

HOUSE BILL NO. 436

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA, Berkowitz, Kerttula, Cissna

Introduced: 2/8/06

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring the Department of Health and Social Services to employ a sufficient
2 number of social workers; relating to the protection of children in need of aid by
3 reducing the caseloads and supervisory duties to comply with certain national
4 standards; and providing for an effective date."

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

6 * **Section 1.** AS 47.05.010 is amended to read:

7 **Sec. 47.05.010. Duties of department.** The Department of Health and Social
8 Services shall

9 (1) administer adult public assistance, the Alaska temporary assistance
10 program, and all other assistance programs, and receive and spend money made
11 available to it;

12 (2) adopt regulations necessary for the conduct of its business and for
13 carrying out federal and state laws granting adult public assistance, temporary cash
14 assistance, diversion payments, or self-sufficiency services for needy families under

1 the Alaska temporary assistance program, and other assistance;

2 (3) consistent with AS 47.05.014, establish minimum standards for
3 personnel employed by the department and adopt necessary regulations to maintain
4 those standards;

5 (4) require those bonds and undertakings from persons employed by it
6 that, [WHICH] in its judgment, are necessary, and pay the premiums on them;

7 (5) cooperate with the federal government in matters of mutual
8 concern pertaining to adult public assistance, the Alaska temporary assistance
9 program, and other forms of public assistance;

10 (6) make the reports, in the form and containing the information, that
11 the federal government from time to time requires;

12 (7) cooperate with the federal government and [,] its agencies or
13 instrumentalities in establishing, extending, and strengthening services for the
14 protection and care of homeless, dependent, and neglected children in danger of
15 becoming delinquent, and receive and expend funds available to the department by the
16 federal government and [,] the state or its political subdivisions for that purpose;

17 (8) cooperate with the federal government in adopting state plans to
18 make the state eligible for federal matching in appropriate categories of assistance, and
19 in all matters of mutual concern, including adoption of the methods of administration
20 that are found by the federal government to be necessary for the efficient operation of
21 welfare programs;

22 (9) adopt regulations, not inconsistent with law, defining need,
23 prescribing the conditions of eligibility for assistance, and establishing standards for
24 determining the amount of assistance that an eligible person is entitled to receive; the
25 amount of the assistance is sufficient when, added to all other income and resources
26 available to an individual, it provides the individual with a reasonable subsistence
27 compatible with health and well-being; an individual who meets the requirements for
28 eligibility for assistance shall be granted the assistance promptly upon application for
29 it;

30 (10) grant to a person claiming or receiving assistance and who is
31 aggrieved because of the department's action or failure to act, reasonable notice and an

1 opportunity for a fair hearing by the department, and the department shall adopt
2 regulations relative to this;

3 (11) enter into reciprocal agreements with other states relative to
4 public assistance, welfare services, and institutional care that are considered advisable;

5 (12) establish the requirements of residence for public assistance,
6 welfare services, and institutional care that are considered advisable, subject to the
7 limitations of other laws of the state, or law or regulation imposed as conditions for
8 federal financial participation;

9 (13) establish the divisions and local offices that are considered
10 necessary or expedient to carry out a duty or authority assigned to it and appoint and
11 employ the assistants and personnel that are necessary to carry on the work of the
12 divisions and offices, and fix the compensation of the assistants or employees except
13 that a person engaged in business as a retail vendor of general merchandise, or a
14 member of the immediate family of a person who is so engaged, may not serve as an
15 acting, temporary or permanent local agent of the department, unless the
16 commissioner of health and social services certifies in writing to the governor, with
17 relation to a particular community, that no other qualified person is available in the
18 community to serve as local welfare agent; for the purposes of this paragraph, a
19 "member of the immediate family" includes a spouse, child, parent, brother, sister,
20 parent-in-law, brother-in-law or sister-in-law;

21 (14) provide education and health-related services and referrals
22 designed to reduce the number of out-of-wedlock pregnancies and the number of
23 induced pregnancy terminations in the state;

24 (15) investigate reports of abuse, neglect, or misappropriation of
25 property by certified nurse aides in facilities licensed by the department under
26 AS 47.32.

27 * **Sec. 2.** AS 47.05 is amended by adding a new section to read:

28 **Sec. 47.05.014. Social worker caseload for work under AS 47.10;**
29 **supervision limits.** (a) The department shall employ, for work conducted under
30 AS 47.10 pertaining to child-in-need-of-aid proceedings, a sufficient number of
31 qualified social workers to enable the department to comply with the limits set in this

1 section for at least nine months during each fiscal year.

2 (b) For social workers employed by the department in the Municipality of
3 Anchorage, the Matanuska-Susitna Borough, the Fairbanks North Star Borough, and
4 the City and Borough of Juneau, the department shall assign to a social worker a
5 caseload for work conducted under AS 47.10 that is not more than

6 (1) 12 new active cases a month for initial assessment or investigation;

7 (2) 17 ongoing active cases a month that do not involve initial
8 assessment or investigation; not more than one ongoing active case for every six
9 ongoing active cases assigned may be newly assigned to the social worker each
10 month;

11 (3) 10 ongoing active cases that do not involve initial assessment or
12 investigation and four new active cases that involve initial assessment or investigation;
13 or

14 (4) 15 children in foster care.

15 (c) For social workers employed by the department in areas of the state not
16 identified in (b) of this section, the department shall employ a sufficient number of
17 qualified social workers for work conducted under AS 47.10 to enable the department
18 to comply with the standards recommended by the department's 2005 social work
19 caseload audit or with the caseload limits under (b) of this section. If the standards
20 recommended by the department require more social workers than the caseload limits
21 set out in (b) of this section, the department shall adopt necessary regulations to
22 maintain those standards.

23 (d) The requirements under (b) and (c) of this section do not apply to the
24 extent the department is unable, after diligent recruiting efforts and after providing an
25 annual report to the legislature describing the department's recruiting efforts, to hire a
26 sufficient number of social workers to meet the requirements.

27 (e) The department may not assign a social worker to supervise more than five
28 social workers for work conducted under AS 47.10.

29 (f) In this section,

30 (1) "active case" means a family or child referred to the department
31 under AS 47.10 who requires monitoring and intervention each month;

1 (2) "social worker" means a person licensed under AS 08.95 or a
2 caseworker who is primarily assigned social work functions and has at least a
3 bachelor's degree;

4 (3) "social work functions" means work involving direct contact with a
5 foster child and a foster parent and investigation of reports of child abuse or neglect.

6 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION: REGULATIONS. The Department of Health and Social Services
9 may proceed to adopt regulations necessary to maintain the minimum standards to implement
10 AS 47.05.010(3), as amended by sec. 1 of this Act. The department shall adopt the necessary
11 regulations not later than January 1, 2007. The regulations take effect under AS 44.62
12 (Administrative Procedure Act), but not before the effective date of sec. 1 of this Act.

13 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 TRANSITION: EMPLOYMENT. The Department of Health and Social Services
16 may proceed to take steps to employ additional personnel necessary to implement
17 AS 47.05.014, enacted by sec. 2 of this Act.

18 * **Sec. 5.** Sections 1 and 2 of this Act take effect October 1, 2007.

19 * **Sec. 6.** Sections 3 and 4 of this Act take effect immediately under AS 01.10.070(c).