

**HB**

**302**

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
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February 1, 2000

Honorable Fred Dyson, Chairman  
House Health, Education and Social Services Committee  
Room 106 Capitol Building  
Juneau, AK 99811

Dear Representative Dyson,

The Department of Health and Social Services respectfully requests a hearing in the House Health, Education and Social Services Committee on House Bill 302 "An Act relating to disclosure of public assistance information to report suspected abuse or neglect of children or vulnerable adults."

Prior to federal welfare reform, it was clear under federal law that public assistance employees should report suspected abuse of children to the appropriate agency. The ability to report is not explicit in the new federal welfare law, however, and the underlying federal welfare program confidentiality requirements call into question the ability of employees to make reports of harm.

Similarly, state law is unclear regarding public assistance employees' authority to make reports of harm on behalf of vulnerable adults without violating confidentiality rules.

The proposed bill will remove any ambiguities regarding employees' ability to make reports of harm on both children and adults.

Your favorable consideration of this legislation will be appreciated. Fiscal notes have previously been provided to the Committee.

Sincerely,



Elmer A. Lindstrom  
Special Assistant to the Commissioner

cc: Pat Pourchot, Legislative Director  
Office of the Governor

Kay Burrows, Director  
Division of Senior Services  
Dept. of Administration

Jim Nordlund, Director  
Division of Public Assistance  
Department of Health and Social Services



**FISCAL NOTE**

No: 1

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Bill Version: HB 302  
(H) Publish Date: 1/21/00

Revision Date/Time (Note if correction): \_\_\_\_\_  
Title: Reports of harm by public assistance employees

Dept. Affected: Health and Social Services  
BRU: Public Assistance Admin  
Component: Public Assistance Admin

Sponsor: Rules Committee by request of the Governor

COMPONENT SERIAL NO. 233

Requestor: Governor

See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING              | FY2001     | FY2002     | FY2003     | FY2004     | FY2005     | FY2006     |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| TRAVEL                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| CONTRACTUAL            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| SUPPLIES               | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| EQUIPMENT              | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| LAND & STRUCTURES      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| GRANTS, CLAIMS         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| MISCELLANEOUS          | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                         |  |  |  |  |  |  |
|-------------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES ( ) |  |  |  |  |  |  |
|-------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                          |            |            |            |            |            |            |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    |            |            |            |            |            |            |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  |            |            |            |            |            |            |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| Other (please specify)   |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2000) cost: \$0.0

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This legislation adds an explicit exception to the confidentiality provisions of AS 47.05.030 which protect public assistance records. The bill clarifies that disclosure of information concerning a public assistance applicant or recipient, in order to make a report of suspected abuse or neglect of a child or vulnerable adult, is not a violation of the client's confidentiality.

Prepared by: [Signature]  
Division: DPA

Phone: \_\_\_\_\_  
Date/Time: 12/16/99 8:28 AM

Approved by Commissioner: [Signature]  
Agency: Department of Health & Social Services

Date: 12/22/99

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*Handwritten:* JB 12/16/99

# FISCAL NOTE

No: 2

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

Bill Version: HB 302  
 (H) Publish Date: 1/21/00

Revision Date/Time (Note if Correction): \_\_\_\_\_  
 Title: "An Act relating to disclosure of public assistance information To report suspected abuse or neglect of a child or vulnerable adult"  
 Sponsor: Rules Committee  
 Requestor: Governor

Department Affected: Administration  
 BRU: Legal & Advocacy Services  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)  
 Note: Amounts do not include inflation unless otherwise noted below

| OPERATING EXPENDITURES | FY 2001 | FY 2002 | FY2003 | FY 2004 | FY 2005 | FY 2006 |
|------------------------|---------|---------|--------|---------|---------|---------|
| PERSONAL SERVICES      |         |         |        |         |         |         |
| TRAVEL                 |         |         |        |         |         |         |
| CONTRACTUAL            |         |         |        |         |         |         |
| SUPPLIES               |         |         |        |         |         |         |
| EQUIPMENT              |         |         |        |         |         |         |
| LAND & STRUCTURES      |         |         |        |         |         |         |
| GRANTS, CLAIMS         |         |         |        |         |         |         |
| MISCELLANEOUS          |         |         |        |         |         |         |
| <b>TOTAL OPERATING</b> | 0.0     | 0.0     | 0.0    | 0.0     | 0.0     | 0.0     |

|                             |     |     |     |     |     |     |
|-----------------------------|-----|-----|-----|-----|-----|-----|
| <b>CAPITAL EXPENDITURES</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|-----|-----|-----|-----|-----|-----|

|                               |     |     |     |     |     |     |
|-------------------------------|-----|-----|-----|-----|-----|-----|
| <b>CHANGE IN REVENUES ( )</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-------------------------------|-----|-----|-----|-----|-----|-----|

FUND SOURCE: (Thousands of Dollars)

|                          |     |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts    |     |     |     |     |     |     |
| 1003 GF Match            |     |     |     |     |     |     |
| 1004 GF                  |     |     |     |     |     |     |
| 1005 GF/Program Receipts |     |     |     |     |     |     |
| 1037 GF/Mental Health    |     |     |     |     |     |     |
| OTHER (Specify Type)     |     |     |     |     |     |     |
| <b>TOTAL</b>             | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY 2000) cost: \$ \_\_\_\_\_

POSITIONS:

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

**ANALYSIS:** (Attach a separate page if necessary.)

No Impact on Public Defender Agency.

Prepared by: Barbara Brink, Director  
 Division: Public Defender Agency

Phone: (907) 264-4400  
 Date: 12/16/99

Approved by Commissioner: Robert Poe J. *Hanson*  
 Agency: Department of Administration

Phone: (907) 465-2200  
 Date: 12/17/99

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# FISCAL NOTE

Bill Version: HB 302

(H) Publish Date: 1/21/00

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Administration  
 Title Report of Harm by DPA employees BRU Senior Services  
 Component Protection, Community Services & Administration  
 Sponsor Rules Committee  
 Requester Governor Component No. 2083

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      |         |         |         |         |         |         |
| Travel                 |         |         |         |         |         |         |
| Contractual            |         |         |         |         |         |         |
| Supplies               |         |         |         |         |         |         |
| Equipment              |         |         |         |         |         |         |
| Land & Structures      |         |         |         |         |         |         |
| Grants & Claims        |         |         |         |         |         |         |
| Miscellaneous          |         |         |         |         |         |         |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE (Thousands of Dollars)**

|                          |   |   |   |   |   |   |
|--------------------------|---|---|---|---|---|---|
| 1002 Federal Receipts    |   |   |   |   |   |   |
| 1003 GF Match            |   |   |   |   |   |   |
| 1004 GF                  |   |   |   |   |   |   |
| 1005 GF/Program Receipts |   |   |   |   |   |   |
| 1037 GF/Mental Health    |   |   |   |   |   |   |
| Other (Specify Type)     |   |   |   |   |   |   |
| <b>TOTAL</b>             | * | * | * | * | * | * |

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill will likely increase the number of intakes received and investigated by Adult Protective Services. There are 16 Division of Public Assistance Offices statewide which provide public assistance services and come into contact with vulnerable adults needing protective services each month. This bill will provide for the reporting of suspected harm of these vulnerable adults to Adult Protective Services for intake screening, investigation, guardianship assessment, protective services, and assisted living assistance. Currently, confidentiality protections appear to conflict with and preclude the sharing of this protected information by employees and employees of DHSS to Adult Protective Services regarding abuse and neglect. The increase in the number of reports of harm as a result of this legislation is unknown.

Prepared by: Dwight Becker Phone 269-3674  
 Division Senior Services Date/Time 12/20/99 9:11 AM  
 Approved by Commissioner Robert Poe Jr. Nelson M. Sela Date \_\_\_\_\_  
 Agency Department of Administration

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