

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

March 10, 2003
1:32 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Lyda Green, Vice Chair
Senator Bettye Davis
Senator Gretchen Guess

MEMBERS ABSENT

Senator Gary Wilken

COMMITTEE CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 8
Requesting the Governor to declare March 16 - 22, 2003, to be
Inhalants and Poisons Awareness Week.

MOVED HCR 8 OUT OF COMMITTEE

SENATE BILL NO. 124
"An Act relating to grants for alcoholism and drug abuse
programs; and providing for an effective date."

MOVED SB 124 OUT OF COMMITTEE

SENATE BILL NO. 123
"An Act relating to adoptions that include a subsidy payment by
the state; eliminating annual review of the subsidy paid by the
state after adoption of a hard-to-place child has occurred; and
providing for an effective date."

MOVED SB 123 OUT OF COMMITTEE

SENATE BILL NO. 55
"An Act relating to tampering with public records."

SCHEDULED BUT NOT HEARD

SENATE BILL NO. 8
"An Act relating to tampering with public records."

SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

HCR 8 - No previous action to record.

SB 123 - No previous action to record.

SB 124 - No previous action to record.

WITNESS REGISTER

Representative Kapsner
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of HCR 8.

Ms. Martha Moore
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601

POSITION STATEMENT: Supported HCR 8.

MR. Elmer Lindstrom, Special Assistant
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601

POSITION STATEMENT: Supported SB 124 and SB 123.

Ms. Karen Pearson, Acting Director
Division of Alcoholism and Drug Abuse
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601

POSITION STATEMENT: Commented on SB 124.

Ms. Joanne Gibbens, Program Administrator
Division of Family and Youth Services
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601

POSITION STATEMENT: Commented on SB 123.

ACTION NARRATIVE

TAPE 03-9, SIDE A

HCR 8-INHALANTS AND POISONS AWARENESS WEEK

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at 1:32 p.m. and announced HCR 8 to be up for consideration. Present were Senators Dyson, Guess and Davis.

REPRESENTATIVE KAPSNER, sponsor of HCR 8, explained that this bill asks the governor to recognize the nationally recognized inhalant, abuse and poisons awareness week, March 16-22. She said that inhalant abuse is not a new problem, but it is reaching rampant proportions throughout Alaska and among youth across the nation. One of the frustrating things about inhalant abuse is that the chemical substances used for huffing are not contraband or illegal. In fact, those substances are useful and needed for the use they are intended for. Over 1,400 chemical substances are commonly used as a means of getting high.

REPRESENTATIVE KAPSNER said in an informal discussion she had with the Senate president, he asked if this addiction is a chemical or psychological one. It is both. The high one gets from inhalant abuse is very sudden and potent and, because the absorption is through the lungs, it goes to the vital organs quicker and penetrates deeper than most highs. Inhalant abuse affects all of the major organs. A major concern is that the abusers are very young and inhalant abuse affects their reproductive organs. She concluded, "So, this is affecting young generations and generations to come."

CHAIR DYSON asked how it affects reproductive health.

REPRESENTATIVE KAPSNER replied that it affects the brain, liver, lungs, and bone marrow and there is evidence that chronic abuse of some inhalants causes chromosome and fetal damage. She thought it could cause birth defects and explained:

A lot of people who abuse inhalants have the same symptoms as someone with fetal alcohol syndrome. The way experts can tell the difference between someone who is a chronic inhalant abuser and an FAS victim is that a fetal alcohol syndrome person doesn't have many childhood memories, if any, and someone who is a chronic inhalant abuser has childhood memories from

before they started using inhalants, but afterwards they have a very short-term memory.

1:37 p.m.

SENATOR GREEN arrived.

MS. MARTHA MOORE, Intervening Surveillance and Prevention Program Manager, DHSS, supported HCR 8. She explained that her office tracks all hospitalized poisonings and has found over the years that it is a substantial problem with about 525 Alaskans per year. She said that compares to about 570 motor vehicle crash victims hospitalized every year. Only 14% of the poisonings are accidental, the other 86% are suicidal.

MS. MOORE said this resolution addresses the problem of access to the poison substances from the time children are young up through the teenage years. She said that a quarter of the accidental poisonings happen to children under 5 years old.

Since 2001, Alaska has an arrangement with the Oregon Poison Center, which fields poison calls for Alaska. As a result, she has information on calls for Alaskan poisonings and has found that children under 5 years of age are getting into medications. Thirty years ago the childproof caps made a big difference and accidental poisonings went way down, but now they are creeping up again. She thinks it's because people are disabling the caps. The center received over 400 calls for cosmetic poisoning for kids under 15 years old.

She said the neat thing about this system is that 75% of the poison calls that came into the center were handled over the phone, a huge cost savings.

MS. MOORE also related that the first victim of huffing poisoning in the hospital registry was a seven-year old girl who was taught how to do it by older kids. The suicide attempts start at around 10 years old and as children go through the teenage years, huffing becomes the predominant reason for poisoning.

CHAIR DYSON said the governor agrees with what Representative Kapsner is trying to do.

REPRESENTATIVE KAPSNER added that according to a 1999 survey of eighth graders, 19.5% had used inhalants compared to 22% who had used marijuana or hashish. Inhalants are often a gateway to the

abuse of other illicit substances; 70% of one group of substance abusers in treatment indicated that inhalants were their first drug and 50% of them said they would go back to huffing or inhaling if they did not have access to alcohol. Because inhalants enter the lungs in such high concentrations, they have a much more formidable toxic profile than other types of drugs. It takes 4 to 6 weeks to detoxify someone before they can go into the treatment process.

SENATOR DAVIS moved to pass HCR 8 from committee. There were no objections and it was so ordered.

SB 124-ALCOHOLISM AND DRUG ABUSE GRANTS

CHAIR DYSON announced SB 124 to be up for consideration.

MR. ELMER LINDSTROM, Special Assistant to Commissioner Gilbertson, Department of Health and Social Services (DHSS), said SB 124 is very straightforward. He thought these grants are the only ones that require a state match that is specified in statute. Typically, the local match is 25%. [SB 124] would actually save state general funds with the expectation that the state grant funds would be replaced by larger matches provided by local communities. He said the bill has four fiscal notes and a spreadsheet is available that lists all of the grants provided by the division based on FY 03 activity.

CHAIR DYSON asked which programs are protected from the match increase from 75% to 90%.

MR. LINDSTROM referred the committee to the second column of the spreadsheet entitled "Notes," [which lists] a number of exemptions from the match. They are grants of \$30,000 or less with the assumption that they would have a very difficult time making any local match requirement. For the most part they are associated with the community based suicide prevention program (\$10-\$17,000 grants) and grants to the very small communities throughout Alaska. A number of items are in the 10% column and those have been held harmless for the increase in the local match requirement. Those are programs that provide treatment services for families, particularly for women with children. The fiscal note was predicated on those assumptions.

MR. LINDSTROM noted that under existing law, the department has the ability to waive the local match requirement and that is their intent - as indicated on the spreadsheet. He thought there would be requests from other grantees to waive the match in

whole or in part. Any relief given to another grantee would by definition be at the expense of someone else and he assumed what would happen would be very close to what is described on the spreadsheet.

SENATOR DAVIS asked if he would consider in-kind contributions or volunteer labor as a match to make up the 25%.

MR. LINDSTROM said he didn't know for certain, but he thought some types of in-kind support might be accepted.

2:05 p.m.

MS. KAREN PEARSON, Acting Director, Division of Alcoholism and Drug Abuse, added that the in-kind match could probably be managed, but because of the change in the fiscal note, it will mean a decrease in actual dollars going to that grantee.

SENATOR GUESS asked her how DHSS determined who would be exempt.

MR. LINDSTROM replied that he thought the rule was \$30,000 or less or providing treatment services to families, particularly women with children. He asked her if she was referring to a unique situation.

SENATOR GUESS said the Alaska Military Youth Academy and Community Prevention [grants] were less than \$30,000 but they still have a match. She was trying to understand that.

MR. LINDSTROM admitted she was correct and said he would try to find out why.

SENATOR GUESS added there are a handful of such cases and asked why the Fairbanks Memorial Hospital was held harmless.

MR. LINDSTROM said he didn't know, but would find out.

SENATOR GUESS said she wouldn't waste the committee's time, but would give him a list of her concerns afterwards and he could get back to her with information. She asked how 25% was chosen and not something based on wealth in a community.

MR. LINDSTROM replied the reason is because that tends to be the norm in the department.

SENATOR GUESS asked how many waivers DHSS provides now with 10%.

MR. LINDSTROM replied that he thought the community-based suicide projects have historically been waived from the local community match. The ASAP programs have not had a match historically, but he thought the grantees had a provision for sliding fee scales. He knew that some of them had been fairly aggressive in that respect, but it hadn't been shown as a match requirement. Those are the two that leapt out at him when he reviewed the document.

SENATOR GUESS asked how many on the list that normally received waivers in the past would not receive waivers under the \$30,000 rule.

MR. LINDSTROM said he would have to tabulate that for her.

SENATOR GUESS asked how he determined the \$30,000.

MR. LINDSTROM replied that it was as simple as looking at the total project cost that determined whether or not something was greater or lesser than \$30,000.

SENATOR GUESS asked why DHSS picked \$30,000 as a number.

MR. LINDSTROM replied that he didn't know.

SENATOR GUESS asked if it was a policy call by the department and whether anything in regulation or statute says there is no match for grants that are \$30,000 or less.

MR. LINDSTROM replied that is correct, but the community-based suicide prevention projects have historically been exempt for the local match requirement and they are all under \$20,000. There will be an administrative process where the division will petition the commissioner for approval to waive the local match requirement and the commissioner would make the decision.

SENATOR GUESS asked if that is the current process and whether DHSS is changing it.

MR. LINDSTROM replied DHSS is not changing the process.

SENATOR GUESS referred to the department's statement that there would be no impact on services at the community level and asked whether DHSS had done an analysis of any decreases. She thought local communities would have to either raise taxes or, in places like Anchorage with a tax cap, choose to fund those services and

not fund something else. She asked if DHSS had done an estimate of the services he thought would be impacted.

MR. LINDSTROM replied that DHSS had not done so and that she is correct, but it was DHSS's belief that by exempting the small grantees, the others would have the ability to come up with the local match. He based that assumption on DHSS's experience with other grant programs.

CHAIR DYSON noted that very few of the programs fall close to the \$30,000 rule.

SENATOR GUESS asked whether the community match funds come from a city or a borough. Basically, she wanted to know what the restrictions are for the match relating to Senator Davis's question about in-kind matches.

MS. PEARSON responded that the grantee has the responsibility to find the match. Grantees sometimes get the funds from another entity, but the administrative entity handling the cash has to be the grantee.

CHAIR DYSON announced an at-ease from 2:05 to 2:06 p.m.

SENATOR GREEN moved to pass SB 124 with its accompanying fiscal notes from committee with individual recommendations. There were no objections and it was so ordered.

SB 123-ELIMINATE REVIEW OF ADOPTION SUBSIDIES

CHAIR DYSON announced SB 123 to be up for consideration.

MR. LINDSTROM said SB 123 is an act relating to adoptions that include a subsidy paid by the state after adoption of a hard-to-place child has occurred.

He explained that under current law the department is required to annually review the subsidy payment amounts for each person who has an adoption or a guardianship. SB 123 repeals that requirement and instead, individuals would retain the ability to petition the department at any time for a subsidy review and the department would do so. This is an efficiency measure and would save a fair amount of staff time. The adoption assistance cost-saving proposal language is also in HB 166. Annual reviews are not an effective strategy to reduce or contain the costs of the program.

CHAIR DYSON asked what percentage of them got changed as a result of the annual review.

MR. LINDSTROM replied that a significant number of subsidies were changed as a result of the reviews.

MS. JOANNE GIBBENS, Program Administrator, Division of Family and Youth Services, responded that she didn't have an exact number, but could get it for him. She said there are times when subsidies are decreased, but the majority of them are increased by virtue of the annual review.

CHAIR DYSON declared a conflict of interest as his youngest daughter is a legal guardian of two children who are subsidized. One of those children was a danger to her infant children and he is taking care of that child and receiving the subsidy.

SENATOR GREEN noted that any parent can still request the review.

SENATOR DAVIS said there are more increases than decreases and asked if there was anything in the suggested language that would prevent a requested review from taking place in a timely manner.

MS. GIBBENS replied no.

CHAIR DYSON commented that the department could do a review if they thought they were being taken advantage of.

MS. GIBBENS replied that they could do a review at anytime, but a subsidy may not be decreased without the concurrence of the adoptive parents or the legal guardian according to federal law.

SENATOR GUESS asked if the administration was working with the federal government to change that federal policy.

MR. LINDSTROM replied that this was not an item.

SENATOR GUESS asked if the process of requesting a review at any time is in statute or regulation.

MS. GIBBENS replied that she thought it was in DHSS's policy and procedure.

SENATOR GUESS suggested if it's in policy and procedures and they are deleting a particular clause, they should insert language stating that the parents have a right to request a

review. She pointed out, "It seems that's an important right to have, especially if you are adopting a young child whose needs may change over time."

SENATOR GUESS then asked what she thought the impact would be on finding enough people to go through the adoption process versus being a foster parent, because the adoption process is really better for the child and better for the community.

MS. GIBBENS said she didn't think it would have much of an impact. DHSS will make it clear to all perspective adoptive parents that the parents have a right to request an increase in their subsidy if the needs of the child change over time.

SENATOR GUESS asked what the timeline is for a review.

MS. GIBBENS replied that the formal review process is done once a year in the fourth quarter.

SENATOR GUESS asked how long the process takes.

MS. GIBBENS replied that it would be about a one-month process, depending on the circumstances.

CHAIR DYSON announced an at-ease so that Ms. Gibbens could locate the language that states that the parents can request a review.

SENATOR GREEN pointed out that the original reason for the review was cost containment and that is not occurring. It was a cost saving measure for the state, not a vehicle for parents to raise their subsidy.

SENATOR DAVIS said she thought the state had to abide by federal laws and asked if that language should be in state law also.

MR. LINDSTROM responded that the department would be bound by the federal provision to the extent that the assistance is provided by federal 4(e) dollars. Of the 1,530 adoption subsidies, 1,277 are federal and 253 are state.

TAPE 03-9, SIDE B

CHAIR DYSON announced an at-ease from 2:27-2:30 p.m.

MS. GIBBENS confirmed that the right to review language is in the department's policy and procedures.

CHAIR DYSON requested a copy of the federal and department language for the committee. He wondered if any parent groups had been contacted on this issue or have provided any feedback.

SENATOR GREEN moved to pass SB 123 and the fiscal notes out of committee with individual recommendations. There were no objections and it was so ordered.

CHAIR DYSON adjourned the meeting at 2:34 p.m.