

SR 12

SENATE FINANCE COMMITTEE REPORT

DATE: 5/5/92

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 5/11/92

The Finance Committee considered

SR 12

Urging the establishment of an interagency task force on adult protective services.

and recommends:

- replace with _____ CS _____ (FINANCE)
or adopt previous _____ CS _____ (_____)
 attaches amendment(s)

- same title
 new title
 technical title change
(HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes DoA 44.0 5/7/92

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures]

[Handwritten signature: Lynn Hoffman Nisler]

1. _____
Co-Chair: Signature/Recommendation

Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA

BILL NO. SR 12

1992 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 5-11-92

Revision Date: _____
Title: Urging . . . interagency task force on adult protective services.

Department Affected: Administration
BRU: Older Alaskans Commission
Component: Older Alaskans Commission

Sponsor: Senate HESS
Requestor: _____

COMPONENT SERIAL NO.

		3	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	32.2	0	0	0	0	0
TRAVEL	2.0	0	0	0	0	0
CONTRACTUAL	8.0	0	0	0	0	0
SUPPLIES	1.8	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	44.0	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
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	44.0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	44.0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	1.0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

The Older Alaskans Commission (OAC) receives "dedicated" federal funds for prevention and education regarding elder abuse and neglect (\$22. FFY 92 and anticipated \$22. FFY 93). OAC voted to offer these funds for State FY 93 to staff and prepare the report for the interagency task force in SR 12. Would hire one Project Coordinator (range 18A), 30 hours per week for eight months. Contract work for report printing, teleconferences.

Prepared by: Connie J. Sipe, Director
Division: Older Alaskans Commission

Phone: 465-3250
Date: May 7, 1992

Approved by Commissioner: Nancy Bear User
Agency: Administration

Date: 5/7/92

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

Rev 10/07/91

6/leg92/12814.kp

SENATE RESOLUTION NO. 12**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - SECOND SESSION****BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE****Introduced: 5/5/92**
Referred: Finance**A RESOLUTION**

1 Urging the establishment of an interagency task force on adult protective services.

2 BE IT RESOLVED BY THE SENATE:

3 WHEREAS the Department of Health and Social Services, at the direction of the legislature, is
4 preparing to apply to the federal government for Medicaid waivers and options for home and community
5 based services that will significantly affect the delivery of long-term care to elderly and disabled adults;
6 and

7 WHEREAS the number of social worker positions available in the entire state for prevention,
8 intervention, and investigation of abuse and exploitation of the elderly has declined from 11 to three and
9 one-half in the past decade; and

10 WHEREAS the responsibility for providing services to elderly and disabled adults is spread over
11 nine separate divisions and three separate departments of state government; and

12 WHEREAS it is commonly acknowledged that the entire spectrum of adult protective services
13 in the state has been inadequately funded, beginning with the 1982 Elder Abuse Reporting Act, that
14 passed with no funding to implement its well-conceived provisions and protections; and

15 WHEREAS the state has experienced unprecedented growth of 93.7 percent in the 65 and older
16 population in the past decade, four times the national average, with some areas of the state exceeding
17 155 percent growth in this age bracket over that time period; and

1 **WHEREAS** the Department of Health and Social Services has requested the legislature, the
2 Department of Public Safety's Council on Domestic Violence and Sexual Assault, the Department of
3 Administration's Elder Alaskans Commission, and the Department of Health and Social Services to
4 participate in a task force to address the shortcomings in adult protective services and explore the
5 development of a comprehensive program of service delivery to elderly and disabled adults; and

6 **WHEREAS** there is not a central phone number to call or one place to go for senior citizens and
7 disabled adults to acquire comprehensive information about the availability of services for them; and

8 **WHEREAS** there has developed an attitude and sense of hopelessness among some persons in
9 the state that reports of abuse are not adequately responded to and consequently not worth the effort of
10 reporting; and

11 **WHEREAS** there is not a central management information system in the state with the capacity
12 to monitor reports of harm made to the Department of Public Safety and the Department of Health and
13 Social Services, the number of cases of abuse prosecuted in the Alaska court system, the number of
14 clients receiving services, the number of needy individuals presently unserved or underserved, or the total
15 amount of money expended for these services, and this lack results in ill-informed decision making;

16 **BE IT RESOLVED** that the Senate respectfully requests the Governor to direct the Department
17 of Health and Social Services, the Department of Public Safety, and the Department of Administration
18 to convene an interagency task force on adult protective services to

19 (1) analyze the overlapping and different jurisdictions of the departments for
20 investigating, licensing, and services related to disabled adults and senior citizens who could be victims
21 of neglect or abuse;

22 (2) propose statutory and regulatory or procedural changes that would better serve adult
23 victims of abuse while making the best use of public resources;

24 (3) analyze what new resources, if any, are needed to provide effective and
25 comprehensive services to victims of abuse who are elderly or disabled adults; and

26 (4) provide a report to the legislature concerning the task force's findings and
27 recommendations by February 15, 1993.

HOUSE CONCURRENT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced:

Referred:

A RESOLUTION

1 Urging the establishment of an interagency task force on adult protective services.

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

3 WHEREAS the Department of Health and Social Services, at the direction of the legislature, is
4 preparing to apply to the federal government for Medicaid waivers and options for home and community
5 based services that will significantly affect the delivery of long-term care to elderly and disabled adults;
6 and

7 WHEREAS the number of social worker positions available in the entire state for prevention,
8 intervention, and investigation of abuse and exploitation of the elderly has declined from 11 to three and
9 one-half in the past decade; and

10 WHEREAS the responsibility for providing services to elderly and disabled adults is spread over
11 nine separate divisions and three separate departments of state government; and

12 WHEREAS it is commonly acknowledged that the entire spectrum of adult protective services
13 in the state has been inadequately funded, beginning with the 1982 Elder Abuse Reporting Act, that
14 passed with no funding to implement its well-conceived provisions and protections; and

15 WHEREAS the state has experienced unprecedented growth of 93.7 percent in the 65 and older
16 population in the past decade, four times the national average, with some areas of the state exceeding
17 155 percent growth in this age bracket over that time period; and

1 WHEREAS the Department of Health and Social Services has requested the legislature, the
2 Department of Public Safety's Council on Domestic Violence and Sexual Assault, the Department of
3 Administration's Older Alaskans Commission, and the Department of Health and Social Services to
4 participate in a task force to address the shortcomings in adult protective services and explore the
5 development of a comprehensive program of service delivery to elderly and disabled adults; and

6 WHEREAS there is not a central phone number to call or one place to go for senior citizens and
7 disabled adults to acquire comprehensive information about the availability of services for them; and

8 WHEREAS there has developed an attitude and sense of hopelessness among some persons in
9 the state that reports of abuse are not adequately responded to and consequently not worth the effort of
10 reporting; and

11 WHEREAS there is not a central management information system in the state with the capacity
12 to monitor reports of harm made to the Department of Public Safety and the Department of Health and
13 Social Services, the number of cases of abuse prosecuted in the Alaska court system, the number of
14 clients receiving services, the number of needy individuals presently unserved or underserved, or the total
15 amount of money expended for these services, and this lack results in ill-informed decision making;

16 BE IT RESOLVED that the Alaska State Legislature respectfully requests the Governor to direct
17 the Department of Health and Social Services, the Department of Public Safety, and the Department of
18 Administration to convene an interagency task force on adult protective services to

19 (1) analyze the overlapping and different jurisdictions of the departments for
20 investigating, licensing, and services related to disabled adults and senior citizens who could be victims
21 of neglect or abuse;

22 (2) propose statutory and regulatory or procedural changes that would better serve adult
23 victims of abuse while making the best use of public resources;

24 (3) analyze what new resources, if any, are needed to provide effective and
25 comprehensive services to victims of abuse who are elderly or disabled adults; and

26 (4) provide a report to the legislature concerning the task force's findings and
27 recommendations by February 15, 1993.

HOUSE BILL 510

"An Act Relating to Criminal Offenses and penalties for offenses involving disabled or elderly adults."

This bill proposes several changes to Alaska's criminal statutes regarding crimes against disabled adults and the elderly. It proposes increasing the penalty for failure of required professionals to report abuse, exploitation, abandonment or neglect of an elderly person to the department; for disabled adults it proposes increasing the penalty for failure to report to law enforcement. It proposes conviction of a professional who fails to report as grounds for disciplinary action by Occupational Licensing, where applicable. The Department supports this bill. Comments focus on Section seven.

Section 7

A February, 1992 Report from the U. S. Health and Human Services Secretary's Task Force on Elder Abuse stated that adult protective services agencies are the principal agencies responsible for the investigation and follow-up on domestic elder abuse cases and are also the primary agencies responsible for investigating institutional abuse cases. The report noted that most states have enacted some type of legislation addressing elder abuse, and that most have established policies, job classes etc., but lack of resources to carry out the mandates have often resulted in protective services programs that are less than adequate. Further the report noted that practitioners in the field sometimes ignore the reporting law because they recognize there is no service system to address cases of abuse.

Alaska is no different. Some professionals have openly stated that they will not report because they believe the response from adult protective services is inadequate. Some have stated that they believe they can handle the problem better themselves. Others do not report because they do not recognize that abuse has occurred, or they do not know that they are required to report. For example, physicians and other medical professionals could use training in recognition, just as they needed it for child abuse. Many abuse symptoms are similar to those for children, but medical professionals are not trained to recognize abuse in adults and there are some significant differences.

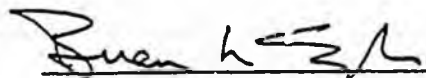
While the department has not yet brought known instances of failure to report abuse, exploitation or neglect by a caregiver to the attention of the Department of Law for prosecution, it is important to have a strong penalty for blatant disregard of the reporting

STATE OF ALASKA, DEPARTMENT OF HEALTH & SOCIAL SERVICES

requirement. We have been informed by the sponsor that a correction to make the penalty a Class B misdemeanor is being submitted in a sponsor substitute.

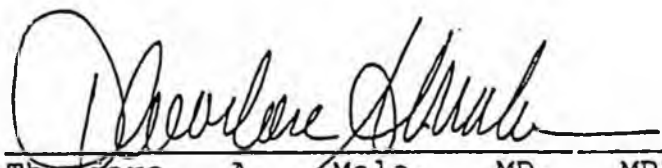
Task Force

Alaska falls into the mold of states referenced in the U. S. Health and Human Services report. Some states like Texas, Maine, Wisconsin and Illinois have established very credible adult protective services systems, but most have not. We are concerned about the vulnerable populations with which we come into contact and believe that lack of an adequate protective services system for vulnerable adults should be addressed, particularly as our aging population increases. We think that this area should be addressed in a planned way to avoid creating an overwhelming surge in reporting as we experienced in the area of child abuse. The Department proposes a task force be convened to address these issues. The task force is more fully discussed in the Department's Position paper for HB 511.



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

Date: _____



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

Date: 4 March 1992

REPRESENTATIVE
JERRY MACKIE

P.O. BOX 73
CRAIG, ALASKA 99921
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CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature



WHILE IN JUNEAU
ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

House of Representatives

MEMORANDUM

TO: Senator Pat Pourchot, Co-Chair
Senator Jay Kerttula, Co-Chair
Senate Finance Committee

FROM: Representative Jerry Mackie *JM*

DATE: May 6, 1992

RE: Scheduling request

Yesterday, the Senate HESS Committee introduced SR 12, a resolution establishing a task force on adult protective services.

This resolution received a Senate Finance Committee referral. I don't believe that this referral was necessary as the resolution has no fiscal impact. The Older Alaskans Commission has voted to spend \$44,000 to fund the work of the task force out of their federal receipts. This money can be used by the Older Alaskans Commission to hire part-time staff or a consultant to work with the task force.

I would hereby respectfully request a waiver of the Senate Finance Committee referral.

Should you deem this to be inappropriate, I would appreciate your scheduling SR 12 for a Senate Finance Committee hearing at your earliest possible convenience.

Thank you for your consideration.

TO: Vicki Irwin Rep. Mackie	FROM: J. O'Brien	DATE: 3/13/92
FAX #: 2299	FAX #:	PAGES INCLUDING THIS PAGE: 3
	PHONE #: 465-2145	

Per our discussion. Please call. Thanks.

DRAFT

MEMORANDUM

DATE: March 1, 1992

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

THRU: Brian Saylor, PhD, MPH
Deputy Commissioner DHSS
and Acting Director DFYS

FROM: Nina Kinney
Social Services Program Officer
Division of Family and Youth Services

SUBJECT: Adult Protective Services Task Force

FILE: 1750

This is to request your approval to create an Adult Protective Services APS Task Force. DFYS has carried this role, since before statehood. About 2/3 of our caseload are over age 65 (with 3 over 100 years old) and about 1/3 of our caseload are younger semi-dependent adults, often just below criteria that could get them help in other systems. These are street people and frail elderly, physically handicapped and mentally ill or DD. Reports of harm include self-neglect, neglect by a person responsible for their care, financial exploitation, and abuse.

Within the last year a dependent young man was living, often locked in, in a camper on his brother's property. He died very shortly after agencies were informed, preventing any opportunity for earlier intervention that might have saved his life. There have been other recent disturbing cases. Division activity in APS is so understaffed that community members including neighbors of victims do not know that help is possible. When we do get reports, we 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 has a responsibility to bring this problem out of the closet. In this state (many in Juneau) are 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 like to involve Mrs. Hickel because of her previous interest and involvement in special APS cases, if only at the beginning to give some status to the task force effort. A brief description is attached. Pat O'Brien is meeting with the Older Alaskan's Commission Friday of this week to show the new members a video on elder abuse and to discuss APS with them. We would like to be able to ask their participation on a task force at that time. We look forward to your response to this proposal.

Approved []
Disapproved []
Let's Discuss []

Theodore A. Mala, MD, MPH
Commissioner

ADULT PROTECTIVE SERVICES TASK FORCE

WHAT

The task force will examine key issues, assemble basic facts, utilize strategic planning and issue a report to Governor Hickel and to the Legislature. The task force will attempt to answer questions such as

- What is the adult protective services function?
- What are the basic facts?
- Who needs services and what services are needed?
- What should an improved system look like?
- What are the funding and resource issues?
- Where should APS be located?
- How does Alaska's family centered services philosophy relate to APS?
- And how do we get to where we need to go from here?

WHO

Members should include DFYS task force support from state office, Nina Kinney, Patricia O'Brien, and Lisa Rollin. DFYS field staff should include a supervisor from Anchorage (possibly Gladys Langdon) and from Fairbanks (possibly Lynn Graham). The local Fairbanks task force that has addressed elder abuse for 10 years should be represented (possibly Dottie Englund), Advocacy Services of Alaska, and legislators or assistants who have expressed previous interest. These include Representatives Mackie (aide, Vicki Irwin) and Lincoln who recently sponsored legislation involving adult protection, Senator Kertula (Mrs. Kertula has long been interested in this area), and Paula Scavera of Legislative Research. She has conducted extensive research in this area. Related state agencies should include DMH&DD (Pat Denny plus one other), OAC (possibly Fran Toland and the long term care ombudsman, Bill O' Connor), Public Assistance, Law (Leba Shaw) and CDVSA.

WHERE

Meetings should be held in Juneau as most individuals serving are in Juneau. Agencies should bear their own cost of travel as should legislative representation. DFYS would fund the FBX. elder abuse task force member.

TIME FRAME

Deliberations should occur through July with a report due in August, in time for legislative drafting and addressing any funding issues.

h:\prg\cl\apsmem.pjo

Army announced Thursday has suspended an order for all those leaving the service on the special gulf unit line 301. The suspension applies to the Guard and Reserve, as well as on active duty.

-The Associated Press

British Tornado GR1A reconnaissance jet at Elmson Air Force Base while talking to Staff Sgt. Gene LaDoucer, Warne, and his crew were working on the air brakes on the craft. In the background, an F-16 flights per day.

INSIDE

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ORRECTION

Valley Anthony Wername was misspelled in caption of Thursday's color photograph about pool track season.



ardough Jack

"The university's tuition hike will give higher learning a litering."

State to examine disabled's housing

By LIN GALE
Staff Writer

A fatal fire Wednesday at a group home in Aurora Subdivision has prompted state officials to question how they oversee adult care programs.

The early morning blaze, caused by a cigarette tossed into a garbage can, killed two residents at Fairbanks Resource Agency's group home on Aurora Drive.

The victims—Charles Monroe, 49, and Charles Smith, 50—were residents in an independent living program for mentally disabled and retarded adults. The program was not licensed or otherwise regulated by the state.

"It is a tragedy and it will cause us to do some re-thinking and re-examining," said Pat O'Brien, social service program director for the Division of Youth and Family Services. "The whole area—assisted living—is an area that we'll be looking at."

FRA operated the residence as a state-licensed group home for mentally disabled adults until September, 1991, according to Nancy Johnson, DFYS licensing supervisor in Fairbanks. In September, FRA launched a new "independent cluster living" program there that did not

Aurora home needed no license

require a state license, Johnson said.

Licensed facilities must meet state safety and sanitation standards and 24-hour staffing requirements. FRA's Aurora home fell within an unregulated "gray area," O'Brien said. Many such independent living programs operate around the state, she said.

The licensing division promotes independent living for developmentally disabled people whenever possible, according to O'Brien. The problem is there are no set ways to determine whether someone is capable of living safely without constant supervision, she said.

Wednesday's victims suffered from mental disabilities that prevented them from living on their own. Monroe was unable to perform simple tasks without constant reminders, according to his family. Smith was described by his attorney in Superior court records as having the mental capacity of an 8- to 10-year-old child.

Their deaths have led people at DFYS to ask, "If we're not providing regulatory oversight—is anybody?" Johnson said.

FRA director Emily Ennis said Aurora house residents were chosen for their ability to live independently. She said they participated in monthly fire drills and were adequately prepared for fire emergencies. The men were supervised by two resident counselors, she said.



MONROE
Fire Victim

Monroe lived at the home for more than 10 years, according to his sister, Maureen Monroe. A mid-1970s auto accident robbed him of his short-term memory, she said.

He was unable to remember day-to-day chores and instructions, she said.

"In his room there was a note to wash up, brush your teeth, make your bed," she said.

She said her brother was probably capable of remembering to run from the house when the smoke alarm sounded, but she

suspects he was overcome by the smoke.

"I think if he had heard that fire alarm, he would have known to get out," she said.

Smith, 50, moved into the home last summer after he pleaded no contest to a charge of second-degree attempted sexual abuse of a 10-year-old girl. Joining the program was a condition of his parole, according to state Superior Court records.

The Aurora home was divided into three apartments—two on the top floor, and one on the bottom floor. A counselor lived with three residents downstairs, and another counselor lived with a client in an upstairs apartment. Monroe and Smith lived in the other upstairs apartment. The fire is believed to have started in the hallway between the two apartments.

The fatal fire is the second to strike an FRA group home.

On Sept. 23, 1984, fire swept through the agency's Sheffield House at 417 Clara St. Resident Susan Silas, 28, died from injuries sustained in the blaze. Arson was suspected, but never proven.

Silas' father, Bergman Silas, sued FRA for negligence. The case was settled out of court for an undisclosed amount.

INSIDE: A special section on home building and im