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House of Representatives

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A M E N D M E N T S T O C S H B 5 1 1

by Rep. Mackie

Page 2, line 10:

After "home health care services," insert "respite care services," ;

Page 2, line 30:

After "home health care services," insert "respite care services,";

Page 2, line 22:

After "services." add new line to read "The sponsor shall be allowed a 90 day 'grace' period to acquire and review these records.";

Page 2, line 27:

After "services." add new line to read "The sponsor shall be allowed a 90 day 'grace' period to acquire and review these records."

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House of Representatives

M E M O R A N D U M

TO: Representative Georgianna Lincoln, Co-Chair
Representative Pat Carney, Co-Chair, and
Members of the House HESS Committee

FROM: Representative Jerry Mackie *JM*

DATE: March 4, 1992

RE: Proposed CS for HB 511

Attached, please find a committee substitute (CS) that I would like to offer for your consideration. This CS attempts to meet the concerns from two sectors of the executive branch. The Department of Law and the Department of Health and Social Services (DHSS) have both raised concerns with sections 7 and 8 where amendments were proposed to Chapter 66, SLA 1991. I have no desire to revisit the Mental Health Lands Trust Settlement Issue until the settlement is approved or rejected by the litigants.

In speaking with both Connie Sipe, Executive Director of the Older Alaskan's Commission and Jeff Jesse, Senior Attorney for Advocacy Services of Alaska, representing the Trust, I have come to understand that the attorneys for the trust fully intend to commit to addressing these same quality assurances before this committee. My original intent was to make the bill as comprehensive as possible, but feel confident that we can proceed with the assurances in place from the administrators of the Trust.

Additionally, the language in the original bill draft that reads "Upon determining that a report of harm under this section might relate to harm caused by actions or inactions of a public home care provider, the department shall . . ." (first appearing in sec. 2 and continuing throughout) has raised some concern.

This committee substitute will address those concerns by:

(1) requiring the department to promulgate regulations that would accomplish this same end without catapulting the state into the middle of employer/employee relations. These regulations shall provide for a grievance procedure that will allow the alleged abuser or offender due process. The same language used for day care providers might be appropriate in this regard as well.

(2) these regulations shall protect the due process and constitutional rights of the alleged abuser as well as the alleged victim.

(3) furthermore, these regulations shall require the department to address these concerns in the due course of the grantor/grantee relationship with contract agencies.

(4) these regulations shall also require the department to include in all contracts with home care providers a provision ensuring the State of Alaska that the contracting agency/employer will not interfere in the course of any investigation of an allegation of abuse of an elderly or disabled adult.

(5) these regulations shall be adopted by March 15, 1993 with a report to the legislature on the status of the regulations by February 1, 1992.

I hope you will agree to these changes and adopt this committee substitute for HB 511.

7-LS2026D

Lauterbach

3/2/92

CS FOR HOUSE BILL NO. 511 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MACKIE, ELLS, LINCOLN, LARSON, GONZALES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to public home care providers; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 13.26 is amended by adding a new section to article 5 to read:

4 Sec. 13.26.358. POWERS OF ATTORNEY HELD BY PUBLIC HOME CARE
5 PROVIDERS. (a) A public home care provider may not accept a designation as attorney-in-fact
6 or agent by general or special power of attorney for an individual to whom the provider furnishes
7 in-home services unless the designation is held jointly with another individual who is not
8 employed by the same entity that employs the public home care provider.

9 (b) In this section, "public home care provider" has the meaning given in
10 AS 47.05.017(b).

11 * Sec. 2. AS 47.05 is amended by adding a new section to read:

12 Sec. 47.05.017. REGULATIONS FOR HOME CARE PROVIDERS. (a) The department
13 shall adopt regulations identifying actions that it will take, in addition to those otherwise required
14 under AS 47.17 and AS 47.24, when a report of harm is made under AS 47.17 or AS 47.24 that

1 might relate to harm caused by actions or inactions of a public home care provider. The
2 regulations must

3 (1) address circumstances under which the department will require a contractor
4 or grantee to reassign or terminate an employee alleged to have perpetrated harm; and

5 (2) include appropriate procedural safeguards to protect the due process rights of
6 public home care providers who may be reassigned or terminated under the circumstances
7 described in (1) of this subsection.

8 (b) In this section, "public home care provider" means a person who is paid by the state,
9 or by an entity that has contracted with the state or received a grant from state funds, to provide
10 homemaker services, chore services, personal care services, home health care services, or similar
11 services in or around a client's private residence.

12 * Sec. 3. AS 47.24.050(b) is amended to read:

13 (b) The department shall disclose a report of harm if the elderly person who is the
14 subject of the report consents in writing. The department shall, upon request, disclose the
15 number of verified reports of harm that occurred at an institution for care of the elderly or that
16 were the result of actions or inactions of a public home care provider.

17 * Sec. 4. AS 47.24.100 is amended by adding a new paragraph to read:

18 (13) "public home care provider" has the meaning given in AS 47.05.017(b).

19 * Sec. 5. AS 47.65.050 is amended by adding a new subsection to read:

20 (b) The commission may not make payments to a sponsor whose program includes home
21 care services unless the sponsor has agreed to request and receive records under AS 12.62.035(a)
22 before the services are provided, for the person who will provide the services.

23 * Sec. 6. AS 47.65.100 is amended by adding a new subsection to read:

24 (f) The commission may not award a grant under this section for adult day care services
25 that include home care services unless the grantee has agreed to request and receive records
26 under AS 12.62.035(a) before the services are provided, for the person who will provide the
27 services.

28 * Sec. 7. AS 47.65.290 is amended by adding a new paragraph to read:

29 (8) "home care services" means homemaker services, chore services, personal care
30 services, home health care services, or similar services in or around the residence of an older
31 Alaskan or of a frail older person or similarly disabled adult, as defined in AS 47.65.100.

- 1 * Sec. 8. REGULATIONS. The Department of Health and Social Services shall adopt the regulations
2 required under AS 47.05.017, enacted by sec. 2 of this Act, by March 15, 1993. By February 1, 1993,
3 the department shall report to the legislature on the status of the regulations process.
4 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

S P O N S O R S T A T E M E N T

HB 511 "An Act relating to public home

care providers and providing for an effective date"

HB 511 will enhance protections for the elderly and disabled and will mandate certain quality assurances within the home care provider industry.

The phenomenal growth in the 65+ age segment; a decline in resources available for services (already inadequately funded) for the protection, intervention and investigation of crimes against the elderly and disabled; as well as the effort underway to apply to the federal government for Medicaid waivers and options for home and community based care have all brought us to this critical juncture.

This legislation restricts the assumption of powers of attorney by a public home care provider over the client to whom the care-giver furnishes in-home services. We must remove any opportunities for abuse and exploitation by those placed in the private residences of these extremely defenseless persons.

HB 511 will mandate criminal background checks for public home care providers. Failure to provide this quality assurance will result in needlessly placing our elderly and disabled into peril.

This proposal will also require the Department of Health and Social Services (DHSS) to notify the public home care provider agency under contract to the state when that agency's employee is the subject of a report of harm. It is not enough to simply "initiate" an investigation, every possible effort must be put forth to intervene on behalf of the victim of the alleged abuse.

HB 511 will also require DHSS to disclose the number of verified reports of harm perpetrated by caregivers under contract to the state, just as is required for nursing homes.

HB 511 An Act relating
to public home care providers
and providing for an effective
date"

Project Choice (Community and Home Options to Institutional Care for Everyone) was created by Ch.26, SLA 1990 (SB 334). One provision of Ch.26, SLA 1990, required a report to the legislature, this report was submitted February 21, 1992. In anticipation of this report a number of legislative proposals have recently been introduced urging DHSS to expeditiously apply for Medicaid waivers and options for home and community based care.

Additionally, DHSS has recently launched a new home care services program. This program is a collaborative effort of the Division of Public Health, the Division of Medical Assistance, and the Division of Mental Health and Developmental Disabilities.

These two events, applying for Medicaid waivers and options, and the creation of a new comprehensive home care services program will place Alaska on the precipice of an explosion in the home care provider industry. In anticipation of the growth in this industry combined with expected continued expansion of the 65+ age segment I have introduced HB 511.

We must become increasingly sensitized to the need for enhanced protections for those members of our society who are least able to protect themselves. The legislature should provide a very strict statutory structure for the home care services industry and then require DHSS to develop stringent regulations that will protect the recipients of this care from the types of abuse and crime to which they are especially vulnerable.

The disabled and elderly adult who remains in his/her own private residence often experiences near isolation that makes them more susceptible to abuse. This isolation also makes identifying and responding to these crimes extremely difficult.

As sponsor of HB 511, I am hopeful that this legislative effort will focus attention on a number of tangential issues:

- the appropriateness of Adult Protective Services remaining in the Division of Family and Youth Services
- the inadequate level of funding for Adult Protective Services as depicted by a ten-year portrait
- the need to expand the duties and responsibilities of the Long Term Care Ombudsman to cover elders cared for in their private residence.

HOUSE BILL 511

"An Act relating to public home care providers; and providing for an effective date."

This bill recognizes the intimate relationship between those needing help and those providing it. Alaska is fortunate to have so many caring and kind helpers. Almost all home care providers are moral people, but the demands and dynamics of the caregiving relationship often result in extraordinary temptations and dilemmas for the caregiver. This bill would set legal limits on the relationship and reduce risk to vulnerable populations through requiring protective action on reports of harm and through requiring criminal background checks on public home care providers. The Department of Health and Social Services supports this bill with amendments.

Applicability

The Department notes that this bill excludes private arrangements for care even if there are state funds involved. The Department supports the exclusion as practical.

Section 1

This section limits the relationship between a home provider and person requiring care by prohibiting public home care providers from accepting sole responsibility under a Power of Attorney. The Department believes this is an appropriate limitation. We are concerned with a potential problem that might occur when a home care provider has a friend or relative co-sign a power of attorney. Perhaps an additional clause such as "and who is not a relative of and has no previous association with the home care provider" could be added.

Sections 2 and 3

Sections 2 and 3 require the Department to notify the employer upon receiving a report of harm to either a child or to an elderly person, when the harm may have been caused by a public home care provider. The employer agency must immediately assign a new care provider to give the care. The assignment of a new care provider is critical to free concerned persons to report. Frequently individuals will not report for fear of retaliation and of losing the care upon which the elderly person or child depends. There are personality conflicts in the caring relationship, and not all reports will be founded, but removal and assignment of a new care provider when there are allegations of abuse or neglect is prudent state policy. The Department has had a similar requirement in its non-medical care facility regulations for more than 10 years. Investigation may move a concern from suspicion to evidence.

We suggest that an amendment be added to the effect that the employer must cooperate with department officials and may not hamper the investigation.

Sections 2 and 3 will potentially have significant impact on the Division of Family and Youth Services (DFYS). Depending on the nature of an allegation, the care provider employee may need to be removed from all caregiving situations until the investigation can be completed, and then the results of the investigation may have a negative effect on the future employment of the care provider. Since this is very similar to our previous experience in licensed facilities, we know that two elements are necessary in the DFYS response to the report of harm: first,

it must be timely; and second, DFYS must be prepared to participate in any employee appeal proceeding, if the finding results in dismissal of the employee.

Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. Ten years after Alaska's law was passed, the Department still is not adequately funded for this mandate. We believe there will be few reports under this proposed statutory provisions, however, given inadequate numbers of existing staff, need for a timely investigative response and involvement in any employment appeals, the Department is concerned that investigative response will not be able to meet expectations.

Section 4

Section 4 is important in that it will require tracking the number of reports of harm by public home care providers. While we believe the number will be small, statewide computer information is critical to our better understanding of the nature of abuse and neglect.

Sections 5 and 11

The definition of a public home care provider in Section 5 should be amended to read....."in or around the client's [A PRIVATE] residence." This clarification will make the definition consistent with the definition in Sec.11 by clarifying that it applies to the residence of the person receiving the care. The amendment would further clarify that the definition does not broadly include the care given in private residences by licensed foster parents and licensed family child care providers. Foster care providers and family child care home providers not exempt from AS 47.35 are regulated through licensing. The committee should consider adding the term "respite" to the list of services in both Sections 5 and 11, to ensure inclusion.

Section 6

The Department supports Section 6 on disabled adults as consistent with other sections of the bill. As a practical matter DFYS, as the protective services agency, investigates some reports of harm to individuals included in AS 46.24 (Article 2) in coordination with law enforcement.

Sections 7, 8 and 12

The Department recommends deletion of all reference to Chapter 66, SLA 1991. Under the Weiss litigation in the Mental Health Trust lawsuit, there is an unstated understanding between the state and the attorneys for the plaintiff that there would be no amendments to Chapter 66 without the agreement of both sides. An amendment at this time would create an additional complication in settling this litigation. so we believe it would be best to delete reference to Chapter 66 until after a settlement has been reached. Deleted in Recommended

Perhaps the best location for the criminal history background searches required in Section 8 would be AS 12.62. Criminal history searches are currently required in department grants and are in the draft regulations for home care in final review in the Department of Law. The phrase in Section 8."before the care is provided." would prevent care providers from entering the system prior to criminal history clearance. Our experience in child foster care is that clearance can take months. This is especially true in rural communities where unacceptable fingerprint rolling results in reprocessing delays. Committed Substituted

In drafting any amendment, we suggest that the language of Section 9 be used as it does not contain the phrase, "before the care is provided." We believe it is possible to protect the recipient while a criminal background check is being completed on a new hire; our home care regulations require extensive reference checks and an applicant's affidavit of their record, among other precautions. We think that the risks of "conditional hires" must be balanced against the recipient's need for care. Almost anywhere outside of Anchorage, there is no "pool" of home care providers, so requiring completion of a criminal background check before service is begun could have devastating effects on the client, far beyond the risks of using an uncleared provider.

Task Force

The Department recommends that an Adult Protective Services (APS) Task Force be created, preferably with legislative sponsorship, to address issues which this bill and HB 510 address. DFYS has carried the APS role, since before statehood. About 2/3 of their caseload are over age 65 (with 3 over 100 years old) and about 1/3 of the caseload are younger disabled adults, often just below criteria that could get them help in other systems. These are street people and frail elderly, and persons who are physically handicapped, mentally ill or developmentally disabled. Reports of harm include self-neglect, neglect by a person responsible for their care, financial exploitation, and abuse.

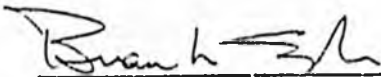
Division activity in APS is so understaffed that community members including neighbors of victims do not know that help is possible and professionals fail to report, assuming an inadequate investigative response. When DFYS does get reports, they have been termed as non-responsive on all but the worst cases. In 1982, the Elder Abuse reporting statute was passed, but not funded. Ten years later

- We don't have a full Adult Protective Services system
- We don't provide the same level of protection to elderly and disabled adults as we do to children.
- We know that we don't have an adequate system.
- We want to do better.
- So how do we do that?

We strongly believe the department with legislative support has a responsibility to bring this problem out of the closet. This state has people qualified to address an APS System. We think that it is time for a small task force of experts and selected community professionals to address APS issues and make recommendations to the Governor and to the legislature. We would be pleased to participate in a legislative sponsored task force.

Position

The Department supports House Bill 511 with amendments.



Brian Saylor, PhD, MPH,
Deputy Commissioner/Acting Director
Division of Family and Youth Services

Date: 3/4/92



Theodore A. Mala, MD, MPH, Commissioner
Department of Health and Social Services

Date: 4 March 1992

In FY80 approximately 80% of the homemakers services were related to the protection of the elderly. This translates into an estimated budget of \$1,012,300. Also in that year \$340,100 was included in the component Adult Supportive Services to provide adult residential care. Staff within the Division of Family and Youth Services were assigned to assist adults with protective services, but the actual number can not be identified in our budget documents nor within the agency's records.

FY81 saw an increase in Adult Supportive Services to help with the costs of care in an adult residential care facility. This was accomplished through 1) supplementing SSI payments of SSI eligible individuals, or 2) providing full payment for residential care for those elderly, developmentally disabled or handicapped individuals who do not meet the state and federal eligibility criteria for SSI and cannot afford residential care. In FY82 the Division of Adult & Aging Services was created and then disbanded with the transfer of programs to Dept. of Administration (OAC) and Dept. of Public Safety (Domestic Violence).

In FY87 during the budget reduction exercises the number of hours of adult protective homemaker services was reduced (\$262,700). In FY90 the adult homemaker services was transferred to the Division of Public Health.

Adult Services was increased by \$100,000 in FY89 for adult protection residential care for levels I and II. In FY89 Adult Services was funded at \$372,100 and homemaker services at \$1,488,600 and has remained at that level until FY92. At that time the homemaker services program sustained a reduction of \$388,600. In the governor's FY93 budget submission, the adult homemaker and the home health aide programs are transferred to a new component entitled Home Health Services. This is to find efficiencies in the coordinated administration of these programs and will make the identification of funds specific to elder care even more difficult to identify.

There are currently between 3 and 3.5 social worker positions that specialize in the elder programs. Most other social workers spend some time dealing with the elderly but it is not possible to determine how many positions that actually translates into.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
 Division of Family & Youth Services

General Funds	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	1,352.4	1,462.3	2,050.0	2,050.0	1,760.7	1,760.7	1,860.7	1,860.7	1,860.7	1,472.1	1,472.1
Positions-PFT	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	11	10	8	8	3	3	3	3	3	3	3
Population 65+	FY83		FY85			FY88	FY89	FY90			
Population 18+	15,149		10,133			20,397	21,885	22,459			
						369,446	374,618	380,609			

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF FAMILY AND YOUTH SERVICES

DATE: 1/2/91

TO: Russ Webb
Acting DirectorFROM: Pat O'Brien
Social Services
Program Officer

RE: Adult Protective Services (APS) Positions

FILE: 1750

You asked that I reconstruct the APS history of positions.

--Prior to passage of the Protection of the elderly statute, the division (DFYS) performed some supportive services for elderly and vulnerable adults, primarily assessing need for homemaker services and authorizing the service or referring individuals to local community services.

--In 1977 DFYS gained statutory responsibility for licensing adult residential care facilities (commonly called boarding homes) and foster homes. No positions were obtained. Regulations were promulgated in 1980 and limited funds secured for the care of dependent adults residing in existing facilities. Existing licensing staff were assigned the new licensing responsibility. Existing social workers were assigned the adult caseload in 1980 and 81. Most of those clients were vulnerable adults younger than age 65.

--In 1983, the Protection of the Elderly statute was passed without positions being added to the division's budget.

--For a period of a few months in late 1982 and 1983, the Department created a Division of Adult and Aging Services taking three Central Office positions from DFYS (including the WIN coordinator) and combining those positions with the department's Office of Aging positions for an expanded Central Office. Approximately 11 or 12 field social work and clerical positions were transferred from DFYS to the new Adult and Aging Division to provide Adult Protective Services. These field positions had previously been assigned primarily to child protective services.

... were also transferred from DFYS to the new Adult and Aging Services Division. WIN was a Federally funded program designed to assist adult single parents who were receiving Aid to Families with Dependent Children to find and retain jobs. The Office of Aging positions had primarily administered the Federal grant funds from the Federal Office on Aging.

--Also in 1983 the recently created Older Alaskan's Commission had developed by laws and was establishing an office within the Department of Administration. A decision was made to disband the new Division of Adult and Aging Services and to transfer the positions which had formerly been in the Office of Aging to the Older Alaskan's Commission office in the Department of Administration. The Older Alaskan's Commission then assumed the function of administering federally funded grants to local agencies.

--Following the transfer of Office of Aging positions to the Older Alaskans Commission, the positions originally taken from DFYS were restored to DFYS. Those designated for adult protective services were:

Central Office: Field Administrator - Elizabeth Muktarian
Assoc.Coord. Rng.18 - Jane Miller

Anchorage : Supervisor SW IV - Gladys Langdon
5 Social Worker III's John Burke,
Jerry Swenson,
Doris Julian,
Dorothy Emmons, and
Gary Mandzik
Clerk Typist ?

Fairbanks : Supervisor SW IV ? PCN 3724
Social Worker III Lare Lamr PCN 3725

Juneau : Social Worker III Lisa Clough
half time

Ketchikan : Social Worker III ?
half time

Bethel : Social Worker III ?
half time
(unable to confirm the Bethel position)

--In late 1983 or early 1984, in a budget reduction exercise, the position Jane Miller was holding in Central Office was eliminated.

--In 1984 the way of child protection increased reports caused the division to again look at reallocation of positions to respond most effectively to agency mandates. The homemaker contractor was authorized to perform assessments to determine need for homemaker services. This resulted in a reduced social worker responsibility statewide. A study of the individuals in adult residential and foster care was finalized in September, 1985. Based on the study, those adults with a diagnosed developmental disability or serious mental illness were transferred to the Division of MH&DD for case management, though no positions were transferred. DFYS retained adult cases with a borderline diagnosis and individuals on the wait list of MH&DD. Following the transfer of clients to MH&DD, most APS social workers were reassigned to a child protection caseload. The APS unit in Anchorage was reduced to two workers and the one in Fairbanks was reduced to one position. Remaining APS positions fell to less than half time. The Central office position assumed additional responsibilities, so that there was no longer a Central Office position designated for Adult Protective Services.

--In 1985 the Central Office WIN coordinator position in DFYS and the WIN field social workers and clerical staff were transferred from DFYS to the Division of Public Assistance. Welfare Reform legislation has now converted the WIN program into JOBS, Job Opportunities and Basic Skills Training.

To reconstruct this history, I contacted six DFYS staff and referred to three documents. If necessary more detail might be obtained in personnel files.



AGE 65+ POPULATION INCREASE

The number of persons age 65 years and older increased by 93.7% in Alaska during the 1980s according to figures released from the 1990 Census. The 1990 census counted 22,369 persons age 65 years and over, up from the 1980 total of 11,547. The 65+ age group was the fastest growing age group in the state. Despite that fact, it was still the smallest percentage, making up only 4.1% of the total population. For the United States, this same age group grew by 22.5% and comprised 12.6% of the population.

When looking at the male/female components of this age group, the increase is even more dramatic for women. The number of age 65+ women increased by 104.2% compared with the male increase of 83.2%. Looking at just the 75 years and over age group by sex, the female population increased by 120.9% while the male grew by 98.9%. For the United States, the 75 years and over age group also increased more than the total 65+ age group, growing 33.3% for women and 31.3% for men.

During the same period Alaska's total population grew by 36.9% to 550,043 persons. This ranks Alaska second in growth percentage, behind Nevada's 50.1% increase. The United States' population increased by 9.8% to 248,709,673.

At the sub-state level, the Matanuska-Susitna Borough experienced the largest growth of persons age 65+ with an increase of 155.6%. Four other areas also outpaced the state's growth in this age category. The Kenai Peninsula Borough population grew by 143.7%; Anchorage increased by 134.6%; the Fairbanks Borough increased by 133.3%; and Fairbanks North Star Borough grew by 99.1%.

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AKCENS is a quarterly newsletter published by the Alaska State Data Center (ASDC). It includes current census information provided by the U.S. Census Bureau, and demographic, economic and labor market information provided by the Research & Analysis Section of the Alaska Department of Labor (DOL). ASDC, based in the Juneau offices of DOL, is a joint venture of the U.S. Bureau of the Census and the State of Alaska.

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65. The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

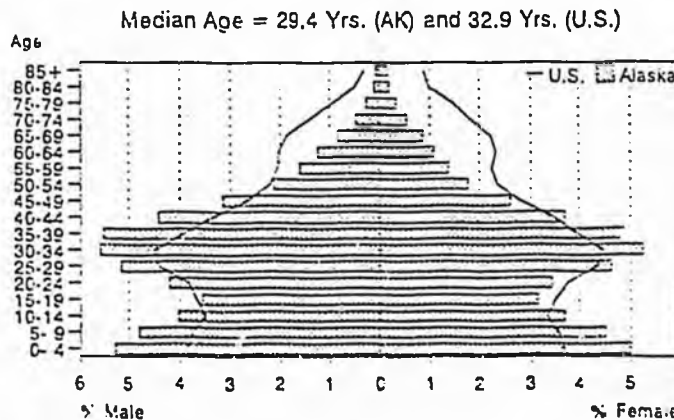
There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

Table 1
Population Comparison for
Persons 65 Years and Older for the
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change	
			1980-90	Percent
Alaska	11,547	22,369	10,822	93.72
Aleutians East Borough	45	58	13	28.89
Aleutians West C.A.*	62	82	20	32.26
Anchorage Borough	3,520	8,251	4,738	134.60
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	827	2,015	1,188	143.65
Ketchikan Gateway Borough	642	907	265	41.28
Kodiak Island Borough	255	425	170	66.67
Lake and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,866	1,136	155.62
Nome C.A.	339	415	80	23.60
North Slope Borough	148	197	49	33.11
Northwest Arctic Borough	249	281	32	12.85
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.63
Yukon-Koyukuk C.A.	308	392	84	27.27

*C.A.= Census Area
Source: 1990 Census of Population and Housing, STF1A

Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis
Demographics Unit

ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

<u>Age</u>	<u>FY87</u>	<u>FY88</u>	<u>FY89</u>	<u>FY90*</u>	<u>FY91*</u>
18-59	609	577	566	362	279
60 & up	1326	1326	1272	894	846
<u>Sex</u>					
Female	1268	1289	1256	810	725
Male	666	656	625	446	400
<u>Race</u>					
AK Native	792	790	672	461	483
Black	58	59	69	42	36
Caucasian	1020	1000	976	605	511
Unknown	65	91	117	148	178
<u>Services Turnover</u>					
Clients Exiting					
System in the FY	556	438	445	177	137
Clients Began in the FY	301	487	446	122	50
Clients Continued Thru to the next FY	554	543	569	871	853
Clients Interrupted During the FY	87	47	51	2	3
Clients Entered and Exited in the FY	437	428	371	84	86
<u>Homemaker Services</u>					
Number of Clients	1260	1430	1363	76	61
<u>Adult Foster Care</u>					
Number of Clients	27	41	38	28	28
<u>Adult Residential Care</u>					
Number of Clients	66	69	70	77	63

*Homemaker Services were transferred to Public Health in FY90, resulting in a substantial drop in DFYS delivered homemaker services to "at risk" elders and vulnerable adults under the APS program. In addition beginning in FY90 social workers began to transition from the mainframe data system to a new system called Prober. Figures given for FY 90 and 91 are fewer than actual cases, as some cases were recorded only in the new Prober system and are not represented here.

Adult Protective Services Reports of Harm*

<u>Number of Reports:</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>Avg.</u>	<u>%</u>
65 and over:	137		135	275	226	198	54
60 - 64	21		40	28	39	32	9
18 - 60	87		122	185	143	134	37
<u>Sex of Victim:</u>							
Male	85		118	185	161	137	38
Female	160		199	303	247	227	62
<u>Type of Harm:</u>							
Abandonment	10	11	11	17	7	11	3
Abuse	128	117	65	171	126	121	34
Economic Harm	40	69	133	127	98	93	26
Neglect	67	129	100	173	177	129	37
<u>Relationship of Perpetrator to Victim:</u>							
Wife	18		8	7	8	10	4
Husband	41		30	40	31	36	14
Son	40		24	43	64	43	17
Daughter	16		18	19	41	24	10
Other Male Family Member	32		10	30	34	27	10
Other Female Family Member	25		15	19	25	21	8
Other Male	31		64	46	63	51	20
Other Female	20		38	62	51	43	17
<u>Did the Victim Request That the Investigation be Terminated?</u>							
Yes	61		80	117	163	105	44
No	116		85	160	183	136	56
<u>Type of Report:</u>							
Mandatory	88		123	169	151	133	67
Other	63		79	77	48	67	33
<u>Was the Report Confirmed?</u>							
Yes	142	202	152	150	221	174	62
No	31	94	145	124	129	105	38

REPORTS OF HARM*

	<u>65 and older</u> (all ages combined)	<u>60-65</u>	<u>18-59</u>	<u>TOTAL</u>
FY84				72
FY85	137	21	87	245
FY86	98	39	195	332
FY87	155	40	122	317
FY88	275	28	185	488
FY89	226	39	143	408

*Due to a transition in data collection to Prober, Reports of Harm to adults data is not available after FY89.

DIVISION OF FAMILY AND YOUTH SERVICES
Department of Health and Social Services

Adult Protective Services Annual Report
Fiscal Year Ending June 30, 1989

Total Number of Reports 408

65 and over:	226
60 - 64	39
18 - 59	143

Sex of Victim:

Male	161
Female	247

Type of Harm:

Abandonment:	7
Abuse:	126
Economic Harm:	98
Neglect:	177

*Relationship of
Perpetrator to Victim:

Wife:	8
Husband:	31
Son:	64
Daughter:	41
Other Male Family Member:	34
Other Female Family Member:	25
Other Male:	63
Other Female:	51

Did the Victim Request that
the Investigation be Terminated:

Yes:	163
No:	183

Type of Reporter:

Mandatory:	151
Other:	48

*Was the Report Confirmed:

Yes:	222
No:	129

INCREMENT/DECREMENT DESCRIPTION (Limit to 98 characters)

INCREASE PROTECTION OF ELDERLY & VULNERABLE ADULTS-- 1 PPT POSITION & SUPPORT

AGENCY CONTACT/PHONE NUMBER

Frank Hickey 465-3002

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES.

In FY 89 nearly 1,100 elderly Alaskans over age 60 (one in 25) another 600 vulnerable adults between the ages of 18 and 59 also received protective services. However, the number of persons who actually need protection is probably substantially greater. Studies indicate that, as with child abuse, the reported instances of abuse, neglect, and exploitation of elderly and vulnerable adults represents only a portion of the actual incidents. There has been no study of the unreported incidence of adult abuse in Alaska, however, there is a consensus among advocacy groups that the rate of reporting is below the actual incidence. In many instances persons in need do not seek the service and others request that intervention be terminated because the level of response is inadequate or the services needed are not available. The following illustrates the growth in the at risk population of elderly adults and in the need for services and the decline in capacity to respond to this need:

Year	1983	1985	1988	Percent Change
Population Age 65+	15149(1)	18133(1)	25576(2)	+ 221%
Reports of Harm to Vulnerable Adults	77(3)	318	480	+ 670%
DHS Adult Service Staff	11	8	3.5	- 31%

(1) Alaska Population Projections, Alaska Department of Labor, October 1986.

(2) House Research Agency Report 86-A, The Delivery of Senior Services in Alaska, January, 1986.

(3) Reporting of harm to adults over 65 was not mandated by statute until 1983. Prior to that date data was not collected by any state agency.

CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S PEO.
100	Personal Services	29.9	
200	Travel	1.3	
300	Contractual Services	3.2	
400	Supplies	2.1	
500	Equipment	6.0	
600	Lands, Buildings, Etc.		
700	Grants, Claims, Etc.		
800	Miscellaneous		
TOTAL		42.5	
I-A Transfer (NON-ADD)		1.9	
1002	Federal Funds		
1003	General Fund Match		
1004	General Funds	42.5	
1005	GI/Program Receipts		
1007	I-A Receipts		
POSITION INFORMATION	PPT		
	PPT	1	
	Non Permanent		
	Staff Months	6	
<input checked="" type="checkbox"/>	Enhance Existing Services Compared to FY 90		<input type="checkbox"/> Formal Program
<input type="checkbox"/>	New Services Compared to FY 90		<input type="checkbox"/> Facility Operation
<input type="checkbox"/>	Continuation of FY 90 Service Level		
IMPACT FROM CAPITAL PROJECT (NAME)			
Chapter	SLA	Page/Line	

INCREMENT/
C5 DECREMENT
REQUEST

Agency Priority of

AGENCY Health & Social Services
 BRU Family Services
 COMPONENT Western Region
 PROJECT _____

FY 91

Page 1 of 5

Revised Date: 11/10/89

1 assign a new person to provide home care to the subject of the report of harm. An employer
2 who fails to reassign a public home care provider after receiving notice from the department
3 under this subsection is guilty of a violation as defined in AS 11.81.900(b). In this subsection,
4 "public home care provider" has the meaning given in AS 47.24.100.

5 * Sec. 3. AS 47.24.020 is amended by adding new subsections to read:

6 (d) Upon determining that a report of harm under AS 47.24.010 might relate to harm
7 caused by actions or inactions of a public home care provider, the department shall, in addition
8 to other actions required under this section, notify the employer of the public home care provider
9 of the allegations of harm. Upon receiving the notification, the employer shall immediately
10 assign a new person to provide home care to the subject of the report of harm.

11 (e) An employer who fails to reassign a home care provider after receiving notice from
12 the department under (d) of this section is guilty of a violation as defined in AS 11.81.900(b).

13 * Sec. 4. AS 47.24.050(b) is amended to read:

14 (b) The department shall disclose a report of harm if the elderly person who is the
15 subject of the report consents in writing. The department shall, upon request, disclose the
16 number of verified reports of harm that occurred at an institution for care of the elderly or that
17 were the result of actions or inactions of a public home care provider.

18 * Sec. 5. AS 47.24.100 is amended by adding a new paragraph to read:

19 (13) "public home care provider" means a person who is paid by the state, or by
20 an entity that has contracted with the state or received a grant from state funds, to provide
21 homemaker services, chore services, personal care services, home health care services, or similar
22 services in or around a private residence.

23 * Sec. 6. AS 47.24 is amended by adding a new section to read:

24 Sec. 47.24.115. ACTION ON CERTAIN REPORTS. (a) Upon determining that a report
25 under AS 47.24.110 might relate to actions of a public home care provider, the law enforcement
26 agency shall notify the employer of the public home care provider of the allegations of harm.
27 Upon receiving the notification, the employer shall immediately assign a new person to provide
28 home care to the subject of the report.

29 (b) An employer who fails to reassign a home care provider after receiving notice from
30 a law enforcement agency under (a) of this section is guilty of a violation as defined in
31 AS 11.81.900(b).

1 (c) In this section, "public home care provider" has the meaning given in AS 47.30.100.

2 * Sec. 7. AS 47.30.056, as enacted by sec. 26, ch. 66, SLA 1991, is amended by adding a new
3 subsection to read:

4 (k) Money in the mental health trust income account may not be used for in-home care
5 unless, before the care was provided, a state agency or an agent of a state agency requested and
6 received records under AS 12.62.035(a) for the person who provided the in-home care.

7 * Sec. 8. AS 47.30.545, as amended by sec. 32, ch. 66, SLA 1991, is amended to read:

8 Sec. 47.30.545. POPULATIONS TO BE SERVED. The entities designated by the
9 department to receive money under AS 47.30.540(b) shall provide one or more of the services
10 that are set out in AS 47.30.056(i) to persons identified in AS 47.30.056. However, the
11 department may not pay money to an entity whose program includes in-home care unless
12 the entity receiving the money has agreed to request and receive records under
13 AS 12.62.035(a) before the care is provided, for the person who will provide the in-home
14 care.

15 * Sec. 9. AS 47.65.050 is amended by adding a new subsection to read:

16 (b) The commission may not make payments to a sponsor whose program includes home
17 care services unless the sponsor has agreed to request and receive records under AS 12.62.035(a)
18 before the services are provided, for the person who will provide the services.

19 * Sec. 10. AS 47.65.100 is amended by adding a new subsection to read:

20 (f) The commission may not award a grant under this section for adult day care services
21 that include home care services unless the grantee has agreed to request and receive records
22 under AS 12.62.035(a) before the services are provided, for the person who will provide the
23 services.

24 * Sec. 11. AS 47.65.290 is amended by adding a new paragraph to read:

25 (8) "home care services" means homemaker services, chore services, personal care
26 services, home health care services, or similar services in or around the residence of an older
27 Alaskan or of a frail older person or similarly disabled adult, as defined in AS 47.65.100.

28 * Sec. 12. AS 47.30.056(k), enacted by sec. 7 of this Act, and the amendment made to AS 47.30.545
29 by sec. 8 of this Act, take effect on the effective date of ch. 66, SLA 1991.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to public home care providers providing for effective date." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Mackie
 Requestor: Representative Mackie COMPONENT SERIAL NO.

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE						
FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	-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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 2/24/92
 Approved by Commissioner: *Francis C. Allan* for Richard L. Burton
 Agency: Department of Public Safety Date: 2/25/92

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to public home care providers BRU: Trial Courts
 Sponsor: Mackie Components: _____
 Requestor: House HESS COMPONENT SERIAL NO. 000 | 000 | 000 | 766

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0


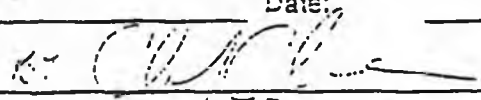
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 254-8228
 Division: Alaska Court System Date: 03/02/92
 Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System Date: 03/02/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

DIVISION OF LEGAL SERVICE

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

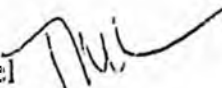
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

February 15, 1992

SUBJECT: Public Home Care Providers (Work Order No. 7-LS2026\A)

TO: Representative Jerry Mackie

FROM: Terri Lauterbach
Legislative Counsel 

Enclosed is a draft responsive to the part of your recent request that concerned the role of home care providers in the lives of the clients they serve. The criminal penalty aspects of your request have been split off into a separate work order that Jerry Luckhaupt is working on.

As you will note from the definitions in the draft, I have attempted to encompass not only the homemaker services and home health aides you referred to in your memo, but also personal care providers, chore performers, and other similar persons who have access to a client's home. As I understand from DHSS, all of these services are being looked at (and will probably be combined for contracting purposes) as they develop their waiver application for home and community-based services. Therefore, it seems prudent to address them all in your bill.

The bill also covers the provision of in-home services to children. They will also be a significant population served by public home care providers if the Medicaid home and community waivers are approved.

Section 1 addresses your concern relating to powers of attorney.

Secs. 2, 3, and 6 address your concerns about reassigning home care providers when a report is made that might implicate them in abuse of one of their clients. You may get some "flak" from law enforcement personnel, particularly about sec. 6, because premature notification to the home care provider could compromise their efforts to investigate leads before "tipping off" a suspect. Of course, there is the counterbalancing policy goal of having the "suspect" reassigned as soon as possible. I only wish to point out the issue for your consideration.

Sec. 4 addresses your request for disclosure of the number of verified reports of harm caused by a public home care provider, similar to the current law's requirement relating to institutions.

Sec. 5 provides a definition for the purposes of secs. 2 - 4.

Secs. 7 - 11 relate to criminal background checks for public home care providers.

Sec. 12 provides contingent effective dates for the two sections of the draft that amend statutes enacted last year to implement the mental health trust lands settlement. The settlement statutes are not yet in effect, so I have delayed the effective date of your draft's amendments of those statutes as well.

I hope you find this description helpful and that the bill is responsive enough to your request that you feel conformable ordering a final before the personal bill deadline. Please let me know if I can be of further assistance.

TML:gc
92-133.glc

Enclosure

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

REPRESENTATIVE
JERRY MACKIE

P.O. BOX 73
CRAIG, ALASKA 99821
(907) 826-3008 OFFICE
(907) 826-2830 HOME

CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature

WHILE IN JI
P.O. BOX
JUNEAU, ALASKA
(907) 485-



House of Representatives

MEMORANDUM

BY
Off
Rel
Spi

TO: Representative Georgianna Lincoln, Co-Chair
Representative Pat Carney, Co-Chair, and
Members of the House HESS Committee

FROM: Representative Jerry Mackie *JM*

DATE: March 4, 1992

RE: Proposed CS for HB 511

1 "
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Attached, please find a committee substitute (CS) that I would like to offer for your consideration. This CS attempts to meet the concerns from two sectors of the executive branch. The Department of Law and the Department of Health and Social Services (DHSS) have both raised concerns with sections 7 and 8 where amendments were proposed to Chapter 66, SLA 1991. I have no desire to revisit the Mental Health Lands Trust Settlement Issue until the settlement is approved or rejected by the litigants.

In speaking with both Connie Sipe, Executive Director of the Older Alaskan's Commission and Jeff Jesse, Senior Attorney for Advocacy Services of Alaska, representing the Trust, I have come to understand that the attorneys for the trust fully intend to commit to addressing these same quality assurances before this committee. My original intent was to make the bill as comprehensive as possible, but feel confident that we can proceed with the assurances in place from the administrators of the Trust.

Additionally, the language in the original bill draft that reads "Upon determining that a report of harm under this section might relate to harm caused by actions or inactions of a public home care provider, the department shall . . ." (first appearing in sec. 2 and continuing throughout) has raised some concern.

This committee substitute will address those concerns by:

(1) requiring the department to promulgate regulations that would accomplish this same end without catapulting the state into the middle of employer/employee relations. These regulations shall provide for a grievance procedure that will allow the alleged abuser or offender due process. The same language used for day care providers might be appropriate in this regard as well.

(2) these regulations shall protect the due process and constitutional rights of the alleged abuser as well as the alleged victim.

(3) furthermore, these regulations shall require the department to address these concerns in the due course of the grantor/grantee relationship with contract agencies.

(4) these regulations shall also require the department to include in all contracts with home care providers a provision ensuring the State of Alaska that the contracting agency/employer will not interfere in the course of any investigation of an allegation of abuse of an elderly or disabled adult.

(5) these regulations shall be adopted by March 15, 1993 with a report to the legislature on the status of the regulations by February 1, 1992.

I hope you will agree to these changes and adopt this committee substitute for HB 511.

7-LS2026D
Lauterbach
3/2/92

CS FOR HOUSE BILL NO. 511 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MACKIE, ELLS, LINCOLN, LARSON, GONZALES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to public home care providers; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 13.26 is amended by adding a new section to article 5 to read:

4 Sec. 13.26.358. POWERS OF ATTORNEY HELD BY PUBLIC HOME CARE
5 PROVIDERS. (a) A public home care provider may not accept a designation as attorney-in-fact
6 or agent by general or special power of attorney for an individual to whom the provider furnishes
7 in-home services unless the designation is held jointly with another individual who is not
8 employed by the same entity that employs the public home care provider.

9 (b) In this section, "public home care provider" has the meaning given in
10 AS 47.05.017(b).

11 * Sec. 2. AS 47.05 is amended by adding a new section to read:

12 Sec. 47.05.017. REGULATIONS FOR HOME CARE PROVIDERS. (a) The department
13 shall adopt regulations identifying actions that it will take, in addition to those otherwise required
14 under AS 47.17 and AS 47.24, when a report of harm is made under AS 47.17 or AS 47.24 that

1 might relate to harm caused by actions or inactions of a public home care provider. The
2 regulations must

3 (1) address circumstances under which the department will require a contractor
4 or grantee to reassign or terminate an employee alleged to have perpetrated harm; and

5 (2) include appropriate procedural safeguards to protect the due process rights of
6 public home care providers who may be reassigned or terminated under the circumstances
7 described in (1) of this subsection.

8 (b) In this section, "public home care provider" means a person who is paid by the state,
9 or by an entity that has contracted with the state or received a grant from state funds, to provide
10 homemaker services, chore services, personal care services, home health care services, or similar
11 services in or around a client's private residence.

12 * Sec. 3. AS 47.24.050(b) is amended to read:

13 (b) The department shall disclose a report of harm if the elderly person who is the
14 subject of the report consents in writing. The department shall, upon request, disclose the
15 number of verified reports of harm that occurred at an institution for care of the elderly or that
16 were the result of actions or inactions of a public home care provider.

17 * Sec. 4. AS 47.24.100 is amended by adding a new paragraph to read:

18 (13) "public home care provider" has the meaning given in AS 47.05.017(b).

19 * Sec. 5. AS 47.65.050 is amended by adding a new subsection to read:

20 (b) The commission may not make payments to a sponsor whose program includes home
21 care services unless the sponsor has agreed to request and receive records under AS 12.62.035(a)
22 before the services are provided, for the person who will provide the services.

23 * Sec. 6. AS 47.65.100 is amended by adding a new subsection to read:

24 (f) The commission may not award a grant under this section for adult day care services
25 that include home care services unless the grantee has agreed to request and receive records
26 under AS 12.62.035(a) before the services are provided, for the person who will provide the
27 services.

28 * Sec. 7. AS 47.65.290 is amended by adding a new paragraph to read:

29 (8) "home care services" means homemaker services, chore services, personal care
30 services, home health care services, or similar services in or around the residence of an older
31 Alaskan or of a frail older person or similarly disabled adult, as defined in AS 47.65.100.

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

DATE: 1/2/91

TO: Russ Webb
Acting Director

FROM: Pat O'Brien
Social Services
Program Officer

RE: Adult Protective Services (APS) Positions

FILE: 1750

You asked that I reconstruct the APS history of positions.

--Prior to passage of the Protection of the elderly statute, the division (DFYS) performed some supportive services for elderly and vulnerable adults, primarily assessing need for homemaker services and authorizing the service or referring individuals to local community services.

--In 1977 DFYS gained statutory responsibility for licensing adult residential care facilities (commonly called boarding homes) and foster homes. No positions were obtained. Regulations were promulgated in 1980 and limited funds secured for the care of dependent adults residing in existing facilities. Existing licensing staff were assigned the new licensing responsibility. Existing social workers were assigned the adult caseload in 1980 and 81. Most of those clients were vulnerable adults younger than age 65.

--In 1983, the Protection of the Elderly statute was passed without positions being added to the division's budget.

--For a period of a few months in late 1982 and 1983, the Department created a Division of Adult and Aging Services taking three Central Office positions from DFYS (including the WIN coordinator) and combining those positions with the department's Office of Aging positions for an expanded Central Office. Approximately 11 or 12 field social work and clerical positions were transferred from DFYS to the new Adult and Aging Division to provide Adult Protective Services. These field positions had previously been assigned primarily to child protective services.

Another half dozen field WIN Social Worker and clerical positions were also transferred from DFYS to the new Adult and Aging Services Division. WIN was a Federally funded program designed to assist adult single parents who were receiving Aid to Families with Dependent Children to find and retain jobs. The Office of Aging positions had primarily administered the Federal grant funds from the Federal Office on Aging.

--Also in 1983 the recently created Older Alaskan's Commission had developed by laws and was establishing an office within the Department of Administration. A decision was made to disband the new Division of Adult and Aging Services and to transfer the positions which had formerly been in the Office of Aging to the Older Alaskan's Commission office in the Department of Administration. The Older Alaskan's Commission then assumed the function of administering federally funded grants to local agencies.

--Following the transfer of Office of Aging positions to the Older Alaskans Commission, the positions originally taken from DFYS were restored to DFYS. Those designated for adult protective services were:

Central Office: Field Administrator - Elizabeth Muktarian
Assoc.Coord. Rng.18 - Jane Miller

Anchorage : Supervisor SW IV - Gladys Langdon
5 Social Worker III's John Burke,
Jerry Swenson,
Doris Julian,
Dorothy Emmons, and
Gary Mandzik
Clerk Typist ?

Fairbanks : Supervisor SW IV ? PCN 3724
Social Worker III Lare Lamm PCN 3725

Juneau : Social Worker III Lisa Clough
half time

Ketchikan : Social Worker III ?
half time

Bethel : Social Worker III ?
half time
(unable to confirm the Bethel position)

--In late 1983 or early 1984, in a budget reduction exercise, the position Jane Miller was holding in Central Office was eliminated.

--In 1984 the wave of child protection increased reports caused the division to again look at reallocation of positions to respond most effectively to agency mandates. The homemaker contractor was authorized to perform assessments to determine need for homemaker services. This resulted in a reduced social worker responsibility statewide. A study of the individuals in adult residential and foster care was finalized in September, 1985. Based on the study, those adults with a diagnosed developmental disability or serious mental illness were transferred to the Division of MH&DD for case management, though no positions were transferred. DFYS retained adult cases with a borderline diagnosis and individuals on the wait list of MH&DD. Following the transfer of clients to MH&DD, most APS social workers were reassigned to a child protection caseload. The APS unit in Anchorage was reduced to two workers and the one in Fairbanks was reduced to one position. Remaining APS positions fell to less than half time. The Central office position assumed additional responsibilities, so that there was no longer a Central Office position designated for Adult Protective Services.

--In 1985 the Central Office WIN coordinator position in DFYS and the WIN field social workers and clerical staff were transferred from DFYS to the Division of Public Assistance. Welfare Reform legislation has now converted the WIN program into JOBS, Job Opportunities and Basic Skills Training.

To reconstruct this history, I contacted six DFYS staff and referred to three documents. If necessary more detail might be obtained in personnel files.



AGE 65+ POPULATION INCREASE

The number of persons age 65 years and older increased by 93.7% in Alaska during the 1980s according to figures released from the 1990 Census. The 1990 census counted 22,369 persons age 65 years and over, up from the 1980 total of 11,547. The 65+ age group was the fastest growing age group in the state. Despite that fact, it was still the smallest percentage, making up only 4.1% of the total population. For the United States, this same age group grew by 22.5% and comprised 12.6% of the population.

When looking at the male/female components of this age group, the increase is even more dramatic for women. The number of age 65+ women increased by 104.2% compared with the male increase of 83.2%. Looking at just the 75 years and over age group by sex, the female population increased by 120.9% while the male grew by 98.9%. For the United States, the 75 years and over age group also increased more than the total 65+ age group, growing 33.3% for women and 31.3% for men.

During the same period Alaska's total population grew by 36.9% to 550,043 persons. This ranks Alaska second in growth percentage, behind Nevada's 50.1% increase. The United States' population increased by 9.8% to 248,709,873.

At the sub-state level, the Matanuska-Susitna Borough experienced the largest growth of persons age 65+ with an increase of 155.6%. Four other areas also outpaced the state's growth in this age category. The Kenai Peninsula Borough population grew by 143.7%; Anchorage increased by 134.6%; the Haines Borough increased by 133.3%; and Fairbanks North Star Borough grew by 99.1%.

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AKCENS is a quarterly newsletter published by the Alaska State Data Center (ASDC). It includes current census information provided by the U.S. Census Bureau, and demographic, economic and labor market information provided by the Research & Analysis Section of the Alaska Department of Labor (DOL). ASDC, based in the Juneau offices of DOL, is a joint venture of the U.S. Bureau of the Census and the State of Alaska.

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65.

✓ The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

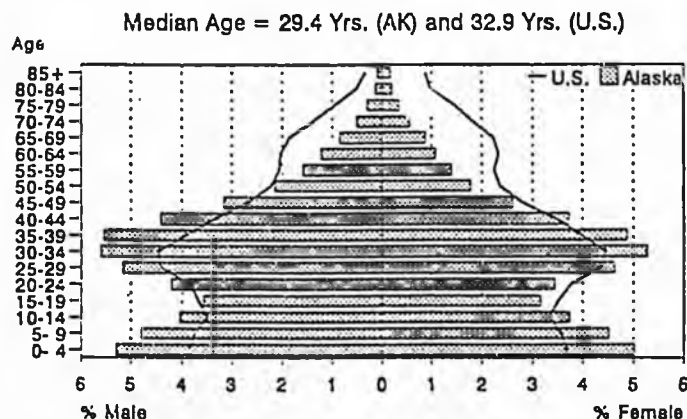
Table 1
Population Comparison for
Persons 65 Years and Older for the
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change 1980-90	Percent
Alaska	11,547	22,369	10,822	93.72
Aleutians East Borough	45	58	13	28.89
Aleutians West C.A.*	62	82	20	32.26
Anchorage Borough	3,520	8,258	4,738	134.60
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	827	2,015	1,188	143.65
Ketchikan Gateway Borough	642	907	265	41.28
Kodiak Island Borough	255	425	170	66.67
Lake and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,866	1,136	155.62
Nome C.A.	339	419	80	23.60
North Slope Borough	148	197	49	33.11
Northwest Arctic Borough	249	281	32	12.85
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.63
Yukon-Koyukuk C.A.	308	392	84	27.27

*C.A.= Census Area

Source: 1990 Census of Population and Housing, STF1A

Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis
Demographics Unit

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
 Division of Family & Youth Services

General Funds	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	1,352.4	1,462.3	2,058.0	2,058.0	1,760.7	1,760.7	1,860.7	1,860.7	1,860.7	1,472.1	1,472.1

Positions-PFT	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	11	10	8	8	3	3	3	3	3	3	3

	FY83	FY85	FY88	FY89	FY90
Population 65+	15,149	18,133	20,397	21,885	22,459
Population 18+			369,446	374,618	380,609

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. 000001-1000

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to public home care BRU: Trial Courts
 providers Components: _____
 Sponsor: Mackie
 Requestor: House HESS COMPONENT SERIAL NO. 000 | 000 | 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 254-9228
 Division: Alaska Court System Date: 03/02/92
 Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]*
 Agency: Alaska Court System Date: 03/02/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ELDER ABUSE FUNDING IN HEALTH & SOCIAL SERVICES

In FY80 approximately 80% of the homemakers services were related to the protection of the elderly. This translates into an estimated budget of \$1,012,300. Also in that year \$340,100 was included in the component Adult Supportive Services to provide adult residential care. Staff within the Division of Family and Youth Services were assigned to assist adults with protective services, but the actual number can not be identified in our budget documents nor within the agency's records.

FY81 saw an increase in Adult Supportive Services to help with the costs of care in an adult residential care facility. This was accomplished through 1) supplementing SSI payments of SSI eligible individuals, or 2) providing full payment for residential care for those elderly, developmentally disabled or handicapped individuals who do not meet the state and federal eligibility criteria for SSI and cannot afford residential care. In FY82 the Division of Adult & Aging Services was created and then disbanded with the transfer of programs to Dept. of Administration (OAC) and Dept. of Public Safety (Domestic Violence).

In FY87 during the budget reduction exercises the number of hours of adult protective homemaker services was reduced (\$262,700). In FY90 the adult homemaker services was transferred to the Division of Public Health.

Adult Services was increased by \$100,000 in FY89 for adult protection residential care for levels I and II. In FY89 Adult Services was funded at \$372,100 and homemaker services at \$1,488,600 and has remained at that level until FY92. At that time the homemaker services program sustained a reduction of \$388,600. In the governor's FY93 budget submission, the adult homemaker and the home health aide programs are transferred to a new component entitled Home Health Services. This is to find efficiencies in the coordinated administration of these programs and will make the identification of funds specific to elder care even more difficult to identify.

There are currently between 3 and 3.5 social worker positions that specialize in the elder programs. Most other social workers spend some time dealing with the elderly but it is not possible to determine how many positions that actually translates into.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Department of Law

Title: "An Act relating to public home care providers..."

BRU: Legal Services

Sponsor: Representative Mackie

Component: Operations and Medicaid Provider

Requestor: Representative Mackie

Fraud _____

COMPONENT SERIAL

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

93 and 1410

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
Division: Administrative Services

Phone: 465-3672
Date: March 2, 1992

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: March 2, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 511

This bill amends various statutes under Title 47, covering state paid home care services for minors, disabled adults, and the elderly. The bill will not have a direct fiscal impact for the Department of Law; however, some of its provisions may work to interfere in the state's investigations of abuse, and some of the provisions may unnecessarily expose the state to liability claims.

Section 1. This section amends AS 13.26 to provide that a public home care provider may not accept a power of attorney designation for an individual to whom the provider furnishes in-home services, unless the designation is held jointly with another individual who is not employed by the same entity that employs the public home care provider. This section will not have a fiscal impact.

Section 2. This section amends AS 47.17.020 to provide that upon determining that a report of harm towards a child might relate to harm caused by the actions or inactions of a public home care provider, the Department of Health and Social Services shall notify the employer of the public home care provider of the allegations of harm. The section further provides that, upon receiving notification, the employer shall immediately assign a new person to provide home care to the subject of the report of harm. An employer who failed to reassign a home care provider after receiving the notification would be guilty of a violation under AS 11.81.900(b).

The Department of Law is concerned that prematurely notifying an employer, before a preliminary inquiry can be conducted to at least verify the report and determine the likely party or parties responsible for the harm, could compromise the state's future investigation efforts. The department is also concerned that reassigning a public home care provider, without verifying the allegations, and without a process to allow the home care provider to respond to the allegations, will result in personal injury claims against the employer and the state. This is because no investigation was conducted before adverse action was taken against the public home care provider. In most cases reassignment would probably result in the suspension or firing of the public home care provider, or literally finding the care provider guilty at the time of the report.

Section 3. This section amends AS 47.24.020 to provide for the same notification and reassignment requirements contained in Section 2, for reports of harm involving elderly persons. The department's comments in Section 2 apply equally here. In addition to those comments, the department notes that it expects federal certification of its Medicaid Provider Fraud Unit within the next

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 511

few weeks. Among its responsibilities, this unit has the duty to investigate and, where appropriate, prosecute all reports of harm of elderly persons caused by the actions or inactions of medicaid- or medicare-funded care providers. We expect that the activities of the unit will reduce the incidence of harm to the elderly that may be occurring and help deter future harm.

Section 4. This section provides that the Department of Health and Social Services shall, upon request, disclose the number of verified reports of harm of the elderly that were the result of actions or inactions of a public home care provider. This section will not have a fiscal impact.

Section 5. This section provides a definition for a public home care provider.

Section 6. This section provides for notification to employers and reassignment of public home care providers as a result of reports of harm involving disabled adults. The department's comments in Section 2 also apply to this section.

Section 7. The sponsor's staff has advised that this section is being deleted from the bill.

Section 8. The sponsor's staff has advised that this section is being deleted from the bill.

Sections 9 and 10. These sections amend AS 47.65.050 and AS 47.65.100 and provide that the Older Alaskans Commission may not make payments to a sponsor of home care, adult day care, or family respite care services unless the sponsor has agreed to request and receive criminal history information, under AS 12.62.035(a), for the person who will provide the services. These sections will not have a fiscal impact on the Department of Law.

Section 11. This section amends AS 47.65.290 and provides a definition for "home care services."

Section 12. This is the effective date section.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.