

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

February 5, 2002

3:04 p.m.

MEMBERS PRESENT

Representative Fred Dyson, Chair
Representative Peggy Wilson, Vice Chair
Representative John Coghill
Representative Gary Stevens
Representative Vic Kohring
Representative Sharon Cissna (via teleconference)
Representative Reggie Joule

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 309

"An Act relating to the Interstate Compact on Placement of Children."

- HEARD AND HELD

HOUSE BILL NO. 366

"An Act relating to assisted living homes; and providing for an effective date."

- HEARD AND HELD

EXECUTIVE ORDER 103

File Transfer to Archives

- EXECUTIVE ORDER ADVANCED

PREVIOUS ACTION

BILL: HB 309

SHORT TITLE: INTERSTATE PLACEMENT OF CHILDREN

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

Jrn-Date	Jrn-Page		Action
01/14/02	1956	(H)	PREFILE RELEASED 1/4/02
01/14/02	1956	(H)	READ THE FIRST TIME - REFERRALS
01/14/02	1956	(H)	HES, JUD
01/14/02	1956	(H)	REFERRED TO HES
01/29/02		(H)	HES AT 3:00 PM CAPITOL 106
01/29/02		(H)	-- Meeting Canceled --
01/30/02	2101	(H)	COSPONSOR(S): DYSON
02/05/02		(H)	HES AT 3:00 PM CAPITOL 106

BILL: HB 366

SHORT TITLE: RATES FOR ASSISTED LIVING FACILITIES
 SPONSOR(S): REPRESENTATIVE(S) COGHILL

Jrn-Date	Jrn-Page		Action
01/30/02	2098	(H)	READ THE FIRST TIME - REFERRALS
01/30/02	2098	(H)	HES, FIN
01/30/02	2098	(H)	REFERRED TO HES
02/05/02		(H)	HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

SUE WRIGHT, Staff
 to Representative Mike Chenault
 Alaska State Legislature
 Capitol Building, Room 432
 Juneau, Alaska 99801
 POSITION STATEMENT: Testified on behalf of HB 309's sponsor,
 Representative Chenault.

ELMER LINDSTROM, Deputy Commissioner
 Department of Health & Social Services
 P.O. Box 110601
 Juneau, Alaska 99811-0601
 POSITION STATEMENT: During hearing on HB 309, raised questions
 pertaining to language about certified copies.

DOUG WOOLIVER, Administrative Attorney
 Office of the Administrative Director
 Alaska Court System
 820 West Fourth Avenue
 Anchorage, Alaska 99501-2005
 POSITION STATEMENT: During hearing on HB 309, answered legal
 questions pertaining to language contained therein.

THERESA TANOURY, Director
Division of Family & Youth Services
Department of Health & Social Services
P.O. Box 110630
Juneau, Alaska 99811-0630

POSITION STATEMENT: During hearing on HB 309, reported on DFYS procedures followed in ICPC cases and the need for expediency in such cases.

WES INGRUM, Partner
Cornerstone, LLC
2004 Parkview Circle
Anchorage, Alaska 99501

POSITION STATEMENT: During hearing on HB 366, stressed the importance of stable funding for assisted-living-care providers.

MARY NICHOLSON
Nicholson Assisted Living
P.O. Box 2495
Kenai, Alaska 99611

POSITION STATEMENT: Testified in support of HB 366.

DEBBIE CASH, Owner-Operator
Debbie's Fireside Home
3291 Jefferson Drive
Fairbanks, Alaska 99709

POSITION STATEMENT: Testified in support of HB 366; delineated the many costs incurred by assisted-living-home providers.

BOBBY CASH
1224 Ninth Avenue
Fairbanks, Alaska 99701

POSITION STATEMENT: During hearing on HB 366, expressed his wish for reliable funding.

MONTA FAYE LANE, President
Assisted Living Association of Alaska
109 East Fifth
North Pole, Alaska 99705

POSITION STATEMENT: Testified in support of HB 366; gave a history of funding for assisted-living-home facilities.

ACTION NARRATIVE

TAPE 02-5, SIDE A
Number 0001

CHAIR FRED DYSON called the House Health, Education and Social Services Standing Committee meeting to order at 3:04 p.m. Representatives Dyson, Wilson, Coghill, Stevens, and Cissna (via teleconference) were present at the call to order. Representatives Kohring and Joule arrived as the meeting was in progress. [For minutes on the overview presentations by the Substance Abuse Directors Association of Alaska and the Association of Rural and Alaska Native Drug & Alcohol Programs, see the 4:25 p.m. minutes for this date.]

HB 309-INTERSTATE PLACEMENT OF CHILDREN

Number 0152

CHAIR DYSON announced that the first order of business was HOUSE BILL NO. 309, "An Act relating to the Interstate Compact on Placement of Children."

Number 0176

SUE WRIGHT, Staff to Representative Mike Chenault, Alaska State Legislature, testified on behalf of HB 309's sponsor, Representative Chenault. House Bill 309 requires that specific documentation, such as court orders or copies of custody orders, be in place when children who are wards of the state are transferred from one state to another, she explained. Ms. Wright noted Section 2 of HB 309 and said, "An agreement under this section must be in writing, and an original of the agreement shall be held in the files of the department."

MS. WRIGHT indicated that a representative from the court system was present who had brought to the sponsor's attention the fact that originals must remain in the court files. She informed members that a proposed committee substitute (CS) had been prepared to address that issue. She said Section 3 of HB 309 increases the term of imprisonment for violation of the [Interstate Compact on the Placement of Children (ICPC)]. She noted her belief that the existing statute does not provide for jail time, and she noted that the existing fine is \$200. House Bill 309 adds language which designates each day as a separate and equal violation of the compact. She offered the example of a child who is out of state for 10 days [in violation of the compact]; the party responsible for this breach of the compact could be sentenced to a \$10,000 fine and 1,800 days in jail.

Number 0350

MS. WRIGHT explained that this severe penalty would force the Division of Family & Youth Services (DFYS) to become more accountable. She acknowledged that it was unlikely anyone would ever serve jail time or pay the fine as the result of a violation. She said, "In my experience, it's been horrific that a child should ever be transferred without proper documentation." She referenced cases presented to [the sponsor's] office which indicated that children do get transferred with incomplete documentation. She offered that she didn't fault the department for this problem because [caseworkers] have a difficult job. However, she expressed her belief that everyone has laws and regulations with which he/she must comply.

Number 0475

CHAIR DYSON noted his understanding that the proposed CS requires certified copies instead of originals. He asked if "certified copies" is a legal term.

MS. WRIGHT affirmed that "certified copies" is a legal term.

CHAIR DYSON noted that Doug Wooliver, Administrative Assistant, Office of the Administrative Director, Alaska Court System, had signaled his agreement.

Number 0503

REPRESENTATIVE WILSON moved to adopt the proposed CS [Version F, 22-LS1218\F, Lauterbach, 2/5/02].

Number 0530

REPRESENTATIVE COGHILL noted the violation language in HB 309 and asked Ms. Wright for the rationale behind the severity of the penalties.

Number 0555

MS. WRIGHT responded by referring to a "blatant violation" of the ICPC that occurred in August 2001. In this case, a child was transferred out of Alaska without proper legal notice, she said; the parties were notified on July 24 or 27, and the child was transferred out of state on August 3. She indicated that the child was slated to be transferred to Arizona as directed by an unsigned court order; this meant that there was no

accompanying documentation with the child. The child was instead taken to Portland, Oregon. The foster parents, who were moving out of state under non-emergency circumstances, picked the child up in Portland, and then took her to Arizona. Ms. Wright noted that the transfer to Portland was a violation of the ICPC.

Number 0659

REPRESENTATIVE COGHILL acknowledged that the aforementioned case is "a tough and egregious example." He again requested the rationale for the penalty provided in HB 309 for violation of ICPC.

MS. WRIGHT responded that there is no accountability when the compact is violated.

Number 0700

REPRESENTATIVE COGHILL emphasized that this would be "one of the weightier things ... we'll discuss as a policy matter," and that he wanted to know the rationale behind it.

Number 0706

CHAIR DYSON asked Ms. Wright if it was her belief that the stronger penalty would motivate DFYS workers [to abide by the compact].

MS. WRIGHT expressed her uncertainty that this would motivate workers. She said, however, "It certainly would make me look twice before I violated that compact."

Number 0761

CHAIR DYSON inquired if comparable penalties for administrative personnel existed elsewhere in statute.

MS. WRIGHT replied that if she violated the law to the extent the ICPC was violated, she would lose her job.

Number 0798

CHAIR DYSON reiterated his question about similar penalties existing in state law.

Number 0820

MS. WRIGHT answered, "I would certainly think that in the Department of Corrections, it would be comparable to selling drugs in a prison."

CHAIR DYSON indicated that his question remained unanswered.

Number 0830

REPRESENTATIVE WILSON restated her motion to adopt Version F. There being no objection, Version F was adopted.

Number 0913

ELMER LINDSTROM, Deputy Commissioner, Department of Health & Social Services, noted that neither he nor the division director had seen Version F prior to the hearing.

Number 0937

CHAIR DYSON commented that Version F changes only the required documentation language from "originals" to "certified copies".

Number 0945

MR. LINDSTROM confirmed that this is also his understanding. He offered that the language requiring an original copy was regarded by the department as a "very serious barrier" and might be a standard that could not be met. At the very least, it would cause significant delays to the ICPC process. He expressed his opinion that Version F is an improvement. He noted his uncertainty regarding what "certified copies" means to the department; he wishes to confer with legal counsel and [ICPC personnel] to determine what it means. He stated that the bill requires a number of documents to be included in the packet. He indicated his uncertainty about which entity would actually provide the certification of documents, the department or the documents' source. He indicated that Version F does address the department's original concerns with HB 309.

Number 1004

CHAIR DYSON asked Mr. Lindstrom how long this information-gathering process would take.

MR. LINDSTROM replied that he could respond within two days' time.

Number 1020

DOUG WOOLIVER, Administrative Attorney, Office of the Administrative Director, Alaska Court System, stated that "certified copies" means something specific to the court system. He noted that the court system routinely certifies documents, but he indicated that he didn't know what "certified copies" means to the Department of Health & Social Services.

Number 1043

CHAIR DYSON asked who certifies documents, the sender or receiver.

MR. WOOLIVER answered that in the court system, certified copies of court records may be obtained from the clerk of court. He stated that he couldn't speak to [the certification process] in department records.

CHAIR DYSON inquired whether a certified copy could be faxed.

Number 1089

MR. WOOLIVER responded that he did not know if a document's legal status would change if a certified copy was faxed.

CHAIR DYSON summarized that his understanding of the [intent of HB 309] is ensuring that the correct documentation accompanies a child who is transferred out of state. He also noted the importance of expediting this transfer of paperwork.

Number 1111

ELMER LINDSTROM noted that his question pertaining to certified copies does not include court documents, but pertains to the department's certifying all documents. Medical and other records not originating in the court system would be included in the package. What would this certification process entail for the department? If certification from a doctor was required, he stated, it "might put us back in the same quandary that we had with the original version."

MR. LINDSTROM noted that the department had no objection to the criminal penalties [provided in HB 309], but he raised the question of the penalties' application to private placements,

which are not within the department's purview. He added that this might be a question for the Department of Law.

Number 1180

MR. LINDSTROM concluded by stating that the aforementioned case, involving a child's out-of-state relocation, was not an ICPC case at the time of transfer. The foster parents chose to relocate. The case has since been designated as an ICPC matter.

Number 1219

REPRESENTATIVE COGHILL asked how documents in ICPC cases are currently transferred by the department.

Number 1250

THERESA TANOURY, Director, Division of Family & Youth Services, Department of Health & Social Services, replied that an overall agreement exists among states included in the compact. When children are moved across state boundaries, states use the same forms and same supporting documentation. This documentation includes psychological evaluations, home studies, and any documentation that provides the receiving state with more information about the child. She added that many times this document transfer is done via fax to save time.

Number 1292

REPRESENTATIVE COGHILL indicated that [HB 309's intent] is to ensure that paperwork be certified and part of that [ICPC] agreement. He asked if required certification of the packet would be more difficult before the relocation of a child.

Number 1317

MS. TANOURY responded that she thought it would be time-consuming effort and would delay placement for children going across state lines. Most of these children [leaving the state] are bound for permanent, long-term placement with relatives. It is currently a lengthy process, she noted.

Number 1345

REPRESENTATIVE CISSNA asked why these delays occur and whether the punishment [in HB 309] fits the crime. She indicated that a

correction of the crime would be more appropriate. "Is overwork ... not part of the problem?" she asked.

Number 1401

MS. TANOURY replied that the aforementioned case would not have fallen under the ICPC compact. She noted that DFYS delayed in finding a placement with relatives. In the meantime, the child bonded with her foster parents. She explained that it takes a tremendous amount of time to find and obtain approval for relatives. After the child bonds with foster parents, it is a disruption to relocate the child to another placement. She added, "Had we been able to turn the clock back for that child, it would have been that we would've located relatives a lot earlier ... and moved the child to a more permanent home while ... working with the parents ... on a permanent plan, to see if they would have the child back."

Number 1483

REPRESENTATIVE CISSNA asked, "Why did it happen in the first place?" She further asked whether the caseworker had adequate time to solve the problem.

Number 1551

MS. TANOURY replied that the delay in locating relatives occurred because of the large amount of activity early in the case. Uncooperative parents do not readily provide information on relatives who live Outside. Once located, relatives must pass licensing requirements, and the receiving state must approve the transfer. Currently, parents are required to provide a list of relatives, but not until the adjudication hearing 120 days after a child's removal. The division does ask parents for a list of relatives before the adjudication hearing, but some parents do not comply with this request.

Number 1560

CHAIR DYSON suggested that Representative Cissna was providing Ms. Tanoury with an opportunity to highlight the need for more staff and smaller caseloads.

REPRESENTATIVE WILSON asked whether foster parents are allowed to move out of state at will without notifying DFYS.

MS. TANOURY replied, "No. They cannot move out of state at will." She added that a review must take place, and rarely is a move allowed. It is usually under a court order that a foster child's out-of-state move is permitted.

Number 1587

REPRESENTATIVE WILSON asked if caseworkers in the aforementioned case had prepared the proper paperwork before the child was moved out of state.

MS. TANOURY answered that the court had ordered that the move could occur; one or two days later, the child was taken out of state. The objection was that the court order was not in hand at the time of transfer. She stated that workers often do not wait for original or certified documents; they implement the court's order when it is given. Many times it takes four to six weeks to get a signed court order.

Number 1625

REPRESENTATIVE WILSON said, "I assume, then, that they just didn't know any better and took the child - either that or they weren't told." She asked if DFYS now moves children out of state without all the necessary paperwork.

Number 1650

MS. TANOURY replied that DFYS cannot allow a child to leave the state for a permanent placement without the receiving state's approval. The receiving state requires documentation that includes faxed copies. The receiving state must complete a home study of the proposed placement, which must be approved before each state can send or receive the child. All of this must be done beforehand, she explained. In response to Representative Wilson's statement about the case in question, Ms. Tanoury pointed out that DFYS had notified the foster parents of the court's approval, so DFYS permitted the family to leave the state with the child. The implementation occurred following the court's approval but prior to receipt of the actual court order.

Number 1697

REPRESENTATIVE WILSON asked if the foster family was told they needed to wait for paperwork.

MS. TANOURY responded that in many cases, DFYS does not wait for the paperwork. The division implements the court's orders at the time of the order. In the case in question, the caseworker told the foster family to go ahead with the move, she stated.

Number 1733

REPRESENTATIVE WILSON asked for clarification.

MS. TANOURY restated that this case did not fall under the ICPC compact. The compact applies to children leaving the state alone for placement in a new home. She said, "This particular situation was an intact family moving out of state, ... so it didn't fall under the compact at all."

Number 1767

REPRESENTATIVE WILSON sought confirmation that foster parents need permission to leave the state.

MS. TANOURY replied, "Just from us. ... We wouldn't let a foster parent move with a child without telling us." She noted that in cases where reunification is a goal, an out-of-state move would be inappropriate. A foster family's move needs only the approval of DFYS, she said.

Number 1831

CHAIR DYSON asked if DFYS retained jurisdiction of a child placed in a family that relocated out of state.

MS. TANOURY answered that DFYS maintains jurisdiction while the child is in another state. The state dismisses custody after an adoption order takes place.

Number 1851

CHAIR DYSON inquired whether foster parents could move Outside without court approval.

MS. TANOURY stated that this happens, but not very often. Usually court approval is obtained, but it isn't necessary.

Number 1861

CHAIR DYSON sought confirmation that DFYS could approve a move. In the aforementioned case, he noted that court approval was

obtained, but the family traveled without proof of the court order.

MS. TANOURY affirmed that this was indeed the case.

CHAIR DYSON said, "So your perspective is that because the court often takes so much time to get the paperwork ... done, ... you often go ahead [with] doing what you hope is in the best interest of the child ... based on the ... court's wishes, but not necessarily having the piece of paper in your hand."

Number 1888

MS. TANOURY replied, "That's correct."

CHAIR DYSON asked, "Is that the way you want it to be?"

Number 1890

MS. TANOURY answered that she thought "things might move quicker for kids if ... we didn't have to wait all the time." It is easier for kids, she stated, if approval can be given verbally.

Number 1900

REPRESENTATIVE COGHILL asked whether holding the certified papers in a state file was a significant problem and inquired whether other states followed this practice. Does the state currently keep compact records?

MS. TANOURY responded that she didn't know whether keeping the files was a problem or what other states require. She stated that she would get back to the members on this. The state currently keeps the originals and sends faxes or copies to other states. In many cases this takes a long time, she offered.

Number 1960

REPRESENTATIVE COGHILL asked if any language in the certified agreement was in conflict with anything in the compact.

MS. TANOURY replied that she would have to check on this, since she had just been given the proposed CS.

MR. LINDSTROM referenced the analysis of HB 309 prepared by the secretariat to the Association of Administrators of the Interstate Compact on the Placement of Children. The analysis

states that the initial wording of the bill relating to original documents is in violation of the compact. When "certified copy" is inserted for "original", Mr. Lindstrom noted, the violation of the compact is still an open question.

Number 2020

REPRESENTATIVE JOULE noted that one issue [in the delay of placement] is the length of time it takes to locate relatives. He asked if DFYS is doing anything to address this.

Number 2043

MS. TANOURY stated that DFYS has done things internally to address this issue. In Anchorage, a tribal help desk has been established with the Cook Inlet Tribal [Council] to assist in locating a child's tribe and then conferring with that tribe regarding appropriate placement. She offered that the governor's budget includes a position called a "relative navigator" to help DFYS locate relatives and then assist the relatives as they go through the system.

Number 2075

REPRESENTATIVE JOULE asked if this applies to any child in the system.

MS. TANOURY replied, "That's correct." She added that Representative Meyer might include language in a future bill requiring parents to provide DFYS with a list of relatives at the first hearing, rather than 120 days after removal.

Number 2101

REPRESENTATIVE JOULE asked whether other states require that level of paperwork.

MS. TANOURY answered that she didn't know, but she could find that out. The compact, she noted, ties Alaska to other states in the agreements pertaining to how children move across state lines. The compact does not require certified or original documentation. She offered that a national dialogue is addressing the matter of getting the ICPC process to move more quickly. A state's conducting of a home study can be a lengthy process, she added.

Number 2156

CHAIR DYSON suspended the hearing on HB 309 until February 7.

HB 366-RATES FOR ASSISTED LIVING FACILITIES

CHAIR DYSON announced the next order of business to be HOUSE BILL NO. 366, "An Act relating to assisted-living homes; and providing for an effective date."

Number 2262

REPRESENTATIVE COGHILL, sponsor of HB 366, introduced the bill by giving a brief history of assisted-living legislation. He implied that he was surprised by the size of the fiscal note accompanying HB 366; he had anticipated a zero fiscal note. He noted that in 2000, the legislature passed legislation that provided for an increase to \$70 of the assisted-living home daily rate. His impression of that legislation, he stated, was that it would provide "three hots and a cot" to clients. Any medical expenses would fall under Medicaid. He said, "As it turns out, that's not exactly true." He indicated that new regulations are changing [the intended application of the legislation]. House Bill 366 is an attempt to [implement the intent of previous assisted-living-care legislation] by setting the amount at \$70 a day, he explained.

Number 2348

REPRESENTATIVE COGHILL said that his idea was to call this amount a "per diem", which would settle the issue [of providing room and board for clients]. He thought HB 366 was going to provide for that [at no additional cost] until he received the fiscal note hours before the hearing. He stated he would draw up a proposed committee substitute (CS) to address [the shortcomings of the present language]. He said he thinks that the expansion of long-term care will be a critical issue in Alaska.

TAPE 02-5, SIDE B

Number 2370

REPRESENTATIVE COGHILL queried: How will Alaska provide care for indigent clients? "We settled on what we thought was \$70 a couple of years ago; that's not exactly true as I understand it," he said. He noted that dealing with both state and federal laws is problematic.

Number 2326

WES INGRUM testified via teleconference in favor of HB 366. He stated that he thinks the real issue is patient liability. The new regulations written by the division have the effect of reducing the dollars available for client care, he said. Those regulations place more responsibility on the provider relative to the hours of service, the activities of daily living (ADL), and the instrumental activities of daily living (IADL). The most problematic area, he noted, is concerning the issue of the ADL, which can include clients who require two-person transfers or 24-hour-awake staffing.

Number 2290

MR. INGRUM pointed out that Alaska has no acuity-based fee which addresses how many ADLs are provided to residents or (indisc.). The \$70 a day in HB 73 was originally intended to cover room and board. He stated that HB 366 seeks to clarify that, although some small changes still need to be made. The intent, he noted, needs to be delineated to identify the basic services of room and board. This affects both small homes and large facilities that provide assisted living. A stable fee basis in Alaska is necessary to attract new facilities and staff to provide appropriate care. Currently, the regulations make dollars for necessary service unavailable. This will jeopardize the well-being of the Alaskan residents in assisted-living facilities. He pointed out that anything done to reduce dollars [available for assisted-living care] will reduce the level of observation and care for clients.

Number 2218

MR. INGRUM stated that the assisted-living-care client population is increasing in Alaska. Proportionate growth in facilities and staff is not occurring due to a lack of funding, he offered.

Number 2197

REPRESENTATIVE WILSON asked, "What's the difference between ADL and [IADL]?"

MR. INGRUM responded that an IADL is a minor activity of daily living such as writing a letter or balancing a checkbook. A person could be quite functional and perform all the instrumental activities of daily living, he explained, but be

unable to perform the IADLs and some ADLs such as personal hygiene, health care, and medication use. One of the first subjects of ADL is medication management, which is extremely critical; some of a client's other problems may be reduced when he/she is appropriately medicated.

Number 2126

MARY NICHOLSON, Nicholson Assisted Living, testified via teleconference in support of HB 366. She thanked Representative Coghill for introducing the bill. The bill, she noted, would enable vulnerable adults to stay in assisted-living situations. Nursing home care is much more expensive for the state, she furnished.

Number 2109

REPRESENTATIVE WILSON asked Ms. Nicholson for clarification on the difference between ADL and IADL and how the funding for each impacts assisted-living-care providers.

MS. NICHOLSON stated that the general relief requested in HB 366 for room and board increases over several years. This has nothing to do with the ADL that comes under the services in the augmented rate for room and board, which is in addition to the per diem rate, she said. There is an augmented rate for clients requiring more than room and board; this covers the ADLs and the IADLs.

Number 2018

REPRESENTATIVE COGHILL agreed that the issue with assisted-living care is that it provides non-medical care. Anything beyond room and board is medical care. This is where Medicaid funds begin to be utilized. He indicated that new regulations have clouded the funding issue, and that he'd introduced HB 366 to bring clarity to the subject of funding.

Number 1973

DEBBIE CASH, Owner-Operator, Debbie's Fireside Home, testified via teleconference in support of HB 366. She listed the many items that fall under the definition of room and board. She noted that these costs have increased over the past years. She indicated that new dietary documentation requirements are [unfunded mandates] and [require the knowledge of a dietician]. Some clients in her home, were they to be placed in a nursing

home, would cost the state \$390 a day for room and board, she offered. She questioned how the legislature could justify not spending \$70 a day for room and board and \$70 a day for a client's [ADL and IADL] needs. She compared this \$140 a day [in an assisted-care facility] to the \$390 a day at a nursing home. She concluded, "We are giving you guys a very fair shake." She stated that older people deserve to live with respect. She added that she was able to purchase a wheelchair-accessible van for transporting clients with the additional funding.

Number 1780

BOBBY CASH testified via teleconference. He expressed his perplexity at the way payments to assisted-living-care providers are diminished by various funding entities. He stated that he hoped the state would establish an amount it would pay and then follow through with that amount. He noted that transportation of clients was an issue for providers.

Number 1680

MONTA FAYE LANE, President, Assisted Living Association of Alaska, testified regarding her experience as an assisted-living-home owner. She began providing assisted-living care in 1991. She was initially prohibited from accepting wheelchair-bound clients or clients who needed to be lifted. Clients who became bed-bound under her care needed to be transferred to nursing homes quickly, according to guidelines from the attorney general, Ms. Lane stated. She offered an overview of the changes in regulations and funding from 1991 to 1995 when the Division of Senior Services was established.

Number 1537

MS. LANE said that the waiver program, established in 1995, permitted clients requiring more care to choose assisted living. This is what the Medicaid waiver-choice program provided, she explained. The general relief was \$34.50 a day for clients who could not pay for their own care. That was supplemented with the waiver, which was \$44.60 a day. These two amounts combined had to cover room and board plus medical needs. She noted that a plan of care is prescribed for clients covered by the Medicaid waiver. This plan of care must be administered by a certified nurse's aide (CNA). She stated that small assisted-living-care providers have difficulty procuring CNAs when the Pioneers' Home entry-level wage for CNAs is about \$14 an hour.

Number 1409

MS. LANE referenced legislation in 1999 intended to raise payments to assisted-living-care providers that failed to pass. She noted that SB 73 in 2000 raised the rate to \$50 a day; the raise did not go into effect until September of that year. The rate increased to \$60 a day in June 2001, and is slated to be raised to \$70 a day in July 2002, she offered. The administration's proposal, she indicated, is to take 60 percent of that \$70 away from assisted-living-care providers and increase the Medicaid [payment]. She stated that providers are delivering medical services for which they receive \$70.19 a day. So providers are receiving \$130.19 a day, she said, in contrast to \$396 at nursing homes and \$290 at the Pioneers' Homes.

Number 1351

REPRESENTATIVE COGHILL pointed out that a provider's receipt of two different funds, one for home care and another for medical, could be construed by some to be being paid twice [for the same services].

Number 1320

MS. LANE replied that she has never been paid twice. The rate received by providers was set by the division, she explained. Federal and state law dictate Medicaid payments as well, she offered.

Number 1291

REPRESENTATIVE COGHILL noted that this issue would be part of future discussion [pertaining to HB 366] of payments by Medicaid and payments under the general relief dollars.

Number 1245

CHAIR DYSON expressed appreciation for assisted-living-care providers. He acknowledged two witnesses who concurred with Ms. Lane's testimony.

Number 1182

MS. LANE remarked that her observation has been that some doctors are refusing to treat Medicaid patients. She asked, "What are you going to do if the assisted-living homes refuse Medicaid clients?"

CHAIR DYSON replied that Ms. Lane's point was well taken. [HB 366 was held over.]

EXECUTIVE ORDER 103: FILE TRANSFER TO ARCHIVES

Number 1150

CHAIR DYSON announced the next order of business to be Executive Order 103: File Transfer to Archives.

REPRESENTATIVE JOULE stated that EO 103 will go to House State Affairs Standing Committee.

REPRESENTATIVE STEVENS noted the presence of personnel from [Archives & Record Management Services] at the hearing.

CHAIR DYSON indicated that testimony was not necessary because EO 103 was a "slam dunk."

Number 1128

CHAIR DYSON announced that there was no objection, so EO 103 advanced out of House Health, Education and Social Services Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at 4:23 p.m. [For minutes on the overview presentations by the Substance Abuse Directors Association of Alaska and the Association of Rural and Alaska Native Drug & Alcohol Programs, see the 4:25 p.m. minutes for this date.]