

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 14, 2011

1:35 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator Dennis Egan
Senator Johnny Ellis
Senator Kevin Meyer
Senator Fred Dyson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 21(STA)

"An Act relating to the membership of the Statewide Suicide Prevention Council."

- MOVED CSHB 21(FIN) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 1

Designating May 2011 as Lupus Awareness Month.

- MOVED CSSCR 1(STA) OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 82

"An Act relating to the procedures and jurisdiction of the Department of Health and Social Services for the care of children who are in state custody; relating to court jurisdiction and findings pertaining to children who are in state custody; and modifying the licensing requirements for foster care."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 21

SHORT TITLE: SUICIDE PREVENTION COUNCIL MEMBERS

SPONSOR(S): REPRESENTATIVE(S) FAIRCLOUGH, GARDNER, HERRON

01/18/11 (H) PREFILE RELEASED 1/7/11

01/18/11 (H) READ THE FIRST TIME - REFERRALS
 01/18/11 (H) STA, FIN
 01/25/11 (H) STA AT 8:00 AM CAPITOL 106
 01/25/11 (H) Moved CSHB 21(STA) Out of Committee
 01/25/11 (H) MINUTE(STA)
 01/26/11 (H) STA RPT CS(STA) 6DP
 01/26/11 (H) DP: JOHANSEN, P.WILSON, KELLER, SEATON,
 PETERSEN, LYNN
 02/08/11 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 02/08/11 (H) Moved CSHB 21(FIN) Out of Committee
 02/08/11 (H) MINUTE(FIN)
 02/09/11 (H) FIN RPT CS(FIN) 10DP
 02/09/11 (H) DP: FAIRCLOUGH, GARA, T.WILSON, JOULE,
 NEUMAN, COSTELLO, EDGMON, DOOGAN,
 STOLTZE, THOMAS
 02/14/11 (H) TRANSMITTED TO (S)
 02/14/11 (H) VERSION: CSHB 21(FIN)
 02/16/11 (S) READ THE FIRST TIME - REFERRALS
 02/16/11 (S) HSS, FIN
 03/14/11 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SCR 1

SHORT TITLE: LUPUS AWARENESS MONTH

SPONSOR(s): SENATOR(s) DAVIS

01/19/11 (S) READ THE FIRST TIME - REFERRALS
 01/19/11 (S) STA, HSS
 03/01/11 (S) STA AT 9:00 AM BUTROVICH 205
 03/01/11 (S) Heard & Held
 03/01/11 (S) MINUTE(STA)
 03/08/11 (S) STA AT 9:00 AM BUTROVICH 205
 03/08/11 (S) Moved CSSCR 1(STA) Out of Committee
 03/08/11 (S) MINUTE(STA)
 03/09/11 (S) STA RPT CS 5DP NEW TITLE
 03/09/11 (S) DP: WIELECHOWSKI, KOOKESH, PASKVAN,
 MEYER, GIESSEL
 03/14/11 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 82

SHORT TITLE: FOSTER CARE LICENSING/STATE CUSTODY

SPONSOR(s): SENATOR(s) DAVIS

02/04/11 (S) READ THE FIRST TIME - REFERRALS
 02/04/11 (S) HSS, JUD
 03/11/11 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
 03/11/11 (S) HSS, JUD
 03/14/11 (S) HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE ANNA FAIRCLOUGH
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of HB 21.

KATE BURKHARDT, Executive Director
Statewide Suicide Prevention Council
Juneau, AK

POSITION STATEMENT: Testified in support of HB 21.

CELESTE HODGE, Staff to Senator Bettye Davis
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SCR 1 on behalf of the sponsor,
Senator Davis.

ANNA TILLMAN, Executive Director
Lupus Foundation Alaska
Anchorage, AK

POSITION STATEMENT: Testified in support of SCR 1.

KIRSTY BAUMGARTNER
Lupus Foundation Alaska
Anchorage, AK

POSITION STATEMENT: Testified in support of SCR 1.

CHARLOTTE BAUMGARTNER
Lupus Foundation Alaska
Anchorage, AK

POSITION STATEMENT: Testified in support of SCR 1.

ALICIA SAHIMARI
Senior Director of Government Relations
Lupus Foundation of America

POSITION STATEMENT: Testified in support of SCR 1.

REPRESENTATIVE LES GARA
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of HB 33, companion bill to SB 82.

AMANDA METIVIE, Statewide Coordinator
Facing Foster Care in Alaska
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 82

TRACY SPARTZCAMBELL, Deputy Director
Office of Children's Services
Department of Health and Social Services
Juneau, AK

POSITION STATEMENT: Answered questions regarding SB 82.

JAN RUTHERDALE
Assistant Attorney General
Child Protection Section
Department of Law
Juneau, AK

POSITION STATEMENT: Answered questions regarding SB 82.

ACTION NARRATIVE

[1:31:08 PM](#)

CHAIR BETTYE DAVIS called the Senate Health and Social Services Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Dyson, Egan, Ellis, and Chair Davis.

HB 21-SUICIDE PREVENTION COUNCIL MEMBERS

[1:31:21 PM](#)

CHAIR DAVIS announced the first order of business would be 21. [CSHB 21(FIN) was before the committee.]

REPRESENTATIVE ANNA FAIRCLOUGH, sponsor of HB 21, introduced the bill. She said HB 21 would add one more member to the statewide suicide prevention council. That person would be from a military background to help veterans, who are currently experiencing a higher rate of suicide after returning from war.

The bill also changes the age limit for a youth to participate. The current law allows a high school junior or senior to participate, but they can only serve for two years based on the definition of a youth member. This bill would expand the definition of a youth member to include someone between the ages of 16-24, which would allow college students to continue on the board.

SENATOR MEYER asked what the effective date is.

REPRESENTATIVE FAIRCLOUGH answered she thought it was a standard effective date clause.

[1:34:58 PM](#)

KATE BURKHARDT, Executive Director, Statewide Suicide Prevention Council, said Theresa Baldwin from Mt. Edgecombe High School in Sitka was just appointed to the youth seat. Her term under the new statute would be four years. Without the bill, she would term out in another year.

SENATOR DYSON said he serves on the council but doesn't believe that rises to the level of a conflict of interest.

SENATOR DYSON moved to report CS for HB 21 from committee with individual recommendations and accompanying fiscal notes. Seeing no objection, CSHB 21(FIN) moved from the Senate Health and Social Services Standing Committee.

[1:37:55 PM](#)

At ease from 1:37 p.m. to 1:39 p.m.

SCR 1-LUPUS AWARENESS MONTH

[1:39:09 PM](#)

CAIR DAVIS announced the next order of business would be SCR 1. [CSSCR 1(STA) was before the committee.]

CELESTE HODGE, staff to Senator Bettye Davis, sponsor of SCR1, introduced and explained the resolution. SCR 1 designates May as Lupus Awareness Month, and encourages Alaskans to observe Lupus Awareness Month with appropriate activities that provide both education and support for those diagnosed with the disease.

Lupus is a chronic auto-immune disease that causes inflammation and tissue damage. It can affect any body part, including the skin, lungs, heart, kidneys, and brain. Lupus can cause seizures, strokes, heart attacks, miscarriages, and organ failure. It strikes mostly women of childbearing age, and women of color develop lupus at a rate two to three times the rate of Caucasians. It is difficult to diagnose because its symptoms are similar to those of other illnesses.

Each year May is designated as Lupus Awareness Month to show support for the estimated 1.5 million Americans with lupus. More than 3,000 cases have been diagnosed in Alaska. By designating May as Lupus Awareness Month, Alaska will join other states in helping to increase awareness of lupus and show support for those diagnosed with the disease.

SENATOR MEYER said he had heard the bill in State Affairs, and asked if the disease typically affects younger people.

MS. HODGE confirmed that it does.

[1:42:30 PM](#)

ANNA TILLMAN, Executive Director, Lupus Foundation Alaska Chapter, said most people are diagnosed between the ages of 20 to 40. But it can happen at any age. Often people have lupus when they are younger and it never gets diagnosed. Diagnosis is based on the elimination of other diseases. Lupus has been called the least known major disease; 90 percent of victims are women and 15 percent are children.

Lupus is a chronic auto immune disease that can damage any part of the body. It creates antibodies that attack and destroy healthy tissue, and is also a disease of flares and remission. Symptoms can range from mild to life threatening. With early diagnosis and good care, a person can live a normal lifespan. Many patients do lose the ability to work, and treatments are a heavy burden financially. A new drug specifically for lupus was approved by the FDA last Friday; this is the first new drug specifically for lupus that has been approved in 50 years.

[1:47:18 PM](#)

KIRSTY BAUMGARTNER, Lupus Foundation Alaska Chapter, said she was also calling on behalf of a family member with lupus, and stressed the importance of awareness.

CHARLOTTE BAUMGARTNER, Lupus Foundation Alaska Chapter, said she was also the sister of a lupus patient. Many patients have minor symptoms while others are totally debilitated. Her sister has been living with lupus for 20 plus years. She had to stop working because of damage to her lungs, kidneys, and brain. Current treatments can cause side effects almost as devastating as the disease itself.

ALICIA SAHIMARI, Senior Director of Government Relations, Lupus Foundation of America, said the foundation supports SCR1. They are dedicated to finding the cause and cure for lupus.

[1:53:58 PM](#)

CHAIR DAVIS closed public testimony on SCR 1.

SENATOR EGAN moved to report CSSCR 1 (STA) from committee with individual recommendations and accompanying fiscal notes. There being no objection, it was so ordered.

At ease from 1:54 p.m. to 1:56 p.m.

SB 82-FOSTER CARE LICENSING/STATE CUSTODY

[1:56:52 PM](#)

CHAIR DAVIS announced the next order of business would be SB 82. [SSSB 82 was before the committee.] She asked for a motion to adopt the proposed committee substitute (CS).

SENATOR EGAN moved to adopt the proposed CS for SSSB 82, labeled 27-LS0500/I, as the working document.

CHAIR DAVIS objected for discussion purposes.

CELESTE HODGE, staff to Senator Bettye Davis, introduced SB 82 for Senator Davis, the sponsor. This bill seeks to achieve permanency for older children in foster care by making small but very significant changes that better prioritize the needs of foster children. Permanency for children in the custody of Office of Children's Services (OCS) is best achieved through reunification with the child's parent, or failing that option through adoption or guardianship. If these three options are not available, an alternate form of permanency is through another planned permanent living arrangement (APPLA). This bill seeks to insure the APPLA option is not used unnecessarily, by providing guidelines for OCS and the court as to when APPLA should be used.

Although OCS attempts to keep siblings together when they enter foster care, this bill creates a statutory presumption that siblings be placed in the same home when possible; when such a placement is not possible, the bill requires an OCS supervisor to document in the file the efforts made and the reason for separation.

SB 82 also requires extra steps before releasing a child from custody. The child must be given ample notice, and OCS must show that release from custody is in the child's best interest.

The bill also allows a variance to be granted for licensing of foster homes. If a potential foster home cannot meet the building code requirements to be a licensed foster home, this bill allows a variance to be granted if the home is consistent with the construction of other homes in the community, and is otherwise a safe environment for the child.

SB 82 requires that paperwork mandated for foster parent licensing be streamlined as much as possible.

2:00:19 PM

SENATOR MEYER asked for an explanation of the changes between the different versions.

CHAIR DAVIS responded her office asked for a new CS but didn't receive it until about one hour ago. The Department of Law had some concerns with the prior version, but has approved this version.

REPRESENTATIVE LES GARA, sponsor of HB 33, a companion bill in the House, said he would explain the changes from the original bill. He wanted to make sure that if there was an appropriate rural placement in the child's home community, the child would be allowed to stay there. If it is the most preferable placement and is otherwise safe, this bill clarifies that OCS can grant a variance from its building code rules for foster homes, to the extent allowed by federal law.

There is also a technical change to make sure the guardian ad litem and the child know that foster care is about to end; this requires 30 days' notice before a court hearing ending foster care.

2:04:52 PM

SENATOR MEYER asked about the reading program.

REPRESENTATIVE GARA responded a provision in the original bill required OCS to accept volunteer free books from the Imagination Library. OCS is making progress on this issue, so they took out the provision requiring it.

SENATOR DYSON said he appreciates the bill, and asked if most of the changes are things that OCS has been trying to do.

REPRESENTATIVE GARA replied that was correct. Sometimes policy doesn't make it down to the social workers, or the director changes and policy changes. That is why they want these provisions in statute.

SENATOR DYSON asked is the general policy reflected in OCS regulations and manuals.

REPRESENTATIVE GARA responded a lot of policies are not in the written guidelines. For example, under APPLA there is no attempt to find the child a permanent home. The OCS director recently

said the division has been using APPLA too much. They are trying to get social workers to use it less frequently.

SENATOR MEYER asked if the bill substitutes "child" for "minor."

REPRESENTATIVE GARA answered last year legislation was passed allowing foster care to be extended to age 21 from age 20. Legislative Legal Services said that bill should have used 21 instead of 20 in places, and changed from "minor" to "child." These are technical changes.

SENATOR MEYER asked if a person is still a minor at age 21.

REPRESENTATIVE GARA replied that mistake should have been caught. At 19 a person is no longer a minor, and now that foster care can be extended to age 21, that person is not a minor, but does fit within the definition of a child.

[2:10:50 PM](#)

AMANDA METIVIE, Statewide Coordinator, Facing Foster Care in Alaska, testified in support of SB 82. She said that APPLA allows young people to age out of foster care; a youth could be in state custody at 16 or 17 and living in a shelter, not even necessarily in a foster home. Many of them end up homeless or incarcerated, and many are on public assistance. Youth aging out of the system need more help than they have been receiving. People are being released from custody at age 18 without notice. Also, the sibling provision would allow siblings to remain together.

TRACY SPARTZCAMBELL, Deputy Director, Office of Children's Services (OCS), Department of Health and Social Services (DHSS), said they have worked with Representative Gara on technical changes to the bill and have no issues with the CS changes.

JAN RUTHERDALE, Assistant Attorney General, Child Protection Section, Department of Law, said there are no legal problems with the bill.

CHAIR DAVIS said the committee would bring the bill back on Wednesday in order to allow more time for review.

[2:14:23 PM](#)

SENATOR DYSON said he is assuming the bill addresses OCS intentions and current policy.

MS. SPARTZCAMBELL answered yes.

SENATOR DYSON asked if the changes were contained in regulations and manuals.

MS. SPARTZCAMBELL said they are outlined in the OCS policy and procedure manual.

[2:15:09 PM](#)

SENATOR DYSON said he always worries that a law might narrow things down too much, but he doesn't see that in this bill.

MS. RUTHERDALE said as a practical matter the notice provision could be shortened; the court can weigh evidence if everyone is in agreement. It is difficult to craft legislation for every possible variance, but the intent is to give the child notice. The bill also makes clear that APPLA deals with older children. One possible change would be to say APPLA may be considered only for a child age 16 or older.

[2:17:40 PM](#)

SENATOR DYSON said he would recommend a change allowing the flexibility to give less than 60 days' notice, in the case where a child wants to be released from custody, and asked if foster parents are included in the notice.

MS. RUTHERDALE replied they are already required by statute to be notified. She also noted DOL decided "child" was a better word than "minor." A child can be in the system past age 18 and they are not a minor, but still a child. To remain in the system after age 19 they must consent.

[2:20:17 PM](#)

CHAIR DAVIS held SB 82 in committee.

[2:20:29 PM](#)

There being no further business to come before the committee, Chair Davis adjourned the meeting at 2:20 p.m.