

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

May 2, 2023

3:33 p.m.

**MEMBERS PRESENT**

Senator David Wilson, Chair  
Senator James Kaufman, Vice Chair  
Senator Löki Tobin  
Senator Forrest Dunbar  
Senator Cathy Giessel

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 60 (HSS) AM

"An Act relating to the licensing of runaway shelters; relating to advisors to the board of trustees of the Alaska Mental Health Trust Authority; relating to the sharing of confidential health information between the Department of Health and the Department of Family and Community Services; relating to the duties of the Department of Health and the Department of Family and Community Services; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 60

SHORT TITLE: RUNAWAYS; DFCS/DOH: DUTIES/LICENSING/INFO

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

|          |     |                                 |
|----------|-----|---------------------------------|
| 02/03/23 | (H) | READ THE FIRST TIME - REFERRALS |
| 02/03/23 | (H) | HSS, FIN                        |
| 02/28/23 | (H) | HSS AT 3:00 PM DAVIS 106        |
| 02/28/23 | (H) | Heard & Held                    |
| 02/28/23 | (H) | MINUTE (HSS)                    |
| 03/07/23 | (H) | HSS AT 3:00 PM DAVIS 106        |
| 03/07/23 | (H) | Heard & Held                    |
| 03/07/23 | (H) | MINUTE (HSS)                    |
| 03/14/23 | (H) | HSS AT 3:00 PM DAVIS 106        |
| 03/14/23 | (H) | <Bill Hearing Canceled>         |

|          |     |   |
|----------|-----|---|
| 03/23/23 | (H) | HSS AT 3:00 PM DAVIS 106                        |
| 03/23/23 | (H) | Moved CSHB 60(HSS) Out of Committee             |
| 03/23/23 | (H) | MINUTE(HSS)                                     |
| 03/27/23 | (H) | HSS RPT CS(HSS) 1DP 5NR                         |
| 03/27/23 | (H) | DP: PRAX  |
| 03/27/23 | (H) | NR: FIELDS, SUMNER, RUFFRIDGE, SADDLER,<br>MINA |
| 03/27/23 | (H) | L&C REPLACES FIN REFERRAL                       |
| 03/27/23 | (H) | BILL REPRINTED                                  |
| 04/03/23 | (H) | L&C AT 3:15 PM BARNES 124                       |
| 04/03/23 | (H) | -- MEETING CANCELED --                          |
| 04/05/23 | (H) | L&C AT 3:15 PM BARNES 124                       |
| 04/05/23 | (H) | -- MEETING CANCELED --                          |
| 04/10/23 | (H) | L&C AT 3:15 PM BARNES 124                       |
| 04/10/23 | (H) | Heard & Held                                    |
| 04/10/23 | (H) | MINUTE(L&C)                                     |
| 04/14/23 | (H) | L&C AT 3:15 PM BARNES 124                       |
| 04/14/23 | (H) | Moved CSHB 60(HSS) Out of Committee             |
| 04/14/23 | (H) | MINUTE(L&C)                                     |
| 04/17/23 | (H) | L&C RPT CS(HSS) 2DP 3NR                         |
| 04/17/23 | (H) | DP: PRAX, SUMNER                                |
| 04/17/23 | (H) | NR: SADDLER, WRIGHT, CARRICK                    |
| 04/26/23 | (H) | TRANSMITTED TO (S)                              |
| 04/26/23 | (H) | VERSION: CSHB 60(HSS) AM                        |
| 04/28/23 | (S) | READ THE FIRST TIME - REFERRALS                 |
| 04/28/23 | (S) | HSS   |
| 05/02/23 | (S) | HSS AT 3:30 PM BUTROVICH 205                    |

**WITNESS REGISTER**

MATT DAVIDSON, Special Assistant to the Commissioner  
 Department of Family and Community Services (DFCS)  
 Juneau, Alaska

**POSITION STATEMENT:** Provided a summary of changes for HB 60.

STACIE KRALY, Director  
 Civil Division  
 Department of Law  
 Juneau, Alaska

**POSITION STATEMENT:** Answered questions on HB 60.

**ACTION NARRATIVE**

3:33:51 PM

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 3:33 p.m. Present at the

call to order were Senators Tobin, Kaufman, Giessel, Dunbar, and Chair Wilson.

**HB 60-RUNAWAYS; DFCS/DOH: DUTIES/LICENSING/INFO**

[3:34:15 PM](#)

CHAIR WILSON announced the consideration of CS FOR HOUSE BILL NO. 60(HSS) am "An Act relating to the licensing of runaway shelters; relating to advisors to the board of trustees of the Alaska Mental Health Trust Authority; relating to the sharing of confidential health information between the Department of Health and the Department of Family and Community Services; relating to the duties of the Department of Health and the Department of Family and Community Services; and providing for an effective date."

He noted that the committee heard the Senate companion bill, SB 59, on February 28, 2023. The intent today is to discuss the changes that the other body made to HB 60 as it went through the process. He recognized Matt Davidson.

[3:35:16 PM](#)

MATT DAVIDSON, Special Assistant to the Commissioner, Department of Family and Community Services (DFCS), Juneau, Alaska, stated that HB 60 seeks to "clean up" Executive Order (EO) 121 that bifurcated the Department of Health and Social Services into the Department of Health (DOH) and the Department of Family and Community Services (DFCS). The original bill, version A, added the DFCS commissioner as a statutory advisor to the Mental Health Trust Board and instructed the two departments to protect confidential information as it did as one agency and as required by HIPPA. The bill also fixed drafting errors relating to the licensing of runaway shelters by the Department of Health and the licensing of foster homes by the Department of Family and Community Services (DFCS).

[3:36:53 PM](#)

MR. DAVIDSON explained that as HB 60 went through the committee process, the Department of Law worked with Legislative Legal to add additional clarifying language related to the licensing of runaway shelters. Additionally, the Department of Family and Community Services (DFCS) was added to the definition of "department" in Title 18. The bill was further amended on the House floor to clarify that when a minor enters a runaway shelter and claims to be a victim of human or sex trafficking, the shelter must report that to law enforcement and inform the victim of services that are available for victims of sex and

human trafficking. He noted that the House floor amendments appear in Section 8 the definition of "human trafficking" was added in the new Section 9.

[3:39:19 PM](#)

SENATOR TOBIN joined the committee.

CHAIR WILSON asked whether the department had reached out to the current providers to ensure that the language was acceptable

[3:39:46 PM](#)

MR. DAVIDSON confirmed that the Department of Health (DOH) reached out and he had not heard any negative comments related to the requirements. He understands the Covenant House in Anchorage, which is one of the licensed entities that provides services, also offers training to state agencies on human and sex trafficking.

[3:40:12 PM](#)

SENATOR DUNBAR asked whether the bill would receive a Judiciary Committee referral given that it now has mandatory reporting.

MR. DAVIDSON responded that the section that is being amended relates to licensing which is under the Department of Health. The new duties are not added to mandatory reporting; rather, they are added to the licensing duties of these agencies.

[3:41:22 PM](#)

SENATOR DUNBAR asked what the consequences would be for violating this section.

MR. DAVIDSON responded that these agencies are already mandatory reporters of child abuse and neglect, and this adds human and sex trafficking to the list. He said he didn't believe that the licensing agency would be expected to impose a penalty for noncompliance.

CHAIR WILSON countered that he had experience with childcare facility audits and there are licensing consequences when there is a finding of noncompliance. He compared it to a Joint Commission on Accreditation of Healthcare Organizations (JCAHO) audit. He asked Stacie Kraly from the Department of Law to respond to the question.

[3:42:42 PM](#)

STACIE KRALY, Statewide Office Chief and Director, Civil Division, Department of Law, Juneau, Alaska, clarified that the

House floor amendment added the obligation for runaway shelters to notify either the Office of Children's Services (OCS) or law enforcement if they have reason to believe that a minor in the shelter is a victim of sex trafficking. The existing statute requires the facility to notify the Office of Children's Services when a minor is admitted to the facility. She agreed with Mr. Davidson that the requirement is part of the licensing framework, so if a runaway shelter failed to notify either OCS or law enforcement, a violation could be brought against the facility. This type of violation probably would not result in the suspension or termination of the license, but it could lead to a review of the facility's policies and protocols to ensure it was complying with the statute. She reiterated that the duty to report was either to OCS or law enforcement, not both.

[3:45:21 PM](#)

SENATOR DUNBAR referenced the provision in paragraph (7) on page 6 that requires a program for runaway minors to provide an explanation and materials to a minor on the signs and risks of human and sex trafficking. He asked where those materials would come from.

[3:45:48 PM](#)

MS. KRALY said she didn't believe that there were specific requirements for the materials but providing information about services for youths is part of the core work that Covenant House does so she assumes that entity would develop the material and add it to the information they already provide.

[3:46:56 PM](#)

SENATOR DUNBAR asked whether the Department of Law would review the material that's developed for sufficiency since this is a legal requirement.

MS. KRALY answered yes; when a facility is licensed, DOL conducts a standards check of the policies and procedures to ensure they are sufficient for licensure and available not only upon request but as an affirmative act.

[3:48:12 PM](#)

SENATOR GIESSEL referenced the provisions on page 6 in Section 8, paragraphs (6) and (7). She asked who is giving consent to give these materials to somebody who is under 18 years of age.

MS. KRALY advised that a provision in Title 25 allows minors to give consent under certain circumstances, one of which is when a minor is estranged from their parents and does not have a

guardian. The constitutional privacy rights set forth by the Alaska Supreme Court also support providing certain information to minors under various circumstances. She said she would follow up with the specific statute.

[3:50:55 PM](#)

At ease.

[3:52:56 PM](#)

CHAIR WILSON reconvened the meeting and noted that Ms. Kraly had identified the specific statute.

[3:53:05 PM](#)

MS. KRALY advised that she previously was referring to AS 25.20.025(a)(1) which is the statute that talks about a minor who is estranged from their parents and the authority they have under that circumstance.

SENATOR GIESSEL highlighted that subsection (a) specifically says that minors may consent to receive medical and dental services.

MS. KRALY opined that it encapsulates a much broader spectrum; the minor can engage in ancillary services which could include behavioral health under that statute in those circumstances. She added that some of these children may be in the custody of the Office of Children's Services and that the agency would have the ability to consent on behalf of a minor who entered a shelter.

[3:54:44 PM](#)

SENATOR GIESSEL questioned the application because the statute doesn't specify a broader spectrum and she knows first-hand that clinicians won't provide behavioral health services to estranged minors without parental consent.

[3:55:37 PM](#)

MS. KRALY offered her understanding that health care has been construed statutorily to include mental health services. Whether or not clinicians will accept that consent is a separate matter. She added that it is not uncommon for parents to be aware that their child is in a shelter, so there is a mechanism for parents to be involved.

SENATOR GIESSEL articulated concern that a parent who is aware that their runaway child is in a shelter and requesting mental,

dental, or behavioral health services could deny their child access to those services.

[3:57:34 PM](#)

SENATOR DUNBAR asked if there is a legal distinction between a runaway shelter and a children's homeless shelter and if the provision about human and sex trafficking would apply to both types of shelter.

MS. KRALY replied that the requirement is only applicable to licensed runaway shelters. A homeless shelter that provides services to minors in the same circumstances could provide the information but the requirement applies only to providers that are licensed by the department and children's homeless shelters are not licensed as such.

[3:58:57 PM](#)

SENATOR DUNBAR asked for the practical difference between a children's homeless shelter and a runaway shelter.

MS. KRALY said she didn't know that there was a functional difference but the policy call the legislature made decades ago was that runaway shelters for minors would be licensed.

SENATOR DUNBAR asked if Covenant House volunteered to be a runaway shelter, but it could decide to be a children's homeless shelter instead.

MS. KRALY said she didn't know that every component of Covenant House was licensed, but the programs relating to a runaway shelter require licensure.

[4:01:08 PM](#)

CHAIR WILSON noted that Title 47 provides regulatory guidelines for differentiating between the types of shelters.

CHAIR WILSON asked Mr. Davidson whether the need to pass this legislation was pressing.

[4:02:04 PM](#)

MR. DAVIDSON responded that the administration would like to see the bill pass this session. Some things aren't pressing, but the provision that clarifies that the two new departments will share information under HIPPA just as the single department did previously is vital.

[4:02:52 PM](#)

At ease.

4:04:01 PM

CHAIR WILSON reconvened the meeting, set an amendment deadline, and held HB 60 in committee.

4:04:45 PM

There being no further business to come before the committee, Chair Wilson adjourned the Senate Education Standing Committee meeting at 4:04 p.m.