

HB

637

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 29, 1980

SUBJECT: ost settling for social services, etc.
 Work Order Number (7795)

TO: Representative Charles H. Parr

FROM: David T. Walker 
 Co-Revisor of Statutes

Your request for reintroduction of CSHB 432 gave me the opportunity to do some "clean-up" work on the bill. I do not believe any of my changes are substantive - mostly they relate to use of the technique of repealing and reenacting and to clarifying that the cost settling technique is applicable to the purchase of services for all persons under the state's responsibility, not just to child care agencies.

I hope that these changes meet with your approval.

DTW:ljb

Enclosure

September 19, 1979

Representative Charles H. Parr
SR Box 50599
Fairbanks, Alaska 99701

Dear Representative Parr:

You are one of our State's leading legislators and we need your help!

Alaska Children's Services (ACS) is committed to providing quality residential childcare to our State's most troubled children. In fiscal year 1979 we provided more than 23,000 days and nights of tender loving care and professional treatment for 956 unwanted, abused, neglected and delinquent children and youth. Some of these children are from the district you represent in the State Legislature. More than 95% of the children we serve are in the custody of the State's Department of Health and Social Services through either the Division of Corrections or the Division of Social Services.

Alaska has some of the most stringent childcare, health, safety and fire codes in the nation. Our statutes were written to be in the best interest of children. For this you and our other law makers are to be commended. However, it costs a great deal to implement these statutes and regulations. Providing adequate funds to do this is also a legislative responsibility.

We at ACS want to work hand in hand with the Legislature and the Department of Health and Social Services in providing the very best care and treatment possible for these unfortunate and troubled children and youth. Even though we have a so called "full cost of care statute", AS 47.40, it falls far short of reimbursing agencies for the full cost of caring for state placed children. In 1979 our agency had to raise \$143,000 from private contributions to subsidize state placed children. Many of our employees -- who are the real substitute parents for these children -- worked for less than the minimum wage simply because our request for adequate reimbursement rates have consistently been denied by the State. One such former employee is now suing us for back wages charging that we were in violation of Alaska Statute 21.10.

We need your help to change some of the laws that place heavy fiscal burdens on our childcare agencies and we need your help in obtaining adequate reimbursement for the full implementation of those laws and regulations which are in the best interest of children. Meanwhile, we need your help in getting adequate legislative appropriations for those line items in the State budget from which we are reimbursed for taking care of, and providing treatment for children the state places with us.



Alaska Children's Services

1200 East 27th Avenue
Anchorage, AK 99504
(907) 276-4515

Serving Alaska's
Children through:

• Jesse Lee Home

• Group Homes:

Aquarius House

Collett House

North Star House

Mary Johnson House*

• Emergency Shelter Services*

(*located on the Anchorage
Children's Christian Home
Campus)

Jointly founded by the
American Baptist,
American Lutheran and
United Methodist Churches

Member:

United Way of Anchorage
Child Welfare League
of America

Specifically, the problems are as follows:

1. The Division of Corrections owes ACS in excess of \$35,000 for services provided in FY 1979. We have been informed that we will not likely receive payment for this until a supplemental appropriation is approved by the Legislature. This, of course, cannot occur until next spring. Last year we waited 11 months to be paid \$17,000 carried over by the Division of Corrections from FY 1978. How can we collect what the State owes us now for FY 1979?

2. Because of FY 1980 budget constraints the Division of Corrections has decided not to place any additional children in our care. This will have the long run effect of increasing the cost of care rate for next year since fixed expenses remain relatively the same whether the occupancy rate is 75% or 100% of state licensed capacity. What is going to happen to the Division of Correction's youth who need residential treatment? Will they not be "on the street" only to get into more serious difficulty with the law and ultimately require more extensive and expensive treatment and/or incarceration? How can we keep our rates reasonable without full placement utilization?

3. The Commissioner of the Department of Health and Social Services has determined not to grant any cost of living increase with our current reimbursement rates due to FY 1980 budget constraints. Inflation has increased our cost at least 10%. For July and August this has resulted in a \$30,000 short fall, which will grow to more than \$150,000 by the end of the fiscal year. How can this agency fiscally survive the year? Does not AS 47.40.040 state that cost of care rates shall include a proportionate share of anticipated cost of living and staff salary increment increases for the fiscal year for which the cost of services is being determined?

4. To curb expenditures sufficiently to stay within the current reimbursement rates we would have to terminate several staff members. We cannot legally provide the coverage necessary for the supervision and treatment of the troubled and unwanted children now in our care should this be done. Most normal families do not want to become foster parents for "these kind of children and teenagers." They either have no homes or families to which they can be returned or the ones they have are not safe or viable. What is going to happen to the children in our care and treatment programs if we are forced to terminate staff?

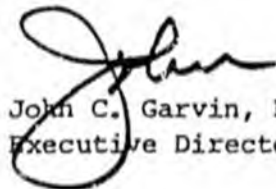
5. During the 1980 legislative budget process the Administration requested \$6,989,833 for institutional childcare. The Legislature reduced this by nearly one half million dollars. The Commissioner states that she is committed and legally responsible to keep the Department of Health and Social Services expenditures within this reduced appropriation. ACS which has a long history, 90 years,

Page Three
September 19, 1979
Representative Charles H. Parr

of providing quality care for Alaska's needy children cannot fiscally survive on the reimbursement rates established by the Department within the Legislature's appropriation. How can the Department's request of \$6,989,883 be restored in order that they may be able to reimburse us more adequately?

1979 has been designated "The year of the child." ACS is stretching to its maximum ability to provide the very best residential childcare and treatment for Alaska's most troubled and needy children. We cannot do it alone. We and the children of our state need your help in finding a solution to our fiscal crisis. At your earliest convenience I, or one of our Board members, would welcome the opportunity to meet with you to discuss this pressing matter. Please call me at 276-4515 or let me know what additional information is needed. Can we count on you and the next session of the Alaska State Legislature to provide the resources necessary to keep serving Alaska's "troubled kids?"

Respectfully yours,



John C. Garvin, Ph.D.
Executive Director

JCG/rv

POSITION PAPER
ON
HOUSE BILL NO. 637

"An Act relating to the purchase of services by the state for persons under its responsibility; and providing for an effective date."

House Bill 637 redefines the procedures and policies for care purchased by the State from private institutions, group homes or foster care homes for children and young adults under the Department's supervision or custody.

The bill would require that the Department adopt regulations within one year from the effective date of the Act governing standards of reasonable and allowable costs for purchase of such services. The Department would be required to pay interim daily rates using "standard industrial cost-accounting principles" plus a cost-of-living increase. At the end of the fiscal year, a cost settlement between provider and the Department is made based on the actual costs incurred compared to the amount the provider has received from the State. Another major change is the allowance of depreciation and replacement costs of major property and equipment in determining reimbursable costs by the State.

Current Situation

The Department presently purchases care for these children under 47.40 of the Alaska law which is titled "Purchase of Service," but is more commonly referred to as "Full Cost of Care." Both the Department and providers of care have expressed dissatisfaction with the present law and its lack of flexibility to respond to current changing situations in a timely manner. In response to this, the Department has asked the Governor to introduce legislation which would allow us the flexibility to design such a system through negotiating contract procedures. This bill was introduced as House Bill 704.

The "Full Cost of Care" law now provides funds for the maintenance of the child (food, clothing, allowances, heat, light, transportation, etc.) as well as the program provided by each individual institution. The program costs are reflected in staff salaries. Costs specifically excluded by the law include fund raising, construction, major equipment, and other capital expenditures, depreciation, religious training and education, and services provided which are substandard to, or exceed, the requirement of the Department. Section 47.40.040(a) describes how the rate shall be set based on the previous years expenditures and days of service provided by the individual agencies. The method of rate computation has caused a great deal of dissatisfaction with the child care agencies and the State in that it is inflexible and based on year old conditions and costs.

Discussion Items

1. All reference to "full" cost in the "purchase of services" statute should be changed to reasonable or allowable in accordance with regulations. The statute stating it pays full cost of care, yet excludes many expenses has been a source of confusion and litigation. Since H.B. 637 would permit the Department to define by regulation standards of "allowable cost which are reasonable and necessary," it is likely that the Department may not pay for all costs associated with the child's care as certain items such as religious training will continue to be excluded from reimbursement. The same confusing situation will exist. Such reference to payment of "full cost" in the bill are on:
 - a. Page 1, line 18.
 - b. Page 1, line 28.
 - c. Page 2, line 8.
2. Page 2, line 1 and 2 - We are unaware of any standard accepted "industry cost-accounting principles for fixed and variable costs" for the purchase of care for children. We interpret this to mean cost-accounting principles accepted by the AICPA (American Institute of Certified Public Accountants). We support the use of generally accepted cost-accounting principles utilized by the profession in the State.
3. Page 2, line 1 - We would recommend modifying the "per-person, per-day costs" to be based on total beds being maintained and available and not based on occupancy. The Department has found itself under the current law paying for the cost of vacant beds.
4. Page 2, line 4 - The bill states that the inflation increase is based on the Department of Labor cost-of-living index. In checking with the Department of Labor, we found that the appropriate title for this index is the United State Department of Labor, Bureau of Labor Statistics Consumer Price Index. The Bureau provides an index for both Anchorage and Fairbanks, Alaska. We would recommend a change reflecting the formal title of this index.
5. Page 2, line 5 - We recommend that the definition of salary increases include benefits. We have found that although base salaries in many child care institutions are low, many institutions provide free lodging, meals, and transportation in lieu of additional salary, which often brings their total compensation in line with salaries in the current market.
6. Page 2, line 14 - We would recommend that replacement costs continue not to be reimbursable under the purchase of services statutes. Since the bill would already be covering depreciation, we believe this would be duplicative. Also, it may serve as an

avenue of potential abuse for institutions who received their building through donations could as well bill the State for costs necessary to replace the building if became antiquated and needed replacement.

7. Page 2, line 15 - It would be extremely useful to clearly state that depreciation may not be claimed for buildings acquired by donation, rather than purchase. The public may be paying for the cost of the building twice - once through charity donations and again through tax dollars for the care purchase by the State provided in that institution.
8. Page 2, line 20 - We would recommend that the rates be based on reasonable and allowable costs as defined by regulations, rather than on actual cost incurred. This may avoid confusion in the future, when an institution provides services beyond which the State normally provides or cares to purchase (i.e., swimming pool). The State would pay only up to the level defined by regulation and not all dollars spent by the provider to care for the child.
9. Page 2, line 26 - We would recommend that the effective date be changed to July 1, 1981. We believe we could do a better job administratively if we had one year to prepare for the new process. We would have to write and issue new regulations; hold public hearings; revise forms and manuals; hold training sessions for providers and department staff; and advise provider groups accordingly. If this recommendation is accepted, we would see no objection to the regulations becoming due shortly (90 days) after the bill becomes effective, rather than one year later.

Department Position

Although the Department believes that the contracting approach to purchase of services found in H.B. 704 is preferable, we could support H.B. 637 if the changes noted in this position paper are accepted. We, too, recognize the need to revise Alaska "purchase of services" law in order to make it more responsive to current situations and to make reimbursement more cost-effective and appropriate.

Approved by:

Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and Social
Services

3/21/80
(DATE)

(10) "intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol;

(11) "office" means the office of alcoholism within the Department of Health and Social Services;

(12) "treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care which may be extended to alcoholics and intoxicated persons, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling. (§ 1 ch 207 SLA 1972; am § 4 ch 116 SLA 1978)

Effect of amendment. — The 1978 amendment inserted "or through a grant awarded under AS 47.30.475" in paragraph (3).

Quoted in Peter v. State, Sup. Ct. Op. No. 1112 (File No. 2185), 531 P.2d 1263 (1975)

Chapter 40. Purchase of Services.

Section	Section
10. Purchase of services	50. Services
20. Licensing and supervision	60 — 70. [Repealed]
30. Required accounting procedures	80. Definitions
40. Determination of full cost of services	

Sec. 47.40.010. Purchase of services. (a) When the department purchases services for persons for whom the state has assumed responsibility under the laws of the state, the department shall

- (1) adopt regulations establishing the levels of care to be provided;
- (2) determine the rates of payment for the full cost of services required;
- (3) pay all expenses related directly to the full cost of services at the levels of care required;
- (4) make the placement of persons in accordance with the levels of care provided for in the regulations.

(b) Services of jails and other penal institutions may not be included in services purchased by the state in this chapter. (§ 1 ch 136 SLA 1977)

Sec. 47.40.020. Licensing and supervision. Anyone providing services which are purchased by the department under this chapter shall, if required by the department, be licensed and supervised in the same manner as boarding homes, foster homes and other institutions provided for in AS 47.35.010 — 47.35.080. (§ 1 ch 136 SLA 1970)

Sec. 47.40.030. Required accounting procedures. Anyone who solicits or receives funds from the department for the cost of services provided under this chapter shall

- (1) meet accepted standards of fiscal accountability for public funds and shall, upon request, submit a complete financial statement by an independent, certified public accountant to the department and to the division of legislative audit;

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47.40.080
(2) upon request before the meetings provided for in AS 47.05.010
(3) demonstrate the actual cost of services offered using cost
accounting procedures as provided for by the department;

(4) upon request, furnish the division of legislative audit all fiscal
information, books, records, and accounts pertaining to services paid for
under this chapter. (§ 1 ch 136 SLA 1970)

Sec. 47.40.010. Determination of full cost of services. (a) In this
chapter, "full cost" of services shall be determined by the per person,
per day cost in the preceding fiscal year plus a proportionate share of
participated cost of living and staff salary increment increases for the
fiscal year for which the full cost of services, determined to be necessary
by the department, is being determined. Child care costs for foster
homes shall be computed in the same manner as for child care and
boarding home institutions except that no salary costs may be considered.

(b) Full cost of services does not include the following:

(1) expenses, including salaries and fees, incurred in raising funds;

(2) funds expended for construction, major equipment and other
capital expenditures;

(3) depreciation and replacement costs of, and costs of additions to,
property and equipment;

(4) religious training and education; and

(5) services provided which are substandard to, or exceed, the
standards of the department. (§ 1 ch 136 SLA 1970)

Sec. 47.40.050. Services. When determining the levels of service to be
provided by the department shall consider program services as outlined
in the Catalogue of Functional or Program Service Categories
published by the United Funds and Councils of America, September
1969. (§ 1 ch 136 SLA 1970)

Sec. 47.40.060. Temporary placement.

Repealed by § 1 ch 210 SLA 1970.

Note. — The repealed section
is from § 1, ch. 136, SLA 1970.

Sec. 47.40.070. Permanent placement.

Repealed by § 1 ch 210 SLA 1970.

Note. — The repealed section
is from § 1, ch. 136, SLA 1970.

Sec. 47.40.080. Definitions. In this chapter

"anyone" means any person, city, organized borough and private
charitable institution or agency;

"services" means family, child welfare and nonprofit nursing
services but does not include health, hospital, profit-making
nursing homes or medical services.

Title 47
Welfare, Social Services
and Institutions

(3) "department" means the Department of Health and Social Services. (§ 1 ch 136 SLA 1970; am § 2 ch 210 SLA 1970; am § 55 ch 71 SLA 1972)

Legislative history report. — For report on ch. 71, SLA 1972 (HCSSB 383 am H), see 1972 House Journal, p. 898.

Chapter 45. Alaska Longevity Bonus.

<p>Section</p> <p>10. Persons who may qualify for longevity bonus</p> <p>20. Continuous eligibility procedures</p> <p>30. Absence from the state</p> <p>40. Disqualification</p> <p>50. Department hearing</p> <p>60. Local remedy</p> <p>70. Unqualified persons</p> <p>80. Accrual of bonuses</p> <p>90. Alaska longevity bonus fund</p> <p>100. Powers and duties of the administrator</p>	<p>Section</p> <p>110. Custody of funds</p> <p>120. Exemption from taxation and process</p> <p>130. Death or cessation of residency</p> <p>140. Penalty for false statements</p> <p>150. Definitions</p> <p>160. Applicability of Administrative Procedure Act</p> <p>170. Purpose</p>
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Editor's note. — Section 2, ch. 205, SLA 1972, provides: "AS 01.10.030 does not apply to this Act. If any provision of this Act, or the application of a provision of this Act to any person or circumstance is held invalid,

this entire Act shall be considered invalid. Legislative history report. — For report on ch. 205, SLA 1972 (FCCS HCS 211), see 1972 House Journal, p. 751.

Sec. 47.45.010. Persons who may qualify for longevity bonus. (a) A person who is 65 years of age or over, who was domiciled in the territory on or before January 3, 1959 and who has maintained a continuous domicile in the territory or state for 25 years may apply to the commissioner of administration for qualification to receive a monthly bonus of \$150.

(b) When the commissioner of administration determines that an applicant qualifies under this chapter he shall immediately begin payment of the bonus.

(c) A person who otherwise qualifies to receive a bonus provided for in this chapter may continue to do so only as long as he continuously retains a domicile in the state. (§ 1 ch 205 SLA 1972; am § 1 ch 83 SLA 1976; am § 1 ch 89 SLA 1978)

Effect of amendments. — The 1976 amendment increased the monthly bonus in subsection (a) from \$100.00 to \$125.00.

The 1978 amendment increased the monthly bonus in subsection (a) from \$125.00 to \$150.00.

Legislative history report. — For report on ch. 33, SLA 1976 (SB 476 am), see Senate Journal, p. 160.

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THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 637

Title "An Act relating to the purchase of services by the state for persons under its

Requested by House HSS Date 4/16/80

Title cont.

responsibility; and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Social Services, Justice, Health

BRU, Program, or Subprogram(s) Affected Admin. and Support - Audit

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		125.8	98.0	111.0	124.0	140.0
200 TRAVEL		20.1	10.0	21.0	25.0	25.0
300 CONTRACTUAL		.0	1.1	1.3	1.4	1.6
400 COMMODITIES		1.0	.8	.9	1.0	1.1
500 EQUIPMENT		2.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			1) See Note 1 below			

TOTAL

150.3 * 118.0 * 134.2 * 149.4 * 167.7 *

FUNDING (Thousands of Dollars)

*Does not include costs in 700 lines as result of cost settling.

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		150.3*	118.0*	134.2*	149.4*	167.7*
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		3	2	2	2	2
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Note 1:

During 1978 rate hearings were held for "full-cost-of-care" as required in AS 47.40.70. Inflationary rate increases were established and the costs for the first six months of that year were reviewed. Based on that information rate were believed to be sufficient to pay for the full-cost-of-care. A review of FY 1979 provider costs revealed costs exceeded actual payments by \$352,723.81. It may be reasonable to assume that the FY 81 cost settlement would be at least equal and probably greater.

Assumptions:

- Actual impact cannot be estimated for expenditures related to costs to be allowed under this bill, as no data base exists. Other line items reflect 7% inflation.

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Prepared by: Cecora Bille Date: April 16, 1980
Division/Office: _____ PH: _____
Department of Health & Social Services

33-001 (Rev. 12/79)
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt. [Signature] Date: 4/16/80

2. Costs above reflect increase in administrative expense only.
3. All positions full year budgeted.
4. Salaries reflect current contracts plus 7% increase in calendar year 1982.

Program:

1. Personal Services

- a. Two range 18 Field Auditors
Salary FY 81
2465 increases to 2640 1-1-81

FY 82
2736 increases to 2928 1-1-82
Benefits total 28%

Program:

- b. Social Worker IV Position for FY 81 only.

This position is needed to enable the Department to promulgate regulations this fiscal year, including levels of care and standards of allowable costs. The position would also carry out an implementation plan including developing facility forms, guidelines, and information packets. Finally, the position would provide ongoing expertise in residential child care and develop strategies to enable providers to upgrade the quality of their treatment programs.

2. Program Plan

These additional auditors will be required to perform lengthy and complex fiscal audits to establish and revise rates of reimbursement for contract providers of service.

The complex financial arrangements made by some current providers include holding companies, lease back agreements, donated property and similar complications, all of which preclude an accurate cost estimate.

Classification	Minimum Qualifications	Salary(3)	Classification	Minimum Qualifications	Salary(4)	Difference*
Asst I	High School graduation/or GED	\$1140mo	Houseparent (live in position) (2)	High school graduation or GED	\$3.60hr (5)	NA I - 83%
Asst II	6 months at Nurs. Asst I level	1277mo				NA II- 106%
Counselor I	High school graduation plus 1 yr college or 1 yr casework	\$1533mo	Youth Worker	High school graduation plus 2 yrs college or 2 yrs exp. in residential care facility	\$5.45 (6)	62%
Counselor III	High school graduation plus 3 yrs college or 3 years casework	\$22,200 year	Unit Supervisor	Bachelor degree in behavioral sciences plus 2 years of experience	\$13,860 year	60%
Worker II	M.S.W.	\$22,200 year	Social Worker	M.S.W.	\$17,640 year	26%
Treatment Supervisor	Bachelor degree in social sci. plus 2 years admin superv. in group living--corr. facility	\$29,580 year	Program Director	M.S.W. or Masters in Couns. Psych plus 2 yrs experience	\$21,420 year	38%
Services Director	Masters in clinical psych, couns. soc. wk + 4 yr diagnostic wk in clinical setting	\$32,472 year	Director, Clinical Services	M.S.W. plus 4 years experience	\$23,940 year	36%
Executive Director	Experience required varies & is dependent upon type of institution up through masters work	\$34,140 year	Executive Director	M.S.W. plus 5 years superv. or management experience	\$35,000-38,000 (7)	(3% higher)
Director Officer I	Bachelor's degree	\$23,088 year	Director, Personnel	Bachelor degree plus 2 yrs experience	\$17,640 year	31%
Typist III	High school graduation plus 1 yr cler exper.	\$15,324 year	Word Processing	High school graduation plus 2 years proj resp. clerical experience	\$11,340 year	35%
Typist II	High school graduation plus 6 mo clerical experience	\$14,484 year	Receptionist/Typist	High School plus 6 month experience	\$11,340 year	28%
Accounting Clerk III	High school graduation plus 3 yr exp., 1 at Acct Clk II level	\$17,280 year	Computer Operator/Bookkeeper	High school graduation plus 3 yrs experience	\$13,860 year	25%
Maintenance Man	Journeyman level w/several skill specialities	\$9.52 hour	Maintenance Leadman	3 years experience; journeyman level; 3 specialities	\$6.66 hour	43%
Custodian	Qualified level, but not journeyman	\$7.94 hour	Maintenance Worker	High school graduation plus 2 yrs exper.--1 speciality	\$5.45 hour	46%
Cleaning Aide Wkr WG X	Ability to perform work	\$6.94 hour	House Manager (cook/housekeeper)	Family housekeeping	\$3.60 hour	93%

*Approximate percentage increase required to bring residential care rates to same pay level as State.