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Proposed Amendment to include minimum alcohol treatment program standards in statute:

"The minimum program standards adopted under this subsection for outpatient alcohol treatment programs must include provisions requiring that the alcohol treatment facility impose on its outpatients who are diagnosed as alcoholic the following conditions:

- 1) complete abstinence from alcoholic beverages and all controlled substances, unless prescribed by a physician;
- 2) consent to periodic unscheduled urinalysis testing designed to detect the presence of alcohol or controlled substances;
- 3) agreement to participate in at least 72 hours of intensive outpatient contact within 90 days after acceptance for treatment in addition to weekly participation in meetings of an alcoholism self-help recovery group; at least 24 hours of the 72 hours of intensive outpatient contact required under this paragraph must occur through sessions of at least two hours per day on at least three days of each week.
- 4) a contractual agreement with the facility to pay the full cost of the outpatient's proposed treatment program according to a schedule agreed upon by the parties."

Rationale:

In 1976, the State Office of Alcohol & Drug Abuse adopted, by reference, the 1974 Accreditation Manual for Alcohol Programs as approved by the Joint Commission on Accreditation of Hospitals (JCAH). While meeting the State's needs at the time of its adoption, many agree that new regulations and statutory standards are necessary.

A February 1990 Ombudsman's report concludes that standards are necessary. Treatment facilities in Alaska deal with more than 10,000 clients each year. Existing regulations for treatment programs are inadequate and outdated.

Additionally, a recent AG opinion states that the statutory language upon which draft regulations were based seemed ambiguous and did not clearly indicate that the SOADA could mandate compliance with the proposed regulatory standards.

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Treatment Standards

Consequently, prescribed treatment implemented by the private sector as well as the state funded facilities vary dramatically around the state even though all practicing treatment facilities are required to be certified.

Providing statutory guidelines for minimum standards imposed upon a diagnosed alcoholic by a state certified treatment facility is a crucial and immediate remedy for treatment programs throughout the State. Additionally, if adopted, consistent treatment standards utilized by all certified programs statewide will significantly increase the effectiveness of both outpatient and intensive outpatient treatment.

Minimum standards would provide a consistent treatment structure to address the needs of many outpatient individuals who must temporarily move to other Alaskan communities for employment purposes while in treatment.

Most importantly, statutory treatment standards would play a significant role in reducing Alaska's rate of recidivism of DWI's. While attempting to strengthen our DWI laws, a close review of our treatment programs must go hand in hand if we are to effect a positive outcome.

enterprise; and what should the state do with agricultural assets owned by the Agricultural Revolving Loan Fund.

Governor Cowper responded to the ombudsman's special report and investigative report by outlining his six-point agricultural policy. The policy he outlined provided: "Look to the marketplace—don't produce what you can't sell. Grow crops that suit Alaska's climate and that Alaskans want to buy."

The governor's second policy position was: "Don't give loans for venture capital—only make loans that are secured and repaid."

The third part of the governor's policy was: "Develop stability before you expand—develop a solid base and then increase volume."

Fourth, the governor wrote, was: "Salvage what you can from past investments; don't just walk away from facilities in which you have already invested millions. Although state ownership of failed investments is not desirable, it can build much needed stability into the industry."

The ombudsman noted there is some value to this policy even if the director of the Division of Agriculture was not aware of it during the course of an investigation that lasted several months. The ombudsman also noted that with the changing of very few words, the policy could be used for the fishing industry, the mining industry, the timber industry or a future fish farming industry.

"I'm disappointed the governor and the commissioner of the Department of Natural Resources did not feel the need to enhance the very generic agriculture policy that they say guides the state," Fowler said. The very general guidelines do not help in an era when the state finds itself owner of the means of production—the creamery; the owner of the store which provides feed for the dairy cattle; and mortgage holder on the dairy farms. Alaskans need to know where we've been, where we're going and how we're going to get there."

Fowler noted that one major dairy farm has failed since he issued his special report to the governor and others are on the verge of failure.

either withdraw their judgement. Es or see the dairy farmers go bankrupt. The ombudsman did recommend the state place special emphasis on clarifying the state's 'position' on dairy farmers' creamery checks.

The final complaint involved the sale of Alaska-grown hay and the Alaska preference law's applicability to the Matanuska Maid feed store. The ombudsman found that complaint was not supported but noted that Alaska hay of equal or better quality than hay imported from outside Alaska does qualify for Alaska product preference.

In all of the complaints involving Matanuska Maid, the ombudsman determined both the feed store and the creamery are the state's agencies. Managers of both enterprises deny they are running public companies and their management behaviors are those of private entrepreneurs. The ombudsman, though, found that both managers are using state money and must adhere to purchasing and other requirements applicable to functioning with state capital.

## farmers owl play'

the department, the farmers took their case to the game board.

Based primarily on testimony by department officials, the board turned down the farmers' proposal. Department spokesmen argued that opening the door for commercial export of wild Alaska game birds would also open the door for abuse. For example, they said the farmers' proposal would make it possible for others to sell Alaskan wild birds to restaurants.

The farmers argued the department's position was preposterous, and pointed to their own responsible track record as proof that abuses would not occur among serious game bird farmers. The farmers also pointed out that zoos and other hobbyists throughout the United States and the world are anxious to include Alaskan game birds in their aviaries.

The board deliberated for several hours and because of doubts raised by the department refused to grant the change in regulations. The ombudsman found the decision not to change regulations was properly exercised by the game board. He further found that testimony of department officials was an appropriate use of expert testimony by the board. Based on the facts, the complaint was ruled unsupported.

Frustrated, but still determined, the farmers plan to attack the problem from a new angle. They will take their request to local legislators in the hope that laws designating the department's commissioner "custodian" for wild game birds can be changed, thereby removing the policy from the jurisdiction of both the department and game board.

## Programs not licensed

Alcohol and drug abuse programs may not need state licenses to operate in Alaska, an ombudsman investigation revealed.

The question arose when a client of a residential drug treatment program complained to the ombudsman that the state was not adequately supervising the treatment and care of clients at the treatment center. Alaska law provides the Alaska Office of Alcoholism and Drug Abuse "shall establish standards for facilities" and that drug and alcohol treatment facilities "shall meet the applicable standards before it is approved as a public or private treatment facility."

The statute also establishes the state's right to review programs and suspend or revoke approvals.

The state in 1976 adopted regulations to implement the statute. Those initial regulations apply only to alcohol treatment programs in Anchorage, Fairbanks, Juneau, Ketchikan, Sitka and Kodiak or other programs affiliated with hospitals that have a budget of more than \$200,000 or are part of a community mental health program.

The lack of more stringent regulations most likely reflected a lack of perceived need, the ombudsman found. Until recently, most drug and alcohol abuse programs were state or federal programs or non-profit programs funded by government. However, with increased social awareness of substance abuse and an emphasis on treatment that is often covered by insurance policies, there has been a proliferation of for-profit programs in recent years.

Because of the new programs, the state's Office of Alcoholism and Drug Abuse drafted new regulations almost three years ago. The draft regulations specify new state standards, apply to alcohol treatment programs and drug treatment programs, and require prior state approval before treatment can be offered.

The ombudsman noted after his investigation that the standards in the proposed regulations and the need for certification seems apparent since treatment facilities in Alaska deal with more than 10,000 clients each year. The existing regulations which apply only to alcohol treatment programs and which do not allow the state to close bogus or fraudulent operators are inadequate and outdated, the ombudsman noted.

After the investigation, the ombudsman found the complaint fully supported and recommended the agency expedite adoption of the proposed regulations which would give the state power to certify programs that meet minimum professional standards and close programs that did not meet the standards.

The agency agreed and accepted the finding and recommendation. Later, an assistant attorney general suggested the statutory language upon which the regulations were based seemed ambiguous and did not clearly indicate that the Office of Alcoholism and Drug Abuse could mandate compliance with the proposed regulatory standards.

Pat: read story on pg 8

# The Alaska Ombudsman Report

Annual report of the Office of the Ombudsman, State of Alaska

1989

## Complaints leap dramatically

# New decade begins on record note

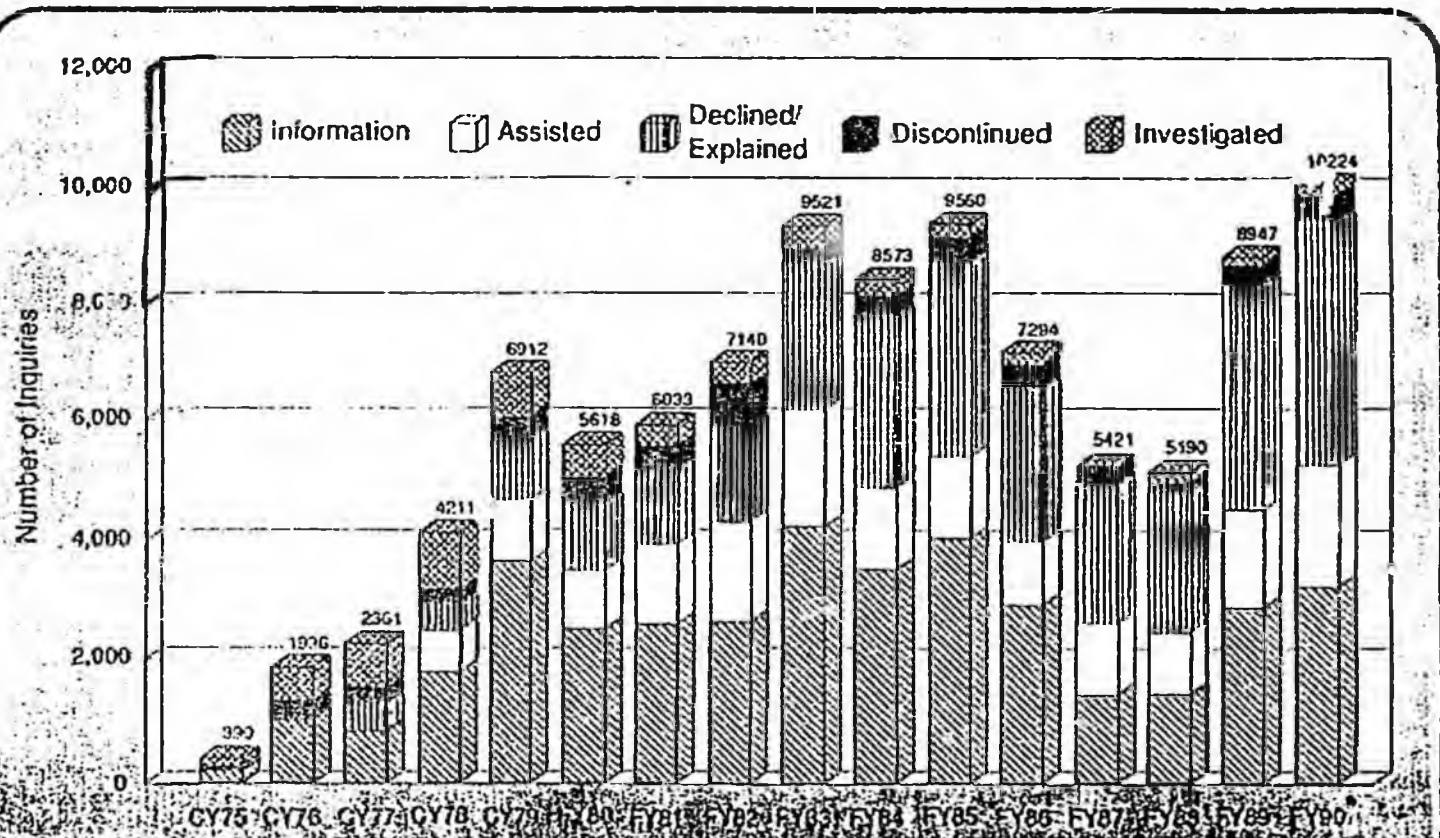
By Duncan Fowler  
Alaska Ombudsman

Heinrich Pestalozzi said, "The important role of the ombudsman institution consists in humanizing governments instead of governing human beings." Zurich, Switzerland's ombudsman, Jacques Vintobel, recently reminded me of the quotation during the Christmas season. Jacques is retiring after 19 years on the job. The quotation aptly describes the need for ombudsman services in free societies. But it also intimates that ombudsmen are only effective working with departments or governments who want to be fair and responsive.

This past year we have humanized state and municipal government services for a record number of citizens. Complaints increased 63% and Alaskans asked for information-referral assistance a whopping 94% more than the previous year. The ratio of investigators to citizen inquiries hit a record setting 1193, not a happy workload record to set.

The first six months of FY'90 shows the record pace continuing. Projections indicate an additional 15% increase in complaints and inquiries. For the first time in the history of the office, we will exceed 10,000 citizen inquiries. An estimated 7,000 of these will be complaints. A staff of 15.5 provides those services. In comparison, 24.5 staff handled 5,400 complaints in FY'85.

The "average" number of days it took



Inquiries by Type and Year

Office of the Ombudsman

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(4) Modifications to the above minimum standards shall be specified in a prescribed alternative treatment plan ~~and~~ in the best interest of the client.