatric treatment center
8 must comply with the standards set out in this section relating to training and
9 scheduling of caregivers.

10 (b) A caregiver employed by a residential psychiatric treatment center must
11 have

12 (1) a bachelor's degree;

13 (2) completed not less than two years of work experience in the
14 treatment of severely emotionally disturbed children and

1 (A) have an associate degree; or

2 (B) have completed not less than two years of full-time course
3 work toward a bachelor's degree;

4 (3) completed not less than four years of work experience as a
5 caregiver of severely emotionally disturbed children and

6 (A) have a high school diploma or general educational
7 development diploma; or

8 (B) have completed the training provided or approved under (c)
9 of this section; or

10 (4) completed the training provided or approved under (c) of this
11 section and

12 (A) have a high school diploma or general educational
13 development diploma; and

14 (B) be assigned to work at the center only during hours in
15 which an individual is on duty at the center who has a bachelor's degree in a
16 human-services-related field or who meets the requirement of (1) or (2) of this
17 subsection.

18 (c) The department shall provide or approve mandatory training for caregivers
19 employed by a residential psychiatric treatment center in the state.

20 (d) In this section, "caregiver" means an individual employed by a residential
21 psychiatric treatment center to provide direct care and supervision of children admitted
22 to the center and who is not a physician, registered nurse, or mental health
23 professional.

24 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 TRANSITION. Applications approved or renewed by the Department of Health and
27 Social Services for licensing of a residential psychiatric treatment center before the effective
28 date of this Act shall be reviewed for compliance with this Act, and a notice shall be mailed to
29 licensees notifying the licensees of the requirements under AS 47.32.055.

30 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).



April 6, 2009

Representative Wes Keller, Co-Chair House HESS
Capitol Building
Juneau, Alaska 99811

Re: Qualifications for Caregivers in Residential Treatment Centers

Dear Representative Keller:

Thank you for your service to the State of Alaska and for your support of Alaska's families in need. Southcentral Foundation serves thousands of children and their families in our primary care center, residential treatment home for young men, therapeutic family group homes, and many other programs.

As you may know, Southcentral Foundation is partnering with the State of Alaska, the Denali Commission and the Alaska Mental Health Trust Authority to bring the kids home by building a culturally appropriate 44-bed Residential Psychiatric Treatment Center (RPTC). Our RPTC is a Level V and is in the design phase. We anticipate starting construction in June 2009, with an expected opening date in fall 2010. One of the challenges of this project is ensuring successful recruitment of the more than 80 FTEs necessary to provide quality treatment at this level of care. More specifically, it will be a challenge to recruit and train qualified staff with a bachelor's degree, associate degree with at least two years experience in residential treatment, or a high school diploma and four years experience in residential treatment.

Southcentral Foundation strives to employ Alaska Native and American Indian people as customer/owners of our health care system. We envision being able to train our own employees to work for and with our Alaska Native and American Indian customer/owners. Regulation 47 AAC 50.815 presents challenges to Southcentral Foundation's ability to "train our own" to provide the highest levels of quality and culturally appropriate care to those that need RPTC services. If the language is amended to allow for "department provided or approved training," our people will gain the experience they need to serve their community and Southcentral Foundation will be able to staff its RPTC.

Southcentral Foundation supports the proposed amendments to AS 47.32.030 regarding the qualifications for residential psychiatric treatment center caregiver staff and also supports the retroactive date. Again, thank you for your support.

Sincerely,

SOUTHCENTRAL FOUNDATION

Katherine Gottlieb, MBA
President/CEO

Board of Directors

Judy Binkley

Charlie Boddy, Chair

Cynthia Henry

Meg Nordale

Jeff Olson

David Paulsrud

Mary Sakakibara

Art Silva

Chris Simon

Richard C. Brown, Jr., M.D.
Medical Director

Robert P. Sheehan
President and CEO

MEMBER:
ALASKA BEHAVIORAL
HEALTH ASSOCIATION



A subsidiary of
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and Family Services, Inc.

3101 Lathrop Street

Fairbanks, AK 99701

Telephone 907.459.4700

Facsimile 907.459.4796

www.boysandgirlshome.com

April 2, 2009

Dear Committee,

As Chairman of the Boys and Girls Home of Alaska Board of Directors, I've had firsthand knowledge of the fine work our agency is doing. The services we offer have been absent in our community and are a welcome relief. It is essential that these services continue.

Part of our struggle in Fairbanks is around folks having enough credentials to meet the present Medicaid standards. It is our hope that you will support the proposed Bill before you, in order for us to continue to deliver the services to children and their families while ensuring quality of care. We know that we are not alone in this process and that other Level V organizations around the state would also welcome this relief.

I look forward to meeting with you and I am hopeful that we can move this Bill forward.

Sincerely,

Charlie Boddy

April 3, 2009

The Honorable Johnny Ellis
Alaska State Senate
Juneau, AK

Re: Qualifications of Caregivers in Residential Treatment Centers

Dear Senator Ellis:

To begin, thank you for your support of mental health related issues that have allowed North Star Behavioral Health System to provide needed services for the children of our state. As a provider in a vast continuum of care, it is essential that we be able to continue to meet the needs of children and adolescents. Our ability to offer appropriate care that improves the lives of youth and families is often impacted by issues decided in the legislative arena.

One such issue is the Regulation 7AAC50.815, related to the qualifications of caregivers in Residential Psychiatric Treatment Centers. This regulation requires that a front line care giver (mental health aide) must either have a Bachelor's degree and/or an Associate's degree with at least two years experience in residential treatment, or a high school diploma and four years experience in residential treatment.

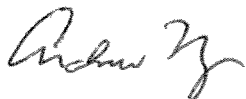
While the intent of the requirement is to ensure that front line caregivers are qualified and trained, this places an undue burden on providers. Clearly, one cannot gain experience without a degree, when the regulations require one have experience in order to be hired. Thus, only employees who could be "grand fathered" or come from states that do not have such a requirement (out of state residents) would become eligible for hire. Given the rural nature of our state, this limits potential hires and thus can limit needed care in more rural communities. Given the state's push toward "Bringing our Children Home" for care, this appears conflicted with this purpose.

Currently, all facilities train and orient staff in addition to conducting background checks for safety. Annual training is required by the state, which acknowledges the need for continued training in addition to orientation curriculum. While I would understand and support reviewing this criteria every few years, until we reach a more qualified training pool, I would ask adjustments to be considered. Alternatives might include an increased amount of training required when hiring non-degreed candidates. In this way there is no

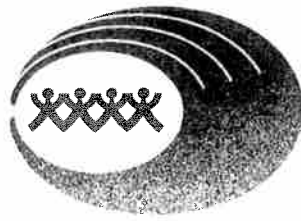
must invest at least that amount of dollars in additional training to meet new training requirements for hiring lesser trained employees. Certainly I would be willing to work with other providers in making such recommendations to the state or the state could decide such issues to ensure continued protection of our children. With that said, all residential facilities are reviewed for compliance by numerous agencies, and I see little danger in non-compliance with such changes.

In closing, I appreciate your consideration of this request and would be happy to answer any questions related to my comments.

Sincerely,



Dr. Andrew Mayo, CEO
North Star Behavioral Health System



Alaska Children's Services

March 31, 2009

The Honorable Johnny Ellis
Alaska State Senate
Juneau, AK

RE: Qualifications for Caregivers in Residential Treatment Centers

Dear Senator Ellis:

First, I want to thank you for your long-standing support of Alaska Children's Services and for Alaska's families in need. Thousands of Alaska children are enjoying a much more positive life because of your service to the state.

I want to call your attention to a serious issue that is impacting the ability of Alaska Children's Services and other intensive treatment programs to provide the quality of treatment that is necessary to assist children to become successful. Specifically, I am referring to Regulation 7AAC50.815 – "Qualifications of Caregivers in Residential Psychiatric Treatment Centers." This regulation requires that a caregiver in a program such as ACS must either have a Bachelor's degree, and Associate's degree with at least two years experience in residential treatment, or a high school diploma and four years experience in residential treatment.

While this regulation is intended to ensure that only the most qualified caregivers provide care and treatment to the most fragile and disturbed youth, it falls far short of that. First, the degree requirement is generic; therefore, a person with an accounting degree and no childcare experience is eligible for employment while a much more qualified person without a degree is not. Furthermore, the regulation establishes a classic "Catch 22" in that a non-degreed person with requisite experience can be hired, but the regulation does not allow any provision for a person to gain that experience.

For many years Alaska has been experiencing serious workforce issues and there are myriad workforce development projects currently sponsored by both state and private entities. Over five years ago, Alaska Children's Services, with the support of a federal Administration for Children and Families grant, developed a *Competency-Based Program for Training Childcare Workers*. It is both rural and urban appropriate and has been used by dozens of agencies. I am not advocating for our specific program; however, I am asking for support as the three Level 5 RTC's – ACS, North Star, and Boys and Girls Home of Alaska – work with the Department in efforts to change this regulation.

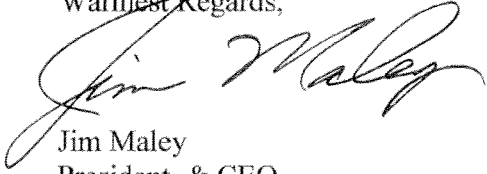


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A Christian mission of American Baptist Churches USA, Evangelical Lutheran Church in America, and the United Methodist Church. A United Way agency, ACS is accredited by the Joint Commission on Accreditation of Healthcare Organizations.

Again, thanks so much for your support and please advise if there is any way we can assist you in your efforts.

Warmest Regards,

A handwritten signature in black ink that reads "Jim Maley". The signature is written in a cursive style with a large, sweeping "J" and "M".

Jim Maley
President & CEO
Alaska Children's Services, Inc.