

**HB**

**346**



*WES*  
*WAS THIS OUR*  
*HEARING*

# ALASKA STATE LEGISLATURE

SENATOR JOHN TORGERSON

## Memo

Date: March 16, 2000

To: Representative Dyson

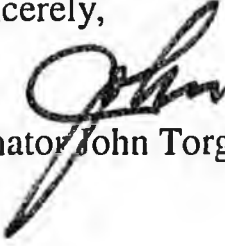
From: Senator Torgerson

Re: Constituent letter

---

I am enclosing a letter that I received from my constituent Lynn Hettick from Seward. I have sent her a letter stating that I would pass her letter on to the chair of the House HESS committee in which she testified with. If you have any questions feel free to contact me.

Sincerely,

  
Senator John Torgerson

March 3, 2000

Senator John Torgerson  
State Capitol Room #516  
Juneau, Alaska 99801-1182

Re: House Bill 346

Dear Senator John Torgerson

I am writing you this letter to let you know that I am in support of this bill. I attended the teleconference on 3-2-00 at 3:00 PM in Seward to testify on this bill. I am the mother of 7 children out of those 7 three of them are legally blind. I feel that this bill would help parents like myself understand the process that the waitlist is all about. I sat through the whole teleconference to put my two cents worth in. I did not appreciate the committee making there comments about beating a dead horse or that they were laughing. This is a very serious issue for people like others and myself who have to deal with the waitlist and what that in whole means. I would greatly appreciate your input on this matter. They did pass the bill with some changes to it. Which I can live with. I just don't feel that I should have to listen to them having fun while I am waiting to say what I think is important. My children's disabilities are not as serious as some others that we heard from yesterday. My children went on the waitlist in April of 1997. One of them came off in July of 1998 and the other one did not come off the list until late December 1999. When I got the letter saying he was potentially eligible. Please see the letter that I received from the State of Alaska. If you would like to contact me you can do so by calling me at 907-224-2344 or faxing me at 907-224-8642.

Thank you  
your Heltich  
parent  
cc: Bob Green Davis

1-LS1347H

Lauterbach

3/1/00

**CS FOR HOUSE BILL NO. 346(HES)****IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIRST LEGISLATURE - SECOND SESSION****BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE****Offered:****Referred:****Sponsor(s): REPRESENTATIVES JOULE, Brice****A BILL****FOR AN ACT ENTITLED**

1 "An Act requiring the Department of Health and Social Services to establish a  
2 waiting list for state-funded services for persons with developmental disabilities and  
3 requiring the department to submit an annual report concerning the waiting list  
4 and persons with developmental disabilities."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 47.80.130 is amended by adding a new subsection to read:

7 (d) When state funding is not adequate to meet service needs, the department  
8 shall establish a waiting list for persons with developmental disabilities who would be  
9 eligible to receive state-funded services under AS 47.80.100 - 47.80.170 if adequate  
10 state funding were available. The department shall, on an annual basis, review the  
11 waiting list and submit a report to the governor containing the information required  
12 under this subsection. The department shall send a copy of the report to the persons  
13 chairing the house and senate finance committees and the persons chairing the house  
14 and senate health, education and social services committees and shall notify the full

1 legislature that the report is available to all legislators. The report must

2 (1) describe the purpose for the waiting list and the strategies used to  
3 notify persons about the waiting list, and must include a copy of the information used  
4 by the department to inform individuals and families about their rights and  
5 responsibilities under AS 47.80.100 - 47.80.170;

6 (2) explain how an individual is placed on the waiting list, what criteria  
7 determine rank on the list, and how the waiting list is used to select individuals  
8 equitably and fairly across the state;

9 (3) give the basic demographic information across all regions about the  
10 age, sex, and racial and ethnic background of the individuals on the waiting list;

11 (4) identify the level of need and preferences of the individuals and  
12 families on the waiting list for the services and the supports they feel are necessary to  
13 meet their needs and project an annual cost to meet this need;

14 (5) identify how many individuals were removed from the waiting list  
15 during the 12 months covered by the report, why they were removed from the list, and  
16 how long the individuals had been waiting for services or supports before they were  
17 removed from the list;

18 (6) list the number of individuals who have been on the waiting list for  
19 90 days or more with an account of the department's steps to regularly review each  
20 individual's status while waiting for services or supports;

21 (7) report annual data from the Department of Education and Early  
22 Development about the number of students in special education with developmental  
23 disabilities graduating from high school, dropping out of high school before reaching  
24 age 22, or reaching age 22 without graduating from high school; and

25 (8) include a copy of written policies, manuals, and procedures used  
26 by the department to implement AS 47.80.100 - 47.80.170.

27 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section  
28 to read:

29 TRANSITIONAL PROVISION; FIRST REPORT. The Department of Health and  
30 Social Services shall prepare the first annual report required under sec. 1 of this Act so that  
31 the report is available to the governor and the legislature by November 15, 2000, and is based

1 on the waiting list existing from October 1, 1999, through September 30, 2000.

During Session:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4833  
Fax (907) 465-4586  
1-800-782-4833

representative\_reggie\_joule@legis.state.ak.us



During Interim:  
P.O. Box 673  
Kotzebue, Alaska 99752  
(907) 442-3380  
Fax (907) 442-3022

**Alaska State Legislature**  
**REPRESENTATIVE REGGIE JOULE**

**HB 346**  
**SPONSOR STATEMENT**

**An act relating to services for persons with developmental disabilities**

This bill helps address the needs of individuals with developmental disabilities and their families by requiring the Division of Mental Health and Developmental Disabilities to conduct periodic reviews of their wait list and by requiring an annual report to the legislature and governor regarding the same. For some time now there have been more individuals with developmental disabilities requesting services than there are available resources to provide those services. Thus, in 1989 the Division of Mental Health and Developmental Disabilities began a waitlist for individuals waiting for services. The waitlist is the Division's way of prioritizing individual requests and is the gateway to services. There are presently 780 individuals on the waitlist.

In the future, it is estimated that the need for services for individuals with developmental disabilities will continue to grow faster than available resources. In order to meet the needs of individuals with developmental disabilities and their families, planning regarding the wait list and available services must continue. Effective planning requires the collection and analysis of relevant data regarding people who are currently receiving services, the length of time it takes to obtain services, and the effectiveness of the services received, among other things. This bill will require the collection and dissemination of this data to relevant parties.

In order to make the best use of available resources and to ensure fair administration of the waitlist, this bill will establish periodic reviews of the wait list along with an annual report to the legislature and governor. The periodic reviews will ensure individuals with developmental disabilities and their families that the waitlist is being fairly administered, reviewed, and updated on a regular basis. The information provided in the annual report will be useful to the individuals with developmental disabilities and their families, the administration, the legislature and a variety of service agencies. Additionally, the bill will require the Division to establish written procedures and consumer information that will be available to aid the general public. Currently, this is a fifty million-dollar industry without uniform statewide information available to the public who accesses and uses the service. This new information will greatly benefit the public.

During Session:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4833  
Fax (907) 465-4586  
1-800-782-4833

representative\_reggie\_joule@legis.state.ak.us



During Interim:  
P.O. Box 673  
Kotzebue, Alaska 99752  
(907) 442-3380  
Fax (907) 442-3022

Alaska State Legislature  
REPRESENTATIVE REGGIE JOULE

**SECTIONAL ANALYSIS**  
**HB 346**

**Section 1** A.S. 47.80.130 is amended by adding a new section (d). This section establishes that the Division of Mental Health and Developmental Disabilities must establish a wait list when state funding is not adequate to meet the need of developmentally disabled people needing services. The department shall also perform an annual review of the wait list, and give an annual report to the legislature and governor. The report must contain the following information:

- (1) Provide a description of the purposes for the wait list and how people are notified regarding the same. As part of the report, submit copies of form letters and other information used to notify developmentally disabled individuals regarding their rights.
- (2) Provide an explanation of how the wait list works to select individuals equitably across the state for services ie; criteria, placement and rank determination.
- (3) Provide basic demographic information across all regions for the individuals on the wait list ie; age, sex, race, education, education, sources of income etc.
- (4) Identify level of need, supports, preferences, and estimated cost of the services the developmentally disabled individuals require.

- (5) For the last 12 months, identify why and how many developmentally disabled individuals were removed from the wait list. Identify how long individuals were waiting for services before they were received.
- (6) Identify how many developmentally disabled individuals were on the wait list for 90 days or more. Identify steps taken to review wait list status.
- (7) Provide educational data to include the number of special education students graduating, dropping out, or reaching age 22 without graduating.
- (8) Provide a copy of written policies, manuals and procedures.

**SECTION 2** Provide first report by Nov. 15, 2000 based on wait list existing from Oct. 1, 1999 to Sept. 30, 2000.



**TONY KNOWLES, GOVERNOR**  
State of Alaska

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION**

P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone: 907-269-8990 • Fax: 907-269-8995

February 18, 2000

House HESS Committee  
Representative John Coghill Jr., Co-Chair  
Representative Fred Dyson, Co-Chair  
State Capitol, Room 120  
Juneau, AK 99801-1182

Dear Committee Co-Chairs:

The Governor's Council on Disabilities and Special Education writes this letter in support of HB 346, which requires that the Division of Mental Health and Developmental Disabilities (DMH/DD) conduct periodic reviews of the Waitlist. HB 346 also requires that the DMH/DD produce an annual report to the legislature that covers its findings.

The Waitlist is the DMH/DD's method of prioritizing consumer requests for services. The process of prioritization began in 1989. At that point in time there were 400 individuals waiting for services. As of December 15, 1999 the information provided by DMH/DD indicated that there were 843 eligible individuals on the Waitlist.

HB 346 directs the DMH/DD to commit their process to writing. Currently, DMH/DD does not have a formalized description of the following: the procedure for determining eligibility, assignment to the Waitlist, selection of those to be enrolled in services, a description of the available services under the Medicaid Waiver Program, and information about consumer rights.

Currently, there are more individuals who are requesting services than there are resources to meet their needs. As a result, many developmentally disabled (DD) individuals and their families are not receiving the services they require. Often individuals on the Waitlist reach a crisis situation before they are eligible to receive services.

The need for services will continue to escalate faster than the availability of services. To effectively, and efficiently meet the needs of DD individuals and their families, planning regarding the Waitlist must occur. Successful planning must include a regular examination of the relevant data pertaining to the Waitlist. HB 346 seeks to do this by requiring the collection and analysis of relevant data regarding people who receive services, the length of time it takes to obtain services, and the effectiveness of services received:

Your continued consideration of HB 346, as well as your attention to the needs of Alaskans with developmental disabilities and their families is very much appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Maltman".

David Maltman,  
Executive Director

HB 346

**Waiting Lists for DD and ILP Services  
Analysis by Legislative District**

House District	Senate District	Consumers in these communities	ILP-12/1/99 Wait List	DD-12/1/99 Wait List
1	A	Ketchikan, Hyder, Annette, Metlakatla	10	16
2	A	Sitka, Petersburg, Wrangell	14	10
3,4	B	Juneau, Douglas, Funter Bay, Auk Bay	26	51
5	C	Craig, Gustavus, Yakutat	7	13
6	C	Kodiak, Port Lions, Afognak	3	10
7	D	Homer, Seldovia, Anchor Point	4	32
8	D	Seward, Soldotna, Moose Pass	14	41
9	E	Kenai, Nikiski, Salmanoff	4	25
10-23	E-L	Anchorage	83	265
24,25	L,M	Eagle River	16	33
25,26	M	Chugiak	6	10
26,28	M,N	Wasilla	1	60
27	N	Palmer	1	43
28	N	Willow, Houston		12
29-31	O,P	Fairbanks	47	62
32-34	P,Q	North Pole, Two Rivers, Salcha	9	23
35	R	Valdez, Delta, Cordova, Paxson	14	16
36	R	Aniak, Fort Yukon, Chitina	6	14
37	S	Barrow, Kotzebue, Shismaref	46	8
38	S	Nome, Unalakaleet, St. Marys	11	22
39	T	Bethel, Dillingham, Kwethluk	5	16
40	T	Adak, St. Paul, Sand Point	6	4
		<b>Total</b>	<b>333</b>	<b>786</b>

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. HB 346

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act relating to services for persons with BRU: Community Dev. Disabilities Grants  
developmental disabilities Component: Community Dev. Disabilities Grants  
 Sponsor: Representatives Joule and Brice COMPONENT SERIAL NO. 309  
 Requestor: House (HES, FIN) 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						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<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)

FUND SOURCE	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1092 MHTAAR						
<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)

The Alaska Developmental Disabilities Information System (ADDIS) is expected to come on line for service providers and division staff the end of FY 2000. This information management tool will greatly enhance the division's ability to provide current information on the developmental disabilities population being served. With the information ADDIS will provide, the division estimates meeting the reporting requirements proposed under HB 346 would take approximately three full days of a staff person's time, which could be absorbed into current workloads.

Prepared by: Anne Henry Phone: 465-4852  
 Division: Mental Health & Dev. Disabilities Date/Time: 2/17/00 9:46 AM  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/22/00  
 Agency: Department of Health & Social Services

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

**Sec. 47.80.100. Programs for persons with handicaps.**

(a) The Department of Health and Social Services, the Department of Education and Early Development, and other departments of the state as appropriate, shall, in coordination, plan, develop, and implement a comprehensive system of services and facilities for persons with handicaps, that is consistent with the state plan adopted under AS 47.80.090(5) and is dispersed geographically within the state.

(b) The services required in (a) of this section are specialized services or special adaptations of services available to the general population and shall be directed toward the social, personal, physical, or economic habilitation or rehabilitation of persons with handicaps.

(c) Within the limits of appropriations and other available funds, the appropriate department may itself provide the services and establish, operate, and maintain the facilities required under (a) and (b) of this section, or it may provide the services or facilities entirely or in part through contractual arrangements with public or private agencies.

**Sec. 47.80.110. Program principles.**

The system of services and facilities required under AS 47.80.100 shall accord with the principles that service providers shall

(1) make services available at times and locations that enable residents of the provider's service area to obtain services readily;

(2) ensure each client's right to confidentiality and treatment with dignity;

(3) establish staffing patterns that reflect the cultural, linguistic, and other social characteristics of the community and that incorporate multidisciplinary professional staff to meet client functional levels and diagnostic and treatment needs;

(4) promote client and family participation in formulating, delivering, and evaluating treatment and rehabilitation;

(5) design treatment and habilitation to maximize individual potential and minimize institutionalization; and

(6) provide services in the least restrictive setting, enabling a person to live as normally as possible within the limitations of the handicap.

**Sec. 47.80.120. Habilitation plans.**

A state agency, contractor, or grantee who is directly responsible for providing services to persons with handicaps shall develop an individual habilitation plan for each person whose program of services utilizes state funds. The plan shall be completed in writing and furnished to the department within 30 days of admission of a client to the program of services. The plan, its renewals, and any changes of it, shall have the written concurrence of the client, or the client's parent or guardian when appropriate, and the agency or contractor responsible for providing services. The development and content of a plan shall conform to requirements established by the department by regulation. Insofar as practicable, the requirements shall conform to those established for individual habilitation plans under P.L. 91-517 or P.L. 94-103, as amended. Each plan shall be time-limited, evaluated, and renewed at least annually.

**Sec. 47.80.130. Powers and duties of the department.**

(a) The department shall

- (1) develop budgets and receive and distribute appropriations and funds under this section;
- (2) adopt regulations regarding standards of services and facilities for persons with handicaps and the quality of services and the process by which services are to be delivered;
- (3) adopt any other regulations necessary to implement this chapter;
- (4) provide technical assistance to public and private agencies in planning, developing, and implementing programs to serve handicapped persons;
- (5) operate programs and facilities, and enter into agreements, contracts, or grants necessary to provide services required under this chapter;
- (6) take the actions and undertake the obligations that are necessary to participate in federal grant-in-aid programs and accept federal or other financial aid for the study, examination, care and treatment of the handicapped.

(b) For purposes of P.L. 91-517 and P.L. 94-103, as amended, the department is designated the sole administering agency; it shall make applications for, receive, and expend grants under P.L. 91-517 or P.L. 94-103, as amended, and otherwise exercise the powers and perform the duties and functions necessary to comply with P.L. 91-517 and P.L. 94-103, as amended.

(c) The Department of Education and Early Development may make applications for, receive, and expend grants under P.L. 91-230 (The Education for the Handicapped Act), as amended, and otherwise exercise the powers and perform the functions necessary to comply with that Act.

**Sec. 47.80.140. Licensing and certificates of need.**

(a) A person may not establish or operate a residential facility without first obtaining a license to do so. The department by regulation shall provide for licensing of residential facilities that are not within the licensing provisions of AS 18.20.010 - 18.20.130, AS 47.33, AS 47.35.010 - 47.35.080 or other law requiring state licensing of such facilities. Regulations of the department must include but need not be limited to (1) standards of operation promoting and protecting public health, safety, and welfare, and (2) procedures governing applications for and issuance of licenses and duration, renewal, and revocation of licenses for cause. The department may at reasonable times inspect and examine residential facilities licensed under this subsection for conformity with licensing requirements.

(b) A certificate of need is required as a prerequisite for licensing a residential facility established after July 1, 1978, and not otherwise provided for in AS 18.07.031 - 18.07.111. A certificate shall be issued and regulated in the same manner as provided in AS 18.07.031 - 18.07.111 for certificates of need for health care facilities. This subsection does not apply to an assisted living home licensed under AS 47.33.

**Sec. 47.80.150. Liability for expense of services.**

(a) A person with a handicap or the person's legal representative acting in a representative capacity, the person's spouse, or the person's parents if the person is a minor, shall pay or contribute to the payment of the charges for the care or treatment in accordance with the fee schedule adopted under AS 44.29.022. The order of the department relating to the payment of charges shall be prospective in effect and may relate only to charges to be incurred, except that if a person intentionally conceals ability to pay, the person shall be ordered to pay to the extent of the person's ability to pay the charges accruing during the period of the concealment. The order of the department

relating to the payment of charges by the person with a handicap or the person's legal representative, or the person's spouse or parents, shall be issued within six months of the date on which the charge was incurred. The department may make necessary investigations to determine the ability to pay. The order shall remain in full force and effect unless modified by subsequent court or department orders.

(b) As used in (a) of this section, the term "actual cost of the care and treatment" means the lesser of (1) the rate provided for by a contract entered into under this chapter, (2) the fee established under AS 44.29.022 for services provided under this chapter or, (3) if the person is under the age of 18, the cost of care of a person of the same age who is not a person with a handicap and who resides with a parent or guardian, and includes expenses of transportation incidental to treatment and carrying out the intent of this chapter. In establishing fees for services under this chapter, the commissioner shall consider the income and family size of the responsible party, age of the person receiving the services, and other factors that relate to the ability to pay. Fees may not exceed the actual cost of the care or treatment.

(c) [Repealed, Sec. 101 ch 138 SLA 1986].

(d) The department may charge, or accept money or property from a person, for the care or treatment of an inpatient or outpatient or for other purposes, even if the payment is not required by an order of the department. The total payments received may not exceed the actual cost of care or treatment.

(e) All money paid to the department by the person with a handicap or on the person's behalf, under this section, shall be deposited in the general fund.

(f) If an order of payment is entered by the department under this section and delinquency in the payment of any amount due the state under the order continues for a period of more than 30 days after the notification by the department to the person, the legal representative, parent, or spouse of the person with a handicap, the state may proceed to collect the amounts due by appropriate proceedings. Actions to enforce the collection of payments may only be brought within three years after the date of notification of a delinquent payment.

(g) [Repealed, Sec. 28 ch 90 SLA 1991].

**Sec. 47.80.160. Transportation.**

When an individual is to be treated under this chapter, the department shall arrange, upon the request of a person having a proper interest in the individual's treatment, and may pay for the individual's transportation to the designated facility, with appropriate medical or nursing attendants and by the available means that are appropriate and suitable. The department may pay return transportation of an individual and appropriate medical and nursing attendants. When practicable, one or more relatives or friends of the individual to be treated shall be permitted to accompany the individual. The department may pay necessary travel, housing and meal expenses incurred by one relative or friend in accompanying the individual to the facility if the department determines

(1) that the best interests of the individual's health require that the individual be accompanied by the relative or friend;

(2) the relative or friend accompanying the individual is indigent.

**Sec. 47.80.170. Provision for personal needs upon discharge.**

The department shall make arrangements which are necessary to ensure that

(1) no patient is discharged or placed on convalescent status from a designated facility without suitable clothing; and

(2) an indigent patient discharged or placed on convalescent status is furnished suitable transportation to the patient's permanent residence in this state or other suitable place at the discretion of the department, and a reasonable amount of money to meet immediate needs.