

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

December 13, 2004

10:06 a.m.

TAPE(S) 04-32,33

SENATE MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Gretchen Guess

HOUSE MEMBERS PRESENT

Representative Peggy Wilson
Representative Reggie Joule
Representative Sharon Cissna

MEMBERS ABSENT

Senator Lyda Green, Vice Chair
Senator Gary Wilken
Senator Bettye Davis

Representative Dan Ogg
Representative Bruce Weyhrauch
Representative Jack Coghill

OTHER MEMBERS PRESENT

Senator Con Bunde
Senator Ralph Seekins
Representative Eric Croft
Representative Paul Seaton
Representative Carl Gatto
Representative Nancy Dahlstrom
Representative-elect Mark Neuman

COMMITTEE CALENDAR

Presentation by Office of Children's Services

Presentation of Project Citizen at Goldenview Middle School

WITNESS REGISTER

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TAPE 04-32, SIDE A

ACTION NARRATIVE

CHAIR FRED DYSON called the joint Senate and House Health, Education, and Social Services standing committees to order at 10:06 a.m. on Monday, December 13, 2004. At present at the call to order were Senators Dyson and Guess and Representatives Wilson, Gatto, Dahlstrom and Joule. Senators Bunde and Seekins and Representatives Croft, Seaton, Gara, Neuman, and Cissna arrived as the meeting was in progress.

He announced that Department of Health and Social Services' staff would present an analysis of the child protection system. This presentation will not focus on individual cases, but will cover the agency as a whole. Then, legislators would be able to ask questions of the department; public testimony will not be taken. Third, an executive session will occur with legislators and agency personnel to discuss confidential details of specific cases. The confidentiality of an executive session is necessary because of pending legal action and current state law. The department is also planning to brief the committees on upcoming changes to confidentiality restrictions. After that, students at Goldenview Middle School will present a panel on the treatment of Alzheimers disease.

CHAIR DYSON stated that this meeting was not meant to be a witch-hunt. Instead, it was the beginning of a long process of collaboration with the Office of Children's Services to decide how to better protect Alaska's children.

JOEL GILBERTSON, Commissioner of the Department of Health and Social Services introduced Marcia Kennai, Deputy Commissioner of the Department, who oversees the Office of Children's Services. Commissioner Gilbertson thanked the Chairs for convening this meeting and looks forward to continued work with the Legislature. At a recent press conference, the department explained its legislative goals for the upcoming session. Some of the issues discussed were funding for staffing, training, a new information technology system, and a revision of the confidentiality guidelines under which the agency must operate.

DEPUTY COMMISSIONER KENNAI explained that over the past years, the department combined several programs and created the Office of Children's Services. Programs include child protection and permanency, infant learning, nutrition, and the Healthy Families Alaska program. During 2004, 27,000 clients were served in the family nutrition program, 1721 clients in the infant learning program, and 373 families in the Healthy Families program. The agency also completed 11,202 investigations of child abuse or neglect. On average in 2002, approximately 2000 Alaskan children were in the custody of the Office of Children's Services.

DEPUTY COMMISSIONER KENNAI continued to explain that in 2004, the Office of Children's Services began to implement their Program Improvement Plan (PIP), as required by the federal government. The PIP was created after an extensive review of the agency completed in 2002. After one year under the PIP, the agency has completed 53% of its action steps and 64% of its benchmarks. The safety goals have been achieved. Repeat maltreatment is now at 17.3%, which betters the goal of 22%. For children currently in the custody of the state, 1.2% have experienced abuse and/or neglect in foster care or relative care, which is also better than the goal of 1.7%. The national standard is 0.05%.

COMMISSIONER GILBERTSON reminded the committees about the history of the PIP. The federal audit focused on three areas: safety, permanency, and well-being. The PIP included a benchmarked action plan for improving these areas. The PIP is a negotiated agreement between the state and federal child protection agencies. After it is begun, the state has two years to meet the agreed-upon goals. Then, the federal auditors will return to study, if in fact the state has met the goals. Another PIP will then probably be made. Each state has areas it must improve, as pointed out in their respective federal audits, within their child protective systems.

COMMISSIONER GILBERTSON pointed out that the audit uncovered some startling information regarding safety issues, such as repeat maltreatment and incidences of child abuse and neglect while in foster care.

CHAIR DYSON pointed out that the area of permanency was one in which the state has historically performed poorly. The previous administration initiated a large effort to improve this area, which the Legislature funded.

DEPUTY COMMISSIONER KENNAI responded that adoptions are increasing, but the federal government's standard is 24 months for a child to enter a permanent placement. Reunification (within 12 months) is another area needing continued improvement. An area that the state is performing well in is placement stability.

CHAIR DYSON indicated concern about the time children are in state custody, rather than in permanent placements. He pointed out that the process to terminate parental rights is cumbersome, time-consuming, and an area for the agency to continue to work on.

REPRESENTATIVE GATTO asked for clarification about children in foster care.

DEPUTY COMMISSIONER KENNAI responded that nearly 80% of our adoptions occur through the foster care system. Until that adoption is finalized, each of these children remains in legal limbo. Foster parents can choose between guardianship and adoption, and guardianship is considered a permanent placement by the federal government.

JOANNE GIBBENS, OCS, confirmed this for the committees.

CHAIR DYSON pointed out that uncertain medical treatment is another factor that foster parents wrestle with in their considerations to adopt a child.

DEPUTY COMMISSIONER KENNAI added that all children in foster have "special needs" to some degree, because it is traumatic for a child to be removed from their biological family.

DEPUTY COMMISSIONER KENNAI reported that the agency has devoted four of its new positions (one for each region) to assist children who will soon "age out" of the state system, helping

them to learn the skills needed for a successful transition to independent living.

REPRESENTATIVE JOULE asked for clarification on the four regions, and the geographic areas they cover.

DEPUTY COMMISSIONER KENNAI responded that each child has his or her own caseworker, and the independent living specialists work with the caseworkers to develop independent living plans.

REPRESENTATIVE JOULE pointed out that the Northern region is spread out over a tremendous distance, and that he was concerned that these specialists provided sufficient coverage to the children in need.

COMMISSIONER GILBERTSON pointed out that geographic issues are a large challenge to overcome as caseworkers attempt to contact each child once per month.

CHAIR DYSON pointed out that success has been achieved in the past when the agency "subcontracts" some services with local resources, and he inquired if the agency has any similar agreements in the Bush.

DEPUTY COMMISSIONER KENNAI affirmed that the agency does practice such agreements, but clarified that these alternative response systems help with services like family assessments when the agency receives a low-level report of harm.

COMMISSIONER GILBERTSON added that the federal government does not recognize these alternative systems of support as valid, and he agreed with Chair Dyson that this area needs to be worked on, especially in a state like Alaska.

REPRESENTATIVE JOULE indicated that the tribes may be a useful resource in this regard.

DEPUTY COMMISSIONER KENNAI explained that she is planning to contact the regional federal office in an effort to receive permission to utilize these local resources. In the meantime, the state will continue to utilize these services, though the federal government does not acknowledge them as valid portions of a service plan.

DEPUTY COMMISSIONER KENNAI explained some recent reform efforts. The newly-funded staff positions have helped to reduce caseloads, and the average caseload is 24 cases per worker, which is closer to the national standards.

CHAIR DYSON clarified that there were in fact 26 new positions and that there were administrative difficulties in filling these positions.

DEPUTY COMMISSIONER KENNAI explained some of the difficulties in filling these positions. She explained that the federal stipend program may help to attract new social workers to the state. In this program, the federal government reimburses the state for student grants paid to students who pledge two years of service in Alaska's child protection system.

An unidentified speaker spoke to the geographic cost differences.

CHAIR DYSON inquired about the turnover.

DEPUTY COMMISSIONER KENNAI replied that the current turnover rate was 13-14%

MIKE LESMANN, OCS, confirmed this for the committees.

DEPUTY COMMISSIONER KENNAI attempted to explain how this statistic is calculated.

CHAIR DYSON pledged to work in the Legislature to fix problems, if they exist, with the compensation package offered to social workers.

MR. LESMANN added that the current vacancy rate is 7.53%.

COMMISSIONER GILBERTSON reported that most states, including Alaska, are developing new information technology systems. The new system is called ORCA, which stands for Online Resources for the Children of Alaska, which will replace a paper-based system with a real-time, web-based, electronic system. The Department will request funding from the Legislature for 34 new positions, some of which will be devoted to expertise with the information technology aspects of the new ORCA system.

SENATOR GUESS requested the length of service for social workers in addition to the turnover rate.

DEPUTY COMMISSIONER KENNAI added that exit interviews are also being implemented.

SENATOR GUESS asked about transcription services.

DEPUTY COMMISSIONER KENNAI confirmed that the agency still offers transcription services for social workers to use, to cut down on administrative burdens to productivity.

REPRESENTATIVE GARA asked if 18 months is a valid estimation of the average length of service for front-line social workers.

DEPUTY COMMISSIONER KENNAI confirmed that 18-24 months is the typical length of service due to the extremely difficult nature of these jobs.

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DEPUTY COMMISSIONER KENNAI plans to issue a Request For Proposal in the coming year for a workload study.

SENATOR BUNDE asked if the 18-24 month figure was due to social workers being recent college graduates. He also indicated interest in some type of apprenticeship for social workers, similar to student teaching programs.

DEPUTY COMMISSIONER KENNAI replied that social work studies must complete work programs in order to receive their degree.

CHAIR DYSON indicated his plans to modify the agency's Missions and Measures plan to include measures of job retention.

DEPUTY COMMISSIONER KENNAI continued to explain the agency's efforts to train tribal transition specialists for kids who are about to leave their foster homes. ORCA was brought online in September. The agency has increased federal funding from 31% to 64%. She reaffirmed that front-line social workers are focused on child welfare, not money. Responding to a question from Representative Joule, she explained that the federal government rewards or punishes state agencies by adjusting their funding levels, especially in the areas of safety and monthly visitation of children.

CHAIR DYSON asked about parents' option of challenging in court the agency's decision to remove children from their home, and asked if the agency still distributes a handbook to the parents explaining their legal options and resources.

DIANNE OLSEN, DLAW, confirmed that most parents have legal representation of some kind.

Responding to a question from Representative Wilson, JAMES STEELE, OCS, explained that the handbook has helped parents better understand the legal process, and these handbooks are distributed in each case. He also confirmed that Public Defenders help the parents.

SENATOR GUESS asked if these handbooks are developed using languages other than English.

DEPUTY COMMISSIONER KENNAI and JAMES STEELE explained that some other languages are used and interpreters are also utilized in these cases.

REPRESENTATIVE GARA pointed out that the high caseload is a factor that leads to high turnover. He advised consideration of the Child Welfare League's standards regarding caseload.

DEPUTY COMMISSIONER KENNAI added that, in addition to reducing caseloads, we also need to reduce staffing vacancies. Also, the work is very difficult, and high turnover may remain an inevitable issue with such difficult work. Instead, compensation should include promotional opportunities, varied task requirements, and flexible schedules such as 4-day work weeks.

COMMISSIONER GILBERTSON reminded the committees of the planned workload study.

DEPUTY COMMISSIONER KENNAI continued to speak about the caseload. Social workers are near the Child Welfare League standards concerning permanency cases. For the investigation cases, caseloads remain high.

CHAIR DYSON inquired about the process for pre-placement investigations.

COMMISSIONER GILBERTSON pointed out that the agency conducts two types of studies: one focusing on the physical facility, another regarding the persons in the home. He informed the committees that Deputy Commissioner Kennai would like the home study to occur at the beginning of the home licensing process. Currently, the home study does not occur until the adoption process is initiated; foster homes are not being regularly subjected to home studies. Home studies are in-depth family assessments that

examine the impact of additional children upon a household. History has indicated that in the majority of cases, foster homes lead to adoption more often than not. As a result, a home study completed at the outset of the foster parenting process will insure that children will receive safe placements.

CHAIR DYSON indicated his interest in the agency moving forward with specific selection criteria for placement.

DEPUTY COMMISSIONER KENNAI mentioned 'disproportionality' as a factor that the agency is concerned about. Approximately 60% of the children in state custody are Alaska Natives.

[Indiscernible]

DEPUTY COMMISSIONER KENNAI also mentioned that some requirements for placement can be waived in certain circumstances.

[Indiscernible]

DEPUTY COMMISSIONER KENNAI stated that agency decisions are based on many criteria, and attempts are made to place siblings together. Placements with relatives are also prioritized.

CHAIR DYSON then closed this portion of the hearing, so that the students from Goldenview Middle School could make a presentation and then return to class.

PAMELA COLLINS, 8th grade Social Studies teacher at Goldenview Middle School, provided opening remarks. Project Citizen is an international program that leads kids to look for problems in their neighborhoods, study them and try to improve the situations. Students formulate an action plan that they present to legislators for possible implementation.

SENATOR BUNDE mentioned that this student group presented at a recent convention of the National Conference of State Legislatures.

MS. COLLINS reported that eight Goldenview students were chosen as ambassadors to the national convention, and received top honors for their work.

KATELYN DUNCAN reported that the students represented "Choose the Choice: Alzheimer's Home and Community-Based Care." Alaska is one of only two states in the country that does not have a

Medicaid waiver program for Alzheimer's treatment. Our state's Choice Waiver program only applies to skilled care. Alaska must address these issues. These students seek development of a Complete Coverage Waiver for treatment of Alzheimer's and dementia.

BRENNA EGELAND pointed out that nursing homes can be impersonal institutions where workers do not know their patients. Nursing homes are also very expensive. Advantages, however, include the provision of constant and skilled care. The new waiver system should include intermediate, not just skilled, care.

RORI ANN REDICK stated that nursing homes are, and will continue to be, an important part of Alzheimer's treatment. An alternative is home and community-based services, which pay for adult daycare centers, respite workers, and medical bills and prescriptions. A disadvantage is that eligibility for these services are based on the same criteria as nursing homes. Also, care is not provided around the clock. Advantages include: care provided in the client's familiar home; and cost-savings that allow the state to provide services to more clients.

RIVER RAMUGLIA stated that Alzheimer's is a growing problem in Alaska, and patients are not receiving needed care. Our current Choice waiver is not sufficiently serving these clients. Of the viable options, an expansion of home and community-based services will address these problems most effectively. An amendment to Alaska's Choice waiver program will allow coverage for patients who do not need intensive skilled care.

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SHANNON BRADLEY concluded that the Choice waiver modifications are the state's most promising improvements. The steps this student group have taken are: Hours of research into Alzheimer's and Medicaid, letters to the state Legislature, speakers from the Alzheimer's Resource Agency of Alaska (ARAA), and interviews with families. According to the ARAA, nursing home treatment for Alzheimer's costs \$83,950 per client year while community-based care would only cost \$34,000 per year per client.

CHAIR DYSON asked for a written report and a response from the Department of Health and Social Services.

In response to a question from Senator Bunde, COMMISSIONER GILBERTSON reported that his agency would need to work through the federal Health and Human Service Agency in a state plan amendment process or a waiver process. Our Pioneer Home system currently serves a large portion of the state's Alzheimer's patients.

CHAIR DYSON then announced that the committees would now hear again from Commissioner Gilbertson and Deputy Commissioner Kennai. Another area of reform is post-adoption services. The upcoming budget will reflect a request for additional funding so that these supports are available for families.

[Indiscernible]

DEPUTY COMMISSIONER KENNAI announced that another area that the agency is looking at is the decision-making matrix for responding to investigations. This tool helps the agency prioritize reports of harm, and is based on questions asked about the situation.

In response to a question from Senator Guess, DEPUTY COMMISSIONER KENNAI answered that the agency responds to all potential reports of harm.

[Indiscernible]

For the fiscal year 2004, the agency received 12,088 reports of harm.

[Indiscernible]

DEPUTY COMMISSIONER KENNAI reported that family assessments are often referred to local agencies, in cases of lower priority. Discretion is used by trained intake workers to decide whether or not the circumstance is a report of harm.

In response to a question from Chair Dyson, JOANNE GIBBENS reported that law enforcement personnel are notified if the residence they are responding to contains a child in state custody.

CHAIR DYSON pointed out that some calls and reports are intentionally false, perhaps made to influence a custody decision.

COMMISSIONER GILBERTSON reiterated that discretion is needed and used by workers, in determinations of state involvement within families. He added that another area that the department is looking at is critical events management. A quality-assurance function of the entire department will allow all agencies to identify, collaborate on, solve, and learn from critical events, especially when a single family may be served by multiple state agencies. An information technology tool will assist agency personnel in sharing and learning information about critical events. Commissioner Gilbertson also expressed desire to continue with efforts to more effectively share information with the Legislature and the media. A single information technology system used by all agencies in the department will improve information sharing and collaboration processes.

REPRESENTATIVE SEATON pointed out that the new computer system may need adjustment, as he has heard of some glitches.

CHAIR DYSON then announced that the committees would enter into executive session so that the department could discuss with members details of specific cases that would otherwise be kept confidential. The information is confidential because of state law, but allows for its release to legislators in executive session. The information is part of pending civil and criminal investigations and litigation.

The public portion of the hearing was then adjourned at 12:24 p.m.