

HB

447

COMMITTEE REPORT

SENATE

FURTHER: None

4/25/80

Date: 5-9-80

Mr. President: HEALTH, EDUCATION AND

The Committee on SOCIAL SERVICES has had CS HB 447

~~terminating~~ the existence of the Board of Nursing Home Administrators

*Continuing*

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 447  same title  
 new title

and recommends \_\_\_\_\_

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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*Gene Anderson*  
\_\_\_\_\_  
CHAIRMAN  
*DePise*

Introduced 4-5-79

Logged 4-25-80

Referrals none

Comm. meeting 5-9-80 - passed as C.S.

" action passed as C.S.

HB 447

By Commerce

" An Act terminating the  
existence of the Board  
of Single Line Administration

It had SB 549 - which passed  
Senate.

It had 3 de pass

A M E N D M E N T

OFFERED IN THE SENATE:

By: \_\_\_\_\_

To: \_\_\_\_\_ SENATE BILL No. \_\_\_\_\_

SENATE CS HOUSE BILL No. 447

PAGE: 1

LINE: 14

line 14: insert

"\* Sec. 2. AS 08.03.020(c) is amended to read:

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period under AS 08.03.010."

RENUMBER REMAINING SECTIONS ACCORDINGLY

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC ASSISTANCE

POUCH H-07  
JUNEAU, ALASKA 99811

March 31, 1980

The Honorable Glenn Hackney  
Chairman, Senate HESS Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Document# 59-80

Dear Senator Hackney:

House Bill 447 proposes terminating the existence of the Board of Nursing Home Administrators on January 1, 1981 and reassigns its responsibilities to the Department of Commerce and Economic Development.

At the time various Boards and Commissions were being considered for "sunsetting" by the Legislature in 1979, it was found that the existence of the Board of Nursing Home Administrators or some similar type of "peer review" system was, by federal law, (U.S. Code 42 Sub-Chapter XIX S. 1396 a(29)) necessary if the State of Alaska was to continue to receive federal fund participation for Medicaid nursing home services.

Federal fund participation is an essential part of the Medicaid nursing home services funding. Nursing home services comprise 70% of the total Alaska Medicaid budget (twenty-nine million dollars) and therefore, approximately fourteen million dollars (50% matching) could be lost in federal fund participation if some type of "peer review" licensing function is not provided for in Alaska Statute.

When viewed superficially, it is difficult to justify the need for, and cost of a statewide, regionally represented, five member Board of Nursing Home Administrators when only approximately 35 licenses have been issued since 1976. However, with approximately fourteen million dollars in federal fund participation dependent upon the state having "either a Board of Nursing Home Administrators or an agency of the state responsible for licensing under the Healing Arts Act of the state" the cost and need is easier rationalized.

What seems needed is a method of administrating the issuance of Nursing Home Administrators licensured through the Department of Commerce and Economic Development while at the same time providing a method of inexpensive "peer review." Some alternatives that we have considered are as follows:

1. Establish the Long Term Care Division of the Alaska State Hospital Association as the board the Department of Commerce and Economic Department must consult with regarding:

March 31, 1980

- a. Promulgating of regulations.
- b. Revocation of licenses.
- c. Establishment of procedures to insure that licenses uphold standards.
- d. Adoption of criteria for educational requirements.

The Long Term Care Division of the Alaska State Hospital Association meets at least bi-annually and at no expense to the State could provide the professional support needed to fulfill federal statute requirements. The Long Term Care Division of the Alaska State Hospital Association is composed of all the nursing home administrators in the State of Alaska.

- II. Establish a Board, for federal purposes, composed of state employees who's offices are in Juneau. This type of board should meet during regular working hours and therefore, should be no added expense to the State.
  - a. Director of Occupational Licensing.
  - b. Director of Public Assistance.
  - c. Director of Public Health.
  - d. Director of Nursing Board.
- III. The development of a comprehensive healing arts act, which would encompass all healing professions.
- IV. Reinstatement of the existing Board of Nursing Home Administrators with appropriate funding and staffing in the Division of Occupational Licensing to accomplish the tasks required.

The Division of Public Assistance opposes House Bill 447 and support the reinstatement of the Board of Nursing Home Administrators. We feel the cost of supporting the operation of such a board are justified when compared to the amount of federal fund participation involved.

Sincerely,

*Rod Betit*  
Rod Betit  
Director

MARCH 31, 1980

SENATE HESS COMMITTEE  
ASSEMBLY BUILDING, ROOM 106  
JUNEAU, ALASKA

REF: ~~HOUSE BILL~~ No. 447

SENATE HACKNEY AND MEMBERS OF THE HESS COMMITTEE:

WE HAVE NO BASIC DISAGREEMENT WITH THE APPARENT INTENT OF H.B. #447. HOWEVER, THERE ARE SOME RELATIONSHIPS WITH FEDERAL REGULATIONS THAT MUST BE CONSIDERED SO AS TO PROTECT THE ABILITY OF NURSING HOMES TO SERVE THE ELDERLY AND THE ILL. THE FOLLOWING IS A BRIEF STATEMENT SETTING FORTH THE PROBLEMS AND SUGGESTING A CURE THRU MODEST CHANGES TO THE BILL,

FOUR "KEY" PHRASES DOMINATE OUR DISCUSSION RELATIVE TO ALASKA'S ELDERLY AND ILL CITIZENS:

HEALING ARTS ACT  
BOARD OF NURSING HOME ADMINISTRATORS  
  
PROGRAM COMPLIANCE CONTINUANCE  
PROGRAM SUPPORT CONTINUANCE

UNDER THE TERMS OF THE FEDERAL SOCIAL SECURITY RULE NO NURSING HOME MAY OPERATE UNLESS IT IS LICENSED - A REQUIREMENT OF THE "HOME'S" LICENSE IS THAT IT BE ADMINISTERED BY A PERSON LICENSED AS A NURSING HOME ADMINISTRATOR.

ONLY TWO OPTIONS ARE AVAILABLE FOR THE LICENSING OF NURSING HOME ADMINISTRATORS:

- A- LICENSED UNDER TERMS OF A HEALING ARTS ACT.
- B- LICENSED BY A BOARD OF NURSING HOME ADMINISTRATORS.

ALASKA DOES NOT HAVE A "HEALING ARTS ACT". ALASKA HAS A "BOARD OF NURSING HOME ADMINISTRATORS" ABOUT TO BE SUNSETTED.

WHAT ARE SOME OF THE CONSEQUENCES OF NOT HAVING A "BOARD"?

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FIRST, THE MINUTE THE "BOARD" NO LONGER EXISTS, THE LICENSES OF THE ADMINISTRATORS BECOME INVALID -- THUS THE NURSING HOMES ARE NOT IN COMPLIANCE AND THE PATIENTS MUST BE MOVED ALMOST IMMEDIATELY, RETURNED TO THEIR HOMES OR BE PLACED IN NON-EXISTING FACILITIES.

SECONDLY, MEDICAID HAS THE RIGHT AT THAT POINT TO STOP PAYMENT OF THE FIFTY (50%) PERCENT SUPPORT.

THE OBVIOUS RESULT OF ONE AND TWO IS THE REMOVAL OF MEDICAL CARE FROM APPROXIMATELY 500 ILL AND ELDERLY PATIENTS -- NONE OF WHOM HAVE A PLACE TO GO -- SOME OF WHOM ARE COMATOSE -- ALL OF WHOM ARE UNABLE TO CARE FOR THEMSELVES -- NONE OF WHOM HAVE FAMILIES ABLE TO CARE FOR THEM OR THEY WOULD NOT BE IN NURSING HOMES -- MOST OF WHOM ARE WARM, CARING, LOVING PEOPLE DOING THEIR VERY BEST UNDER VERY TRYING STATES OF HEALTH.

WHAT CAN BE DONE TO STOP THE POTENTIAL SERIOUS DANGER TO THE PRESENT AND PROSPECTIVE RESIDENTS OF NURSING HOMES; THE AGED, AND THE ILL, BOTH YOUNG AND OLD?

RETAIN THE BOARD OF NURSING HOME ADMINISTRATORS. THE LEGISLATURE MAY WELL DESIRE TO CHANGE THE MANNER IN WHICH THE BOARD IS CONSTITUTED, AND WE WOULD APPRAISE ANY CHANGE THAT BROUGHT ABOUT COST SAVING WITHOUT DESTROYING EFFECTIVENESS. THE SIZE OF THE BOARD MAY BE AS SMALL AS THREE MEMBERS; ONE COULD WELL BE FROM THE STAFF OF HEALTH AND SOCIAL SERVICES, ONE FROM THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT AND THE OUTSIDE MEMBER COULD BE THE ADMINISTRATOR OF A JUNEAU-BASED NURSING HOME. THUS, THE ONLY COST INVOLVED WOULD BE CLERICAL AS RELATED TO THE SCHEDULED MEETINGS AND EXAMINATIONS. NO TRAVEL AND NO PER DIEM. AND THIS SYSTEM COMPLIES WITH FEDERAL REQUIREMENTS.

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AS AN ASIDE, I WOULD MENTION THAT IN MY MIND THE CONSIDERATION OF DOING AWAY WITH A BOARD MUST INCLUDE DEEP AND CAREFUL THOUGHT UPON THE TOTAL RELATIONSHIPS INVOLVED AND NOT ONLY THE APPARENT COST AND PRODUCTIVITY OF A BOARD. MUCH WORK MUST BE DONE ON A NATIONAL LEVEL TO CHANGE FEDERAL RULES IF ALASKA TRULY WISHES TO LESSEN EXTERNAL CONTROLS. LET'S LET THAT BE A SEPERATE CONCERN.

FOR NOW WE SHOULD ALL WORK TOGETHER TO RETAIN ANACCEPTABLE, TO US AND TO FEDERAL AUTHORITIES, "BOARD OF NURSING HOME ADMINISTRATORS" AND RETAIN OUR ABILITY TO PROVIDE PROPER MEDICAL HELP FOR OUR ELDERLY AND OUR ILL. SECONDARILY, LET US MAINTAIN OUR ABILITY TO SHARE THE COST WITH THE FEDERAL GOVERNMENT.

REMEMBER, NO "BOARD OF NURSING HOME ADMINISTRATORS" COULD MEAN AN ALMOST IMMEDIATE CLOSURE OF THE NURSING HOMES THROUGH NON-COMPLIANCE----AND, AN ULTIMATE LOSS OF FEDERAL FUNDING.

THE COMPLIANCE WITH FEDERAL STANDARDS AND THE CURE OF THE PROBLEM ARE SIMPLE MATTERS. COMPOSE THE BOARD FROM THE REPRESENTATIVE OF APPROPRIATE STATE AGENCIES PLUS A REPRESENTATIVE OF THE NURSING HOME INDUSTRY AND CONTINUE TO OPERATE UNDER THE PRESENT RULES

SINCERELY YOURS,



JIM L. BUCK

POSITION PAPER

SENATE BILL NO. ~~549~~am

*Institution*  
*X HB 447*

"An act relating to professional licensing and to the regulation of Nursing home administrators, and providing for an effective date."

Senate Bill 549am revises current statutes and adds new sections to clarify and strengthen the administration of nursing home administrators licensing procedures. The bill gives the Board of Nursing Home Administrators the authority to develop regulations for the purpose of requiring disciplinary sanctions and making renewal of licenses dependent upon proof of continued competency.

The bill provides specific administrative procedures for applying disciplinary sanctions, and spells out specific grounds for discipline.

The terms of members of the Board of Nursing and limited to approximately eight years and the nursing home administrators license is to be renewed every four years rather than annually.

The Department of Health and Social Services supports Senate Bill 549am as it is written.

As evidenced by the attached letter from Rod Betit, Director, Division of Public Assistance, the existence of and the smooth operation of a Board of Nursing Home Administrators is important to the operation and funding of the State of Alaska's Medicaid program.

The bill does not fiscally affect the cost of operation of the Department of Health and Social Services other than the federal fund participation for the Medicaid program.

Recommended By:

*Rod Betit*

Date

*May 5, 1980*

Rod Betit, Director  
Division of Public Assistance

Approved By:

*Helen D. Beirne*

Date

*5/9/80*

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

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No 549am  
Title "An act relating to professional licensing & regulation of Nursing Home Administrators"  
Requested by Commissioner's Office Date 5/6/80

II. FISCAL DETAIL. Department of Health and Social Services

Agency Affected Department of Health and Social Services

Program Category Affected Health /Division of Public Assistance

BRU, Program, or Subprogram(s) Affected Medicaid

(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	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

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

*Robert H. Jensen*  
Prepared by: Rod Lett Date: 5/6/80  
Division/Office: Public Assistance PI: 465-3356  
Department of Health & Social Services

Approval DHS Budget. & Mgt: \_\_\_\_\_ Date: \_\_\_\_\_



of the **AMERICAN ASSOCIATION OF RETIRED PERSONS, Inc.**

March 25, 1980

Senate Health, Education & Welfare Committee

Attn: Senator Glen Hackney  
Pouch V  
Juneau, Alaska 99811

Subject: Sunsetting of Board of Nursing

Honorable Senator Hackney:

As President of the American Association of Retired Persons and as a ~~Home Administrator~~ member of the Board of Nursing Home Administration, I have been requested to express concern regarding the possible sunsetting of this Board. Although I feel that your Committee will in no way jeopardize the loss of Federal funds which support the care of patients in the nursing homes, I feel obliged to relate the concern of Nursing Homes and Older Alaskans.

March 19, the Mt. Juneau Chapter of the American Association of Retired Persons voted unanimously to support Mr. Buck's request. Please refer to the inclosed copy of his letter.

Thank you for your concern for our elderly Alaskans.

Respectfully,

*Dove M. Kull*  
Dove M. Kull, President

Copy : Jack Buck, Administrator  
St. Ann's Nursing Home  
415 Sixth Street  
Juneau, Alaska 99801

DMK:EEJ

**ST. ANN'S NURSING HOME**  
415 Sixth Street, Juneau, Alaska 99801 (907) 586-3883

March 13, 1980

Dove M. Kull, President  
American Association of Retired Persons  
Mendenhall Apts.  
326 4th Street, Apt. 1010  
Juneau, Alaska 99801

Dear Madam President:

St. Ann's Nursing Home would like to invite the membership of your organization to cooperate in an attempt to reverse legislation which will be very injurious to many of the elderly citizens of this state.

The sunseting of the Board of Nursing Home Administrators, as we understand, will have the affect of putting Alaska in substantial non-compliance with Federal statutory requirements and automatically cancel this state's participation in Medicaid cost sharing. Since the federal matching funds for nursing home care amount to approximately ten million dollars annually, we feel this is a matter of serious budgetary concern for the people.

Our main concern, however, is caring for the nearly 500 patients in the state's long-term care facilities. What is to become of them without the Medicaid program? At a time of life when many of these patients are living on a barely subsistence level income (Social Security Benefit and Longevity Bonus), we strip them of the assurance that they can obtain the medical coverage many of them will need.

We would like to urge your organization, and individual members, to take a formal position against the sunseting of the Board of Nursing Home Administrators. We further request that you communicate your organization's position to members of the legislature in order to redress this apparent injustice to our elderly citizens.

Dove M. Kull, President  
American Association of Retired Persons  
March 13, 1980  
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Time is limited, we have only this legislative session  
to attain relief for our crippled or ill. Please hurry, they  
are depending on you.

Sincerely,  
ST. ANN'S NURSING HOME

A handwritten signature in cursive script that reads "Jack W. Buck". The signature is written in dark ink and is positioned above the typed name and title.

Jack W. Buck  
Administrator

JWB:ar