

HCR

46

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HCR 46  
 Title: Background checks on school district employees  
 Sponsor: Rep. Lacher  
 Requestor: House HESS  
 Date of Request: 2-22-84

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		25.2	25.9	26.7	27.5	28.3
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		1.0	1.0	1.1	1.1	1.2
500 EQUIPMENT		1.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		27.2	26.9	27.8	28.6	29.5
CAPITAL						
REVENUE			--	--		

FUNDING: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
GENERAL FUND		27.2	26.9	27.8	28.6	29.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified

ANALYSIS: Attach a separate page for analysis

Prepared By: M. L. Cooper Phone: 465-4343  
 Division: Administrative Services Date: 2/27/84

Approved by Commissioner: X Date: 2/28/84  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

1.	POSITION TITLE Clerk IV			RANGE/STEP 9A	BARC. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12 *	RP NUMBER Pending	PCN NUMBER Pending	BRU PRIORITY 1	LOCATION AWA	ELECTION DISTRICT 4	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE		AMOUNT		<p>This is a new assignment for the Records and Identification Section. The additional duties anticipated would be generated by the passage of HCR 46. Regulations set up by the Attorney General governing implementation of Chapter 66 include checking state files for prior arrests, sending fingerprint cards and \$12 fee required by the Federal Bureau of Investigation to the F.B.I. for prior arrests not on file in Alaska, maintaining file of requests pending return of findings by the F.B.I., screen records for only convictions reportable per statute, directing letters reflecting results of the record checks to the employer, the applicant and the Division of Alaska State Troopers.</p> <p>A Clerk IV level is requested for this confidential specialize subject area as employee will be responsible for extreme accuracy of work because of legal ramifications involved and complex duties require extensive substantial knowledge of the specialized area.</p> <p>Equipment costs reflected is for the need for a typewriter to be utilized by the employee in this position. Commodities needed are normal supply items.</p>				
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	20,094							
6.	Benefits	3,602							
7.	Supplemental Benefits	1,232							
8.	Fixed Benefits	228							
9.	TOTAL PERSONAL SERVICES	01	25,156						
10.	Travel	02							
11.	Contractual	03							
12.	Commodities	04	1,000						
13.	Equipment	05	1,000						
14.	Other		26,156						
15.	TOTAL COST								
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	26,156					
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

**13** REQUEST FOR  
NEW POSITION

AGENCY Public Safety

PROGRAM Administration of Justice

BRU Administrative Services

COMPONENT \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Revised Date \_\_\_\_\_

**FY 85**

HCR 46

Fiscal Note Analysis

The passage of HCR 46 is anticipated to generate a very substantial increase in workload in the Records and Identification Section. The regulations set up by the Attorney General governing the implementation of the provisions of Chapter 66, SLA 83, requires paperwork flow which cannot be absorbed by the current staff of the section.

The cost of the clerk is based upon a July 1984 hire. Costs after FY'85 are estimated with a 6% inflation and with no equipment costs.

INTENT OF LEGISLATION

HCR 46 - "Relating to background checks on school district employees who come into contact with children."

It has come to our attention that not all school district administrations conduct background investigations on individuals applying for employment within the school district. In positions requiring direct contact with children, this can lead to potentially dangerous situations.

Because of the ease of availability to information regarding convictions of individuals relating to sex crimes, school districts must be strongly urged to implement appropriate background checks on all school district employees who come into contact with children. While recognizing the burden this may place on some school districts, it is a necessary precaution to ensure the safety of our students.

§ 12.62.030

655 P.2d 789

State Ct. App. Op. 656 P.2d 1226

State Ct. App. Op. 641 P.2d 823  
App. Op. No. 210  
658 P.2d 150

State Ct. App. 644 P.2d 856

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§ 12.62.035

CODE OF CRIMINAL PROCEDURE

§ 12.62.035

inaccurate, incomplete or misleading, the commission shall order it to be appropriately purged, modified or supplemented by an explanatory notation. An agency or person in the state with custody, possession or control of the record shall promptly have every copy of the record altered in accordance with the commission's order. Notification of a deletion, amendment and supplementary notation shall be promptly disseminated by the commission to persons or agencies to which records in question have been communicated, as well as to the person whose records have been altered.

(d) An agency holding or receiving criminal justice information shall maintain, for a period determined by the commission to be appropriate, a listing of the agencies to which it has released or communicated the information. These listings shall be reviewed from time to time by the commission or staff members of the commission to determine whether the provisions of this chapter or any applicable regulations have been violated.

(e) Reasonable hours and places of inspection, and any additional restrictions, including fingerprinting, that are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them may be prescribed by published rules. Fingerprints taken under this subsection may not be transferred to another agency or used for any other purpose.

(f) A person or agency aggrieved by an order or decision of the commission under (c) of this section may appeal the order or decision to the superior court. The court shall in each case conduct a de novo hearing and may order the relief it determines to be necessary. If a person about whom information is maintained by an agency challenges that information in an action under this subsection as being inaccurate, incomplete or misleading, the burden is on the agency to prove that the information is not inaccurate, incomplete or misleading. (§ 1 ch 161 SLA 1972; am § 1 ch 66 SLA 1983)

Effect of amendments. — The 1983 "12.62.035" near the beginning of subsection (a) inserted "and in AS tion (a).

**Sec. 12.62.035. Access to certain crime information.** (a) Notwithstanding any other provision of law, an interested person as defined in (c) of this section may request from the commission records of all convictions involving contributing to the delinquency of a minor and any sex crimes of a person who holds or applies for a position in which the person has or would have supervisory or disciplinary power over a minor. The commission shall authorize the disclosure of the information to the requesting interested person and shall provide a copy of the information to the person who is the subject of the request.

(b) A request for records under (a) of this section shall include within it the fingerprints of the person who is the subject of the request and

any other data specified in regulations established by the commission. The request shall be on a form approved by the commission, and the commission may charge a fee to be paid by the requesting interested person for the actual cost of processing the request. The commission shall destroy an application within six months after the requested information is sent to the requesting interested person and the person who is the subject of the request.

(c) The commission shall adopt regulations to implement the provisions of this section.

(d) If an individual is denied employment as a result of the disclosure of inaccurate or incomplete records under this section, an action may be brought against the state. No other action may be brought against the state, or an agency or employee of the state, as a result of disclosing or failing to disclose criminal justice information.

(e) As used in this section

(1) "contributing to the delinquency of a minor" means a conviction for a violation or attempted violation of AS 11.51.130(a)(1), (3), or (5) or for a violation or attempted violation of an offense committed outside the state if the offense would have been a crime in this state under AS 11.51.130(a)(1), (3), or (5) if committed in the state;

(2) "interested person" means a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person, that employs or solicits the employment of a person to serve with or without compensation in a position in which the person has or would have supervisory or disciplinary power over a minor;

(3) "Sex crime" means a conviction for a violation or attempted violation of AS 11.41.410 — 11.41.470, AS 11.61.110(a)(7), or AS 11.66.100 — 11.66.130 or for a violation or attempted violation of an offense committed outside the state if the offense would have been a crime in this state under one of the above sections if committed in the state. (§ 2 ch 66 SLA 1983)

### Chapter 65. Coroner's Inquest.

<b>Section</b>	<b>Section</b>
20. Duties	80. Verdict of inquest jury
30. Coroners	90. Notification of prosecuting attorney
40. Inquiry into cause of death	100. Unclaimed bodies
50. Summoning jurors for inquest	110. Inventory and disposition of property
60. Oath of inquest jurors	
70. Subpoena and examination of witnesses	

**Sec. 12.65.020. Duties.** When a person dies unattended by a physician, or when no physician is prepared to execute the certificate of death prescribed by the Vital Statistics Act, the coroner assigned to serve the place where the death occurs may, by written order, direct a

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(§ 10.02 ch  
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**Sec. 12.6**  
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STATE OF ALASKA 1984 LEGISLATIVE SESSION  
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 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Administrative Services

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FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

Not identified

**ANALYSIS:** Attach a separate page for analysis

Prepared By: M. L. ... Phone: 465-4343  
 Division: Administrative Services Date: 2/27/84

Approved by Commissioner: [Signature] Date: 2/28/84  
 Agency: Public Safety

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

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2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER Pending	PCN NUMBER Pending	BRU PRIORITY 1	LOCATION AWA	ELECTION DISTRICT 4	LEG.	
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4.	TYPE OF EXPENDITURE			AMOUNT		<p>This is a new assignment for the Records and Identification Section. The additional duties anticipated would be generated by the passage of HCR 46. Regulations set up by the Attorney General governing implementation of Chapter 66 include checking state files for prior arrests, sending fingerprint cards and \$12 fee required by the Federal Bureau of Investigation to the F.B.I. for prior arrests not on file in Alaska, maintaining file of requests pending return of findings by the F.B.I., screen records for only convictions reportable per statute, directing letters reflecting results of the record checks to the employer, the applicant and the Division of Alaska State Troopers.</p> <p>A Clerk IV level is requested for this confidential specialized subject area as employee will be responsible for extreme accuracy of work because of legal ramifications involved and complex duties require extensive substantial knowledge of the specialized area.</p> <p>Equipment costs reflected is for the need for a typewriter to be utilized by the employee in this position. Commodities needed are normal supply items.</p>			
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11.	Contractual	03							
12.	Commodities	04	1,000						
13.	Equipment	05	1,000						
14.	Other		26,156						
15.	TOTAL COST								
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		26,156					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY 4A KEY NUMBER _____									

**13** REQUEST FOR  
NEW POSITION

AGENCY Public Safety  
PROGRAM Administration of Justice  
BRU Administrative Services  
COMPONENT \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_  
Revised Date \_\_\_\_\_

**FY 85**

HCR 46

Fiscal Note Analysis

The passage of HCR 46 is anticipated to generate a very substantial increase in workload in the Records and Identification Section. The regulations set up by the Attorney General governing the implementation of the provisions of Chapter 66, SLA 83, requires paperwork flow which cannot be absorbed by the current staff of the section.

The cost of the clerk is based upon a July 1984 hire. Costs after FY'85 are estimated with a 6% inflation and with no equipment costs.

PROCEDURES FOR OBTAINING CRIMINAL BACKGROUND INFORMATION  
Per Marilyn Crenshaw, Department of Public Safety

HOW: Application and two sets of fingerprints to Alaska State Troopers  
COST: No charge by state, \$12 by FBI  
TIME: State check made same day; 3-4 week delay with FBI

Only releases information regarding these sex crimes:

Sexual Assault 1st, 2nd and 3rd degree  
Sexual Abuse of Minors 1st, 2nd, 3rd and 4th degree  
Incest  
Unlawful Exploitation of a Minor  
Indecent Exposure  
Contributing to Delinquency of a Minor  
Disorderly Conduct/Exposure  
Prostitution  
Promoting Prostitution 1st, 2nd, and 3rd degree

Also included are convictions for attempt to commit any of the above, and out of state convictions which would have been violations of one of these statutes if offense had been committed in Alaska.

STATE OF ALASKA  
DEPARTMENT OF PUBLIC SAFETY

AS 12.62.035 authorizes the release of certain criminal justice information to an "interested person." "Interested person" is defined in AS 12.62.-035(e)(2) as: "a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person, that employs or solicits the employment of a person to serve with or without compensation in a position in which the person has or would have supervisory or disciplinary power of over a minor." A minor is a child under the age of 18.

PART I. REQUEST FOR CRIMINAL HISTORY INFORMATION

"Applicant" is the person requesting the criminal justice information.  
"Subject" is the person about whom the request is made.

- 1) Name of Applicant: \_\_\_\_\_
- 2) Position or Title: \_\_\_\_\_
- 3) Organization (if any): \_\_\_\_\_
- 4) Address: \_\_\_\_\_
- 5) Mailing Address: \_\_\_\_\_
- 6) Phone Number: \_\_\_\_\_ IRS No. (if any): \_\_\_\_\_
- 7) Description of applicant. Check the box which best describes the applicant:
  - A) \_\_\_ public school/school district F) \_\_\_ local, state or federal government agency
  - B) \_\_\_ private school G) \_\_\_ private business
  - C) \_\_\_ nursery/day care center H) \_\_\_ individual
  - D) \_\_\_ church/religious organization I) \_\_\_ other
  - E) \_\_\_ youth organization
- 8) If box F, G, H, or I is checked above, describe the applicant. If an organization, explain its purpose and what it does. Explain specifically the duties the subject has, or will have, which involve supervisory power over children.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 9) List two people who are familiar with the organization (or individual applicant) and can serve as a reference:  
NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_  
NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_
- 10) Name of Subject: \_\_\_\_\_
- 11) Residence Address: \_\_\_\_\_
- 12) Mailing Address: \_\_\_\_\_

- 13) Phone Number: \_\_\_\_\_ Security No. \_\_\_\_\_
- 14) DOB: \_\_\_\_\_ Driver's License No. \_\_\_\_\_
- 15) Sex: \_\_\_\_\_ Hgt: \_\_\_\_\_, Wt: \_\_\_\_\_, Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_
- 16) Aliases or prior names: \_\_\_\_\_
- 17) Position subject now occupies or is being considered for: \_\_\_\_\_

PART II. AGREEMENT FOR THE DISSEMINATION OF CRIMINAL HISTORY INFORMATION

I hereby certify that I have read the information contained on the first page of this form, and that (check one:) I am \_\_\_\_\_ or I represent \_\_\_\_\_ an "interested person" as defined in AS 12.62.035. I hereby request a record of any convictions of the above-named subject for contributing to the delinquency of a minor or a sex crime as defined in AS 12.62.035(e).

I certify that the subject of this request (check one): is employed \_\_\_\_\_ or is being considered for employment \_\_\_\_\_ (with or without compensation) in a position involving supervisory or disciplinary power over a child or children under the age of 18. I certify that employment considerations are the sole reason for this request for information.

In exchange for the release of the requested information, I agree that any information released to me will remain confidential, and will be used only to make lawful employment decisions. I agree to take all possible precautions to prevent the disclosure of this information to unauthorized persons, and agree to immediately report to the Alaska State Troopers any intentional or accidental disclosure of this information by anyone to unauthorized persons.

I understand that unauthorized dissemination or other misuse of this information will result in the denial of future requests for information and may subject me to criminal penalties, including a fine of up to \$1,000, a jail sentence of up to one year, or both.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\* \* \* \* \*

To be filled out by D.P.S. employee receiving this request:

Form of identification  
shown by applicant:

\_\_\_\_ Driver's License No. \_\_\_\_\_

\_\_\_\_\_  
Name of D.P.S. employee

\_\_\_\_ State I.D. Card No. \_\_\_\_\_

\_\_\_\_\_  
Title

\_\_\_\_ Other. Describe: \_\_\_\_\_

\_\_\_\_\_  
Date

This request is for information contained in (check only one):

\_\_\_\_ Alaska Justice Information System - subject's fingerprint card attached.

\_\_\_\_ FBI criminal records - subject's fingerprint card and a check for \$12.00 made out to "Federal Bureau of Investigation" are attached.

HJR

27

2/8/84

JOANNE CLARKE HJR 27

FISCAL NOTE ORDERED

2/24

Indian Health Service 586-7177

586-1600 - MED. OFFICER → Director Pat Robert  
B Clinic

S E A G H Ethel Lund -  
Pat Roberts

2/28/83 CS - SIXTY DAYS changed to 6 months  
Passed 4-2

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99911  
PHONE: (907) 465-4700

February 23, 1983

POSITION PAPER

Re: SJR 11

Sponsor: Senator Ferguson

Program Effect

Head Start grantees are required by the federal government to provide medical and dental screenings and services for all children in the program. Public Law 97-394 will greatly impact services formerly provided and will segregate Native and non-Native children, especially in the rural areas.

Comments

The Department supports the intent of Senate Joint Resolution No. 11 as the reduction of medical services entailed in PL 97-394 will severely impact Head Start children and their families.

In 1978, the U.S. Congress amended Section 518 (a) of the Economic Opportunity Act of 1964, to include "poverty of access". This amendment allows certain children, whose families exceed the poverty guidelines, to be included in the Head Start program. Thus, these families included since 1978 may now be excluded by the action of PL 97-394.

The Alaska Head Start Directors Association meeting in Juneau January 26 and 27, 1983 identified potential impacts. Quantitative data on these impacts are being developed at this time.



STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SJR 11 Date on Bill: 1/26/83  
 Title: Health care delivery to non-Native dependents  
 Sponsor: Ferguson  
 Requestor: Senate H&SS

1. Estimated fiscal impacts on: Department of Community & Regional Affairs

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		-0-	-0-	-0-
Operating		-0-	-0-	-0-
Total		-0-	-0-	-0-

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

Resolutions by definition have no fiscal impact. This resolution, in addition, addresses a federal program.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Richard Rainery *RR* Phone: 465-4703  
 Division: Commissioner's Office Date: 2/23/83  
 Approved by Commissioner: *[Signature]* Date: 2/28/83  
 Department: Community & Regional Affairs

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

COMMITTEE REPORT  
HOUSE

3/2  
Reuler

FURTHER:

2/7/83

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on HESS has had HJR 27

✓ Relating to health care delivery to non-Native dependents by the United States Public Health Service.

under consideration and reports it back as follows:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[✓] replace with CS for HJR 27 (Ness) [✓] same title [ ] new title

and recommends DO PASS

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation [X] Zero Fiscal Note Attached

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

M. Miller Do Pass  
Michaelson Do Pass  
Better Date Do Pass  
John Korman Do Pass  
John Jones Do Pass

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Miles Do not Pass  
Maas Do not Pass

John Jones  
CHAIRMAN

Introduced: 1/26/83  
Referred: Health, Education and  
Social Services

ANNA

BY FERGUSON  
X4989  
R-117

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 11 am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

Relating to health care delivery to

6

non-Native dependents by the United

7

States Public Health Service.

8

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

WHEREAS Public Law 97-394, making appropriations for the Department of  
10 Interior, was signed by the President of the United States in December 30,  
11 1982; and

12

WHEREAS Public Law 97-394 contains a provision eliminating Indian  
13 Health Services health care delivery to non-Native dependents; and

14

WHEREAS Public Law 97-394 became effective immediately and had an  
15 immediate and adverse effect on health care planning for Native Alaskans  
16 and their non-Native dependents;

17

BE IT RESOLVED that the Legislature of the State of Alaska requests  
18 the United States Congress to reinstate health care for non-Native depen-  
19 dents at Indian Health Service Clinics so that they may have an adequate  
20 time frame during which to find alternative health care; and be it

21

FURTHER RESOLVED that in the event of future curtailment or elimina-  
22 tion of health services provided by the Indian Health Service, recipients  
23 of the care shall be notified at least sixty days in advance so that they  
24 may find alternative health care.

25

COPIES of this resolution shall be sent to the Honorable Ted Stevens  
26 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don  
27 Young, U.S. Representative, members of the Alaska delegation in Congress.

Date : JAN 5 1983

From : Director, Indian Health Service

Subject : Non-Indian Eligibility - Immediate Action

To : All IHS Area/Program Directors

The fiscal year 1983 Appropriations for the Department of the Interior (P.L. 97-394) was signed by the President on December 30, 1982.

The law contains a provision restricting non-Indian eligibility as follows:

. . . notwithstanding current regulations, eligibility for Indian Health Services shall be extended to non-Indians in only two situations: (1) a non-Indian woman pregnant with an eligible Indian's child for the duration of her pregnancy through postpartum, and (2) non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard . . . .

This law supersedes IHS regulations, manual provisions and policy statements granting beneficiary status to non-Indian spouses and dependent members of an Indian's household or immediate family.<sup>1/</sup> Effective immediately, non-Indians may be regarded as beneficiaries of the Indian health program only in the two exceptional situations stated in the appropriations statute above. Additional instructions will follow dealing with the provision of services to non-Indians with acute infectious diseases or other conditions which constitute public health hazards.

Non-Indians who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who are presently inpatients in IHS facilities shall continue to be hospitalized until the need for hospitalization has ended. The determination as to when hospitalization is no longer needed shall be made by the patient's physician and be based upon the medical circumstances

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<sup>1/</sup> See the following statements governing non-Indian eligibility for IHS services: regulations at 42 CFR 36.42(a) regarding non-Indian wives, the preamble to proposed rules at 45 Federal Register 82839 (Dec. 16, 1980) regarding non-Indian husbands; section 2-1.2C of the IHS Manual regarding dependent non-Indian members of an eligible Indian's household; and section 2-3.7E(4) regarding non-Indian members of an eligible Indian's immediate family being eligible for contract health services.

of each patient. These patients shall be notified that after discharge they will no longer be eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

Non-Indians who were regarded as beneficiaries prior to enactment of the new law and who are presently undergoing a course of outpatient treatment may not be given further treatment unless, in the judgment of the medical officer in charge, immediate termination of treatment would threaten the life of or seriously impair the health of the individual patient. In that case the individual may be treated as an emergency patient (non-beneficiary) under regulations at 42 CFR 36.14. These patients shall also be notified that they are no longer eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

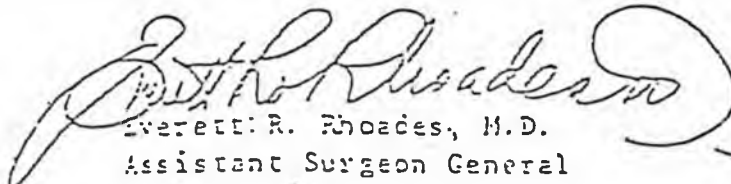
After receipt of this directive, no further initial authorization of contract health services may be made for any services provided after December 30, 1982, to former non-Indian beneficiaries except for non-Indians who meet the eligibility requirements of P.L. 97-394. Non-Indians who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who are presently receiving inpatient contract care authorized under regulations at 42 CFR 36.21 et seq., may be authorized additional inpatient contract health services, within medical priorities, until the need for hospitalization has ended. No outpatient contract health care shall be authorized for these non-Indians after receipt of this notice. Outpatient contract health care authorized for these non-Indians before receipt of this notice shall be honored. These patients shall be notified that after discharge or completion of their previously authorized outpatient contract health care, they will no longer be eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

P.L. 97-394 does not affect treatment of non-beneficiaries where otherwise provided for by law. For example, the IHS facilities may continue to treat non-beneficiaries in cases of emergency as authorized under section 322(b) of the Public Health Service Act, 42 U.S.C. 249(b) and regulations at 42 CFR 36.14; the Alaska Area Native Health Service may treat non-indigent non-beneficiaries on a fee basis as authorized by 48 U.S.C. 49; and IHS facilities may continue to treat beneficiaries of other Federal programs under Economy Act arrangements. There may be other valid examples since this list is not intended to be all inclusive.

Within your respective jurisdictions, immediate dissemination of this notice shall be made to: (1) all IHS facilities and personnel involved in the provision of services, the determination of eligibility for services, and the authorization of contract health services; (2) all tribal leaders and leaders of Indian organizations involved in health issues, e.g., Indian health boards, urban Indian organizations, etc.; (3) all P.L. 93-638 contractors and grantees; (4) all non-IHS health care providers who provide services to IHS beneficiaries whether under contract (including Euy Indians) or not under contract; and (5) all local agencies that provide or pay for health services to the general population.

In addition, this notice shall be posted in the public areas of all IHS facilities, whether operated by IHS or by an Indian tribe or tribal organization, and in tribal facilities providing services to IHS beneficiaries under authority of P.L. 93-638. Finally, every reasonable effort should be taken to notify the general beneficiary population with particular emphasis given to individually notifying non-Indian patients, or their guardians, who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who had received services as beneficiaries.

Individuals who are denied services under P.L. 97-394 shall be denied in writing and shall be afforded the current notice and appeals procedures.

  
Everett R. Rhoades, M.D.  
Assistant Surgeon General

## dependants

Our order, effective immediately, declares that no health care will be provided to non-native dependants @ NHS clinics with the exception of 4 categories

1- Non-native preg women - care will be given for prenatal & post partum care

2- Emergencies approved my Director

3- Control of contagious infections

4- If the only medical services available are NHS & the care will be on a fee for service basis

The problem is one of consecutive time for these non-qualified persons to seek alternative health care i.e. - 3-60 days -

For more info contact -

ANS-

Thank you for your assistance

Respectfully

278-940 Home  
279-6661 x 340 wk.

John Sharp  
438 Mansford #4  
A. L. ...

Honorable Senator Frank Ferguson

We, the undersigned, support Senate Joint Resolution No. 11, which requests of the United States Public Health Service, Indian Health Service to provide 60 days notice to persons whose eligibility for health care services is to be curtailed or eliminated, so that those persons may have an adequate opportunity to find alternative health care.

NAME ADDRESS PHONE NUMBER

Gregory [unclear] SRA 3154 Anch. Alaska 99502 244-4605

Pauline [unclear] SRA 1205 D Couch, AK 99502 349-6995

Wendy E. Umbreit 204 Adak Circle Anchorage, Alaska 99502 514-9726

Maril [unclear] 2757 E. 1st Anchorage, Alaska 99502 338-7526

Phyllis G. Wolf ANP 3832 Young St Anchorage AK 99504 562-4686

[Signature] 7349 E 11th Ave Anchorage 99504 338-5652

P. Wasko 5122 Box 7450, Chugiak 688-3063

Stephen E. Livingston M.D. 326 E. 2nd Ave. Anchorage, Ak. 99501 274-9945

Herman & Hunter J 510 N. Hoyt Anchorage, AK 99504 277-1876

Laura Hunter 510 N. Hoyt Anchorage, AK 99504 277-1876

Fredrick E Dundas 1009 W 30th Apt #2 Anchorage AK 99503

David Thunder Eagle 8100 Boundary #3 Anchorage AK 99504 338-5114

James Pastlan 001 N Klewin #3 Anchorage Alaska - 99504 274-6322

Clara English 2304 W. 47th Ave. Anchorage, Alaska 99503 243-2470

Harriet Bileal 2705 Klammath Anchorage 99503

Ever D. [unclear] S.R. Box 3114-B - Anchorage AK, 99502 243-6714

[unclear] S.R. Box 6013 ER, AK. 99507

[unclear] 438 [unclear] Anchorage 99501 272-4693

Phil Osborn 1011 Medfra, Anch. 99501 272-4693

Harlan [unclear] SRA 1921 Anchorage 99502 349-1349

Stacy Maloney 2903 Willow Anchorage, AK 99503



# Alaska State Legislature

## Senate

Official Business

Fouch V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

TO: Senator Josephson, Chairman  
Senate Health, Education, and  
Social Services Committee

FROM: Senator Ferguson *JF*

DATE: February 7, 1983

SUBJ: SJR 11

President Reagan signed Public Law 97-394 into law on December 30, 1982. This law had the effect of immediately restricting the eligibility of non-Native dependents for Indian Health Services health care delivery. Although PL 97-394 was signed by the President in December of 1982, Indian Health Service Area Program Directors were not notified of the immediate change in health services eligibility until January 6, 1983. Neither the IHS Area Directors nor clients of the Indian Health Service had any official advance notice of changes in eligibility.

SJR 11 would request Congress to reinstate health care for non-Native dependents at IHS clinics to allow an adequate time frame for previous clients to find alternative health care, and would request Congress to allow a similar time frame in the event of any future curtailment of services.

438 Mumford #4  
Anchorage, Alaska 99504  
February 21, 1983

FEB 23 1983

Senator Frank Ferguson  
Pouch V  
Juneau, Alaska 99811

Dear Senator Ferguson

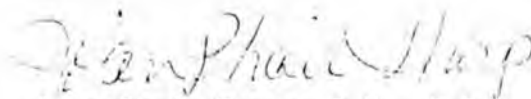
This letter is in support of Senate Joint Resolution No. 11, which addresses health care delivery to non-Native dependents by the United States Public Health Service.

I am a Registered Nurse and work at the Alaska Native Medical Center in the outpatient/emergency room department. With the passage of Public Law 97-394, which immediately instructed us not to provide health care to non-Native dependents, I have had an opportunity to witness the hardship the immediate implementation of the bill had on patients. I feel a more humane method would have been to give the patients time to find alternative health care prior to being denied health care by the Public Health Service.

I appreciate the fact that the budget cuts have played a key role in this decision but I fully support your resolution in seeking a request of the Indian Health Service to give a reasonable notice of any intent to curtail or eliminate future health care.

If I can be of any more support I would appreciate your call.

Sincerely

  
Joan Phair Thorp, R.N., B.S.N.

POSITION PAPER

HOUSE JOINT RESOLUTION NO. 27

"Relating to health care delivery to Non-Native dependents by the United States Public Health Service."

This Resolution requests the U.S. Congress to reinstate health care services for Non-Native dependents in order to give affected individuals an adequate time frame in which to find alternative sources of health care. It also requests advance notice of 60 days in the event of any future cut-off.

The abrupt discontinuation of eligibility for health care of Non-Native dependents will undoubtedly cause hardship in many instances. Adequate lead time would have allowed for a more orderly planning process. Therefore, the Department endorses the intent of this Resolution.

Recommended by:

E. S. Rabeau MD  
E. S. Rabeau, M.D., Director  
Division of Public Health

Date:

Feb. 10, 1983

Approved by:

Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and Social Services

Date:

2/14/83

438 Mumford # 4  
Anchorage, Alaska 99504  
February 21, 1983

Representative Adelheid Herrmann  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Herrmann

This letter is in support of House Joint Resolution No. 27, which addresses health care delivery to non-Native dependents and the future curtailment or elimination of services by the United States Public Health Service.

I am a Registered Nurse and work at the Alaska Native Medical Center in the outpatient/emergency room department. With the passage of Public Law 97-394, which immediately instructed us not to provide health care to non-Native dependents, I have had an opportunity to witness the hardship the immediate implementation of the bill had on patients. I feel a more humane method would have been to give the patients time to find alternative health care prior to being denied health care by the Public Health Service.

I appreciate the fact that the budget cuts have played a key role in this decision but I fully support your resolution in seeking a request of the Indian Health Service to give a reasonable notice of any intent to curtail or eliminate future health care.

If I can be of any more assistance please call.

Sincerely

  
Joan Phair Thorp, R.N., B.S.N.

Honorable Representative Herrmann

We, the undersigned, support House Joint Resolution No. 27, which requests of the United States Public Health Service, Indian Health Service to provide 60 days notice to persons whose eligibility for health care services is to be curtailed or eliminated, so that those persons may have an adequate opportunity to find alternative health care.

NAME	ADDRESS	PHONE NUMBER
Ruini Kruke	SRA Box 1305D Anchorage, AK 99502	907-349-6995
Greg Wood	SRA 3154 Anch Alaska	344-1605
Dorothy E. Wambert	504 Adak Circle Ege Kwik, AK 99502	694-9726
Peggy Lober	4303 Garfield Anchorage	562-4081
Mari Duncombe, MD	2757 E. 17th Ave Anchorage AK 99503	338-7500
<del>Richard B. Dal</del>	7349 E 17th Anchorage AK 99503	333-5652
Stephen E. Livingston, MD	326 E. 2nd Ave. Anchorage, AK 99501	274-9945
James Hunter	510 N Hoyt Anchorage AK 99504	277-1876
Jama Hunter	510 N. Hoyt Anch. AK.	277-8116
Fredrick C. Dundas	1009 W 30 apt #2 Anch AK. 99503	278-2291
David Thunder Eagle	8100 Boundary #3 Anchorage AK 99504	338-5114
James Pastan	601 N. Klavin #3 Anchorage AK - 99504	274-6529
William Taphet	2364 W. 47th Ave. Anch AK 99503	243-2170
Scharnit Belcal	2705 Klavick Anchorage	243-6714
Eva D. Mansfield	S.K. Box 3114-B - Anch., AK. 99502	
Eva Amidon	SR Box 6013 ER, AK 99507	
Joan Thorge	738 Mumford #4 Anch 99504	278-9401
Phil Osborn	1011 Medtra, Anch 99501	272-9693
Kathleen Schutt	SRA 192C Anchorage 99502	349
Harold M. Moore	2903 Willow Ave. Anchorage 99503	4349
A. Waskev	SR2 Box 7450, Chugiak	688-3063

## Memorandum

22  
Date : JAN 6 1983  
From : Director, Indian Health Service  
Subject : Non-Indian Eligibility - Immediate Action  
To : All IHS Area/Program Directors

The fiscal year 1983 Appropriations for the Department of the Interior (P.L. 97-394) was signed by the President on December 30, 1982.

The law contains a provision restricting non-Indian eligibility as follows:

. . . notwithstanding current regulations, eligibility for Indian Health Services shall be extended to non-Indians in only two situations: (1) a non-Indian woman pregnant with an eligible Indian's child for the duration of her pregnancy through postpartum, and (2) non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard . . . .

This law supersedes IHS regulations, manual provisions and policy statements granting beneficiary status to non-Indian spouses and dependent members of an Indian's household or immediate family.<sup>1/</sup> Effective immediately, non-Indians may be regarded as beneficiaries of the Indian health program only in the two exceptional situations stated in the appropriations statute above. Additional instructions will follow dealing with the provision of services to non-Indians with acute infectious diseases or other conditions which constitute public health hazards.

Non-Indians who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who are presently inpatients in IHS facilities shall continue to be hospitalized until the need for hospitalization has ended. The determination as to when hospitalization is no longer needed shall be made by the patient's physician and be based upon the medical circumstances

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<sup>1/</sup> See the following statements governing non-Indian eligibility for IHS services: regulations at 42 CFR 36.12(a) regarding non-Indian wives, the preamble to proposed rules at 45 Federal Register 82839 (Dec. 10, 1980) regarding non-Indian husbands; section 2-1.2C of the IHS Manual regarding dependent non-Indian members of an eligible Indian's household; and section 2-3.7E(4) regarding non-Indian members of an eligible Indian's immediate family being eligible for contract health services.

of each patient. These patients shall be notified that after discharge they will no longer be eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

Non-Indians who were regarded as beneficiaries prior to enactment of the new law and who are presently undergoing a course of outpatient treatment may not be given further treatment unless, in the judgment of the medical officer in charge; immediate termination of treatment would threaten the life of or seriously impair the health of the individual patient. In that case the individual may be treated as an emergency patient (non-beneficiary) under regulations at 42 CFR 36.14. These patients shall also be notified that they are no longer eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

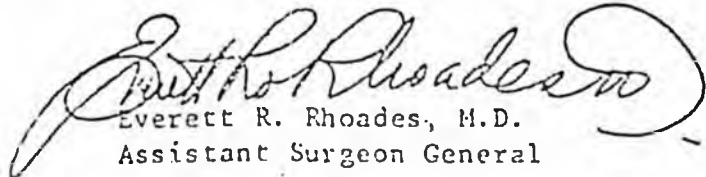
After receipt of this directive, no further initial authorization of contract health services may be made for any services provided after December 30, 1982, to former non-Indian beneficiaries except for non-Indians who meet the eligibility requirements of P.L. 97-394. Non-Indians who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who are presently receiving inpatient contract care authorized under regulations at 42 CFR 36.21 et seq., may be authorized additional inpatient contract health services, within medical priorities, until the need for hospitalization has ended. No outpatient contract health care shall be authorized for these non-Indians after receipt of this notice. Outpatient contract health care authorized for these non-Indians before receipt of this notice shall be honored. These patients shall be notified that after discharge or completion of their previously authorized outpatient contract health care, they will no longer be eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

P.L. 97-394 does not affect treatment of non-beneficiaries where otherwise provided for by law. For example, the IHS facilities may continue to treat non-beneficiaries in cases of emergency as authorized under section 322(b) of the Public Health Service Act, 42 U.S.C. 249(b) and regulations at 42 CFR 36.14; the Alaska Area Native Health Service may treat non-indigent non-beneficiaries on a fee basis as authorized by 48 U.S.C. 49; and IHS facilities may continue to treat beneficiaries of other Federal programs under Economy Act arrangements. There may be other valid examples since this list is not intended to be all inclusive.

Within your respective jurisdictions, immediate dissemination of this notice shall be made to: (1) all IHS facilities and personnel involved in the provision of services, the determination of eligibility for services, and the authorization of contract health services; (2) all tribal leaders and leaders of Indian organizations involved in health issues, e.g., Indian health boards, urban Indian organizations, etc.; (3) all P.L. 93-638 contractors and grantees; (4) all non-IHS health care providers who provide services to IHS beneficiaries whether under contract (including Buy Indians) or not under contract; and (5) all local agencies that provide or pay for health services to the general population.

In addition, this notice shall be posted in the public areas of all IHS facilities, whether operated by IHS or by an Indian tribe or tribal organization, and in tribal facilities providing services to IHS beneficiaries under authority of P.L. 93-638. Finally, every reasonable effort should be taken to notify the general beneficiary population with particular emphasis given to individually notifying non-Indian patients, or their guardians, who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who had received services as beneficiaries.

Individuals who are denied services under P.L. 97-394 shall be denied in writing and shall be afforded the current notice and appeals procedures.

  
Everett R. Rhoades, M.D.  
Assistant Surgeon General

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Joint Resolution No. 27 Date on Bill: 2/7/83  
 Title: Relating to health care delivery to non-Native dependents by the U.S. Public Health Service  
 Sponsor: Rep. Hermann  
 Requestor: HESS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

b. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Dean Tirador Phone: 465-3090  
 Division: Public Health Date: 2/10/83

Approved by Commissioner: Robert Landon Smith, Ph.D. Date: 2/14/83  
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

POSITION PAPER

HOUSE JOINT RESOLUTION NO. 27

"Relating to health care delivery to Non-Native dependents by the United States Public Health Service."

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The abrupt discontinuation of eligibility for health care of Non-Native dependents will undoubtedly cause hardship in many instances. Adequate lead time would have allowed for a more orderly planning process. Therefore, the Department endorses the intent of this Resolution.

Recommended by: E. S. Rabeau, M.D.  
E. S. Rabeau, M.D., Director  
Division of Public Health

Date: Feb. 10, 1983

Approved by: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and Social Services

Date: 2/14/83