

SB

204

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/10/00

FURTHER: 3/2/00

DATE TURNED IN TO OFFICE: 2 March 00

Finance Committee considered

SENATE BILL NO. 204

"An Act extending the termination date of the Alaska Commission on Aging; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Admin. Protection	2/25/00		376.0
Community Svcs.			

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Admin. Senior Resid.	2/2/00	✓	
Home & Community	2/2/00	✓	
Senior Employment	2/2/00	✓	
Nutrition, Transp	2/2/00	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION 8:00 3/2/00

BILL NO. SB 204

Revision Date/Time (Note if correction) _____	Dept. Affected _____ Administration _____
Title <u>An Act extending the termination date of the</u>	BRU <u>Senior Services</u>
<u>Alaska Commission on Aging</u>	Component <u>Protection, Community Services and Administration</u>
Sponsor <u>(S) HESS</u>	
Requester <u>(S) FIN</u>	Component No. <u>2083</u>

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	633.4	633.4	633.4	633.4	633.4	633.4
Travel	70.0	70.0	70.0	70.0	70.0	70.0
Contractual	264.6	264.6	264.8	264.6	264.6	264.6
Supplies	8.0	8.0	8.0	8.0	8.0	8.0
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
TOTAL OPERATING	976.0	976.0	976.0	976.0	976.0	976.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	784.7	784.7	784.7	784.7	784.7	784.7
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	81.6	81.6	81.6	81.6	81.6	81.6
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	109.7	109.7	109.7	109.7	109.7	109.7
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	976.0	976.0	976.0	976.0	976.0	976.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time	10	10.0	10.0	10.0	10.0	10.0
Part-time	1	1.0	1.0	1.0	1.0	1.0
Temporary	0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

Alaska Commission on Aging budget with the Protection, Community Services and Administration Services component.

This bill will extend the termination date of the Alaska Commission on Aging to June 30, 2004. In reality, it will have no fiscal impact on the department, as these costs are already included in the Governor's budget. This fiscal note assumes that the Commission will continue in its current configuration, and reflects salary and benefit costs for all positions. Expenditure data also reflects travel, contractual, and supply costs as submitted in the Governor's budget.

Prepared by: Jane Demmert, Executive Director
 Division: Senior Services
 Approved by: Commissioner Robert Poe, Jr. Alison M. Ely
 Agency: Department of Administration

Phone 907-465-4879
 Date/Time 2/24/00 4:06 PM
 Date 2/25/00

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FISCAL NOTE

No. 5
 Bill Version: SB204
 (S) Publish Date: 2/10/00

STATE OF ALASKA
 2000 LEGISLATIVE SESSION

3/2/00

Revision Date: February 1, 2000
 Title: An Act Extending the Termination Date of the Alaska Commission on Aging
 Sponsor: (S) HESS
 Requestor: (S) HESS

Department Affected: Administration
 BRU: Senior Services
 Component: Senior Residential Services
 COMPONENT SERIAL NO. 1985

EYPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	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.) Senior Residential Services Component.

This bill will extend the termination date of the Alaska Commission on Aging, the agency that manages the Senior Residential Services grant funds. The extension will be to June 30, 2004. In reality, it will have no fiscal impact on the department, as these grant costs are already included in the Governor's Budget (\$1,015.0). The assumption is that the State would continue to receive funding and manage programs under the Older Americans Act. The grants management includes salary and benefits costs for all positions, travel, contractual, supply and equipment costs as submitted in the Governor's Budget. Division of Senior Services, Protection, Community Services and Administrative Services Component, Alaska Commission on Aging program.

(See attached for budget detail information.)

Prepared by: Kav L. Burrows, Director
 Division: Senior Services

Phone: 907/269-3666
 Date: 2/01/2000

Approved by Commissioner: Robert Poe Jr. *Robert M. Slagge*
 Agency: Department of Administration

Date: February 1, 2000 *2/2/00*

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Component:
Senior Residential Services

OPERATING EXPENDITURES	FY 2001
Personal Services	0.0
Travel	0.0
Contractual	0.0
Supplies	0.0
Equipment	0.0
Land & Structures	0.0
Grants & Claims	1,015.0
Miscellaneous	0.0
TOTAL OPERATING	1,015.0
FUND SOURCE	FY 2001
1002 Federal Receipts	0.0
1003 GF Match	0.0
1004 GF	1,015.0
1005 GF/Program Receipts	0.0
1037 GF/Mental Health	0.0
Other (Specify Type)	0.0
TOTAL	1,015.0
POSITIONS	
Full-time	0
Part-time	0
Temporary	0

FISCAL NOTE

No. 4
 Bill Version: SB204
 (S) Publish Date: 2/10/00

STATE OF ALASKA
 2000 LEGISLATIVE SESSION

3/2/00

Revision Date: February 1, 2000
 Title: An Act Extending the Termination Date of the Alaska Commission on Aging
 Sponsor: (S) HESS
 Requestor: (S) HESS

Department Affected: Administration
 BRU: Senior Services
 Component: Home & Community Based Services
 COMPONENT SERIAL NO. 1984

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	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.) Home & Community Based Services Component.

This bill will extend the termination date of the Alaska Commission on Aging, the agency that manages the Home & Community Based Services grant funds. The extension will be to June 30, 2004. In reality, it will have no fiscal impact on the department, as these grant costs are already included in the Governor's Budget (\$4,492.5). The assumption is that the State would continue to receive funding and manage programs under the Older Americans Act. The grants management includes salary and benefits costs for all positions, travel, contractual, supply and equipment costs as submitted in the Governor's Budget, Division of Senior Services Protection, Community Services and Administrative Services Component, Alaska Commission on Aging program.

(See attached for budget detail information.)

Prepared by: *Kay L. Burrows, Director
 Division: Senior Services

Phone: 907/269-3666
 Date: 02/01/2000

Approved by Commissioner: Robert Poe Jr.
 Agency: Department of Administration

Date: 02/01/2000 2/2/00

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Component:
Home and Community Based Care

OPERATING EXPENDITURES	FY 2001
Personal Services	0.0
Travel	0.0
Contractual	0.0
Supplies	0.0
Equipment	0.0
Land & Structures	0.0
Grants & Claims	4,492.5
Miscellaneous	0.0
TOTAL OPERATING	4,492.5
FUND SOURCE	FY 2001
1002 Federal Receipts	0.0
1003 GF Match	0.0
1004 GF	1,101.4
1005 GF/Program Receipts	0.0
1037 GF/Mental Health	2,221.6
Other (Specify Type) MHTAAR	1,169.5
TOTAL	4,492.5
POSITIONS	
Full-time	0
Part-time	0
Temporary	0

FISCAL NOTE

No. 3
 Bill Version: SB204
 (S) Publish Date: 2/10/00

STATE OF ALASKA
 2000 LEGISLATIVE SESSION

S.C. 3/2/00

Revision Date: February 1, 2000
 Title: An Act Extending the Termination Date of the Alaska Commission on Aging
 Sponsor: (S) HESS
 Requestor: (S) HESS

Department Affected: Administration
 BRU: Senior Services
 Component: Senior Employment Services
 COMPONENT SERIAL NO. 1983

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	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	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	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.) Senior Employment Services Component.

This bill will extend the termination date of the Alaska Commission on Aging, the agency that manages the Senior Employment Services grant funds. The extension will be to June 30, 2004. In reality, it will have no fiscal impact on the department, as these grant costs are already included in the Governor's Budget (\$1,857.6). The assumption is that the State would continue to receive funding and manage programs under the Older Americans Act. The grants management includes salary and benefits costs for all positions, travel, contractual, supply and equipment costs as submitted in the Governor's Budget, Division of Senior Services, Protection, Community Services and Administrative Services Component, Alaska Commission on Aging program.

(See attached for budget detail information.)

Prepared by: Kay L. Burrows, Director
 Division: Senior Services

Phone: 907/269-3666
 Date: 02/01/2000

Approved by Commissioner: Robert Poe Jr. *Alison M. Ely*
 Agency: Department of Administration

Date: 02/01/2000 2/2/00

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Component:
Senior Employment Services

OPERATING EXPENDITURES	FY 2001
Personal Services	0.0
Travel	0.0
Contractual	0.0
Supplies	0.0
Equipment	0.0
Land & Structures	0.0
Grants & Claims	1,857.6
Miscellaneous	0.0
TOTAL OPERATING	1,857.6
FUND SOURCE	FY 2001
1002 Federal Receipts	1,659.3
1003 GF Match	198.3
1004 GF	0.0
1005 GF/Program Receipts	0.0
1037 GF/Mental Health	0.0
Other (Specify Type)	0.0
TOTAL	1,857.6
POSITIONS	
Full-time	0
Part-time	0
Temporary	0

FISCAL NOTE

No. 2
 Bill Version: SB204
 (S) Publish Date: 2/10/00

STATE OF ALASKA
 2000 LEGISLATIVE SESSION

3/2/00

Revision Date: February 1, 2000
 Title: An Act Extending the Termination Date of the Alaska Commission on Aging
 Sponsor: (S) HESS
 Requestor: (S) HESS

Department Affected: Administration
 BRU: Senior Services
 Component: Nutrition, Transportation and Support Services
 COMPONENT SERIAL NO. 1982

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	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	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	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.) Nutrition, Transportation and Support Services Component.

This bill will extend the termination date of the Alaska Commission on Aging, the agency that manages the Nutrition, Transportation and Support Services grant funds. The extension will be to June 30, 2004. In reality, it will have no fiscal impact on the department, as these grant costs are already included in the Governor's Budget (\$5,514.3). The assumption is that the State would continue to receive funding and manage programs under the Older Americans Act. The grants management includes salary and benefits costs for all positions, travel, contractual, supply and equipment costs as submitted in the Governor's Budget, Division of Senior Services, Protection, Community Services and Administrative Services Component, Alaska Commission on Aging program

(See attached for budget detail information.)

Prepared by: Kay L. Burrows, Director
 Division: Senior Services

Phone: 907/269-3666
 Date: 02/01/2000

Approved by Commissioner: Robert Poe Jr.
 Agency: Department of Administration

Date: 02/01/2000

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Component:
Nutrition, Transportation & Support
Services

OPERATING EXPENDITURES	FY 2001
Personal Services	0.0
Travel	0.0
Contractual	0.0
Supplies	0.0
Equipment	0.0
Land & Structures	0.0
Grants & Claims	5,514.3
Miscellaneous	0.0
TOTAL OPERATING	5,514.3
FUND SOURCE	FY 2001
1002 Federal Receipts	3,859.0
1003 GF Match	644.4
1004 GF	1,010.9
1005 GF/Program Receipts	0.0
1037 GF/Mental Health	0.0
Other (Specify Type)	0.0
TOTAL	5,514.3
POSITIONS	
Full-time	0
Part-time	0
Temporary	0

SENATE FINANCE
 COMMITTEE #
 Amendment Number: # 1-LS80021A.3
 Bill Number: SB 204 Lauterbach
 Sponsor: Green Date: 3/2/00 3/23/99
 Logged In By: Mindy LGREEN + MEMO
 3/23

AMENDMENT

OFFERED IN THE SENATE

TO: SB 204

1 Page 1, line _____, following ";":
 2 Insert "transferring the office of the long-term care ombudsman from the Alaska
 3 Commission on Aging to the legislative branch;"

4 Page _____, following line _____:

5 Insert a new bill section to read:

6 ** Sec. _____. AS 24 is amended by adding a new chapter to read:

7 Chapter 57. Office of the Long-Term Care Ombudsman.

8 Sec. 24.57.010. Office of the long-term care ombudsman. There is created
 9 in the legislative branch of the state the office of the long-term care ombudsman.

10 Sec. 24.57.020. Appointment of the long-term care ombudsman. (a) A
 11 candidate for appointment as the long-term care ombudsman shall be nominated by
 12 the long-term care ombudsman selection committee composed of three members of
 13 the senate appointed by the president of the senate and three members of the house
 14 of representatives appointed by the speaker of the house. One member of a minority
 15 party caucus in each house shall be appointed to the selection committee.

16 (b) The long-term care ombudsman selection committee shall examine persons
 17 to serve as long-term care ombudsman regarding their qualifications and ability and
 18 shall place the name of the person selected in nomination. The appointment is
 19 effective if the nomination is approved by a roll call vote of two-thirds of the
 20 members of the legislature in joint session and approved by the governor. However,
 21 the governor may veto the appointment and return it, with a statement of objections,
 22 to the legislature. Upon receipt of a veto message, the legislature shall meet
 23 immediately in joint session and reconsider approval of the vetoed appointment. The
 24 vetoed appointment becomes effective by an affirmative vote of two-thirds of the

1-LS8002\A.3

1 membership of the legislature in joint session. The vote on the appointment and on
2 reconsideration of a vetoed appointment shall be entered in the journals of both
3 houses.

4 (c) The appointment of the long-term care ombudsman becomes effective if,
5 while the legislature is in session, the governor neither approves nor vetoes it within
6 15 days, Sundays excepted, after its delivery to the governor. If the legislature is not
7 in session and the governor neither approves nor vetoes the appointment within 20
8 days, Sundays excepted, after its delivery to the governor, the appointment becomes
9 effective.

10 **Sec. 24.57.030. Term; removal.** (a) The term of office of the long-term care
11 ombudsman is five years. An incumbent may be reappointed but may not serve for
12 more than three terms. If the term of a long-term care ombudsman expires without
13 the appointment of a successor under this chapter, the incumbent continues in office
14 until a successor is appointed. If the long-term care ombudsman dies, resigns,
15 becomes ineligible to serve, or is removed or suspended from office, the person
16 appointed as acting long-term care ombudsman under AS 24.57.040 serves until a new
17 long-term care ombudsman is appointed for a full term.

18 (b) The legislature, by a concurrent resolution adopted by a roll call vote of
19 two-thirds of the members in each house entered in the journal, may remove or
20 suspend the long-term care ombudsman from office, but only for neglect of duty,
21 misconduct, or disability.

22 **Sec. 24.57.040. Staff; employment policies.** (a) The long-term care
23 ombudsman shall appoint a person to serve as acting long-term care ombudsman in
24 the absence of the long-term care ombudsman. The long-term care ombudsman shall
25 also appoint assistants and clerical personnel necessary to carry out this chapter.

26 (b) The long-term care ombudsman is a full-time position in the exempt
27 service under AS 39.25.110, and neither the long-term care ombudsman nor the staff
28 of the office of the long-term care ombudsman is subject to the employment policies
29 under AS 24.10 or AS 24.20.

30 **Sec. 24.57.050. Financial interests.** Neither the long-term care ombudsman
31 nor the staff of the office of the long-term care ombudsman may have a financial
32 interest in a long-term care facility in the state.

1-LS8002A.3

1 **Sec. 24.57.060. Duties and powers of the long-term care ombudsman.** (a)

2 The long-term care ombudsman shall investigate and resolve a complaint made by or
3 on behalf of an older Alaskan who resides in a long-term care facility in the state if
4 the complaint relates to a decision, action, or failure to act by a provider or a
5 representative of a provider of long-term care services, or by a public agency or social
6 services agency, that may adversely affect the health, safety, welfare, or rights of the
7 older Alaskan.

8 (b) The long-term care ombudsman may investigate and resolve a complaint
9 made by or on behalf of an older Alaskan relating to the long-term care or residential
10 circumstances of the older Alaskan. Complaints under this subsection may relate to
11 any issue not covered under (a) of this section, including the older Alaskan's landlord,
12 senior citizen housing, a public assistance program, a public grant program for
13 services to older Alaskans, public utilities, health care facilities, and health care
14 providers.

15 (c) The long-term care ombudsman may

16 (1) subpoena witnesses, compel their attendance, require the production
17 of evidence, administer oaths, and examine any person under oath in connection with
18 a complaint described under (a) of this section; the powers described in this paragraph
19 shall be enforced by the superior court;

20 (2) pursue administrative, legal, or other appropriate remedies on
21 behalf of an older Alaskan who resides in a long-term care facility in the state.

22 (d) The long-term care ombudsman shall adopt regulations under AS 44.62
23 (Administrative Procedure Act) to implement this chapter.

24 **Sec. 24.57.070. Training and certification of staff.** (a) The long-term care
25 ombudsman shall hire and provide for the training and certification of office staff,
26 including volunteers and other representatives of the office of the long-term care
27 ombudsman. Training must include instruction in federal, state, and local laws and
28 policies relating to long-term care facilities in the state and in investigative techniques.
29 The long-term care ombudsman may require other appropriate training. The long-term
30 care ombudsman may decertify a person under this section for good cause in
31 accordance with regulations adopted by the ombudsman.

32 (b) An employee, volunteer, or other representative of the office of the long-

1-LS8002A.3

1 term care ombudsman may not investigate a complaint under AS 24.57.060 unless the
2 person has been certified as having completed training under (a) of this section and
3 approved by the long-term care ombudsman as qualified to investigate the complaint.

4 (c) The employees of the office of the long-term care ombudsman are in the
5 exempt service under AS 39.25.110.

6 **Sec. 24.57.080. Access to long-term care facilities, older Alaskans, and**
7 **records.** (a) A person may not deny access to a long-term care facility or to an older
8 Alaskan by the long-term care ombudsman or an employee, volunteer, or other
9 representative of the office of the long-term care ombudsman.

10 (b) Notwithstanding the provisions of AS 24.57.060(c)(1), the long-term care
11 ombudsman may obtain medical or other records of an older Alaskan who resides in
12 a long-term care facility in the state only with the consent of the older Alaskan or the
13 older Alaskan's legal guardian or, if the older Alaskan is unable or incompetent to
14 consent and does not have a legal guardian, only with a court order.

15 **Sec. 24.57.090. Confidentiality.** (a) Records obtained or maintained by the
16 long-term care ombudsman are confidential, are not subject to inspection or copying
17 under AS 09.25.110 - 09.25.120, and, except as provided in (b) of this section, may
18 be disclosed only at the discretion of the long-term care ombudsman.

19 (b) The identity of a complainant or an older Alaskan on whose behalf a
20 complaint is made may not be disclosed without the consent of the identified person
21 or the person's legal guardian, unless required by court order.

22 **Sec. 24.57.100. Immunity from liability.** (a) A person who, in good faith,
23 makes a complaint described in AS 24.57.060 is immune from civil or criminal
24 liability that might otherwise exist for making the complaint.

25 (b) The long-term care ombudsman, or an employee, volunteer, or other
26 representative of the office of the long-term care ombudsman, is immune from civil
27 or criminal liability for the good faith performance of official duties.

28 **Sec. 24.57.110. Interference with the long-term care ombudsman and**
29 **retaliation prohibited.** (a) A person may not intentionally interfere with the long-
30 term care ombudsman, or an employee, volunteer, or representative of the office of
31 the long-term care ombudsman, in the performance of official duties under
32 AS 24.57.060.

1-LS8002VA.3

1 (b) If a person makes a good faith complaint described in AS 24.57.060, an
2 employer or supervisor of the person, or a public or private agency or entity that
3 provides benefits, services, or housing to the person, may not discharge, demote,
4 transfer, reduce the pay or benefits or work privileges of, prepare a negative work
5 performance evaluation of, deny or withhold benefits or services, evict, or take other
6 detrimental action against the person because of the complaint. The person making
7 the complaint may bring a civil action for compensatory and punitive damages against
8 an employer, supervisor, agency, or entity that violates this subsection. In the civil
9 action, there is a rebuttable presumption that the detrimental action was retaliatory if
10 it was taken within 90 days after the complaint was made.

11 (c) A person who intentionally violates this section is guilty of a class B
12 misdemeanor.

13 **Sec. 24.57.120. Legal counsel for the long-term care ombudsman.** (a)
14 Except as provided in (b) of this section, the Legislative Affairs Agency shall provide
15 legal services, including advice and representation, in connection with any matter
16 relating to the powers, duties, and operation of the office of the long-term care
17 ombudsman, and in any legal action brought against the long-term care ombudsman
18 or an employee, volunteer, or other representative of the office of the long-term care
19 ombudsman. If the Legislative Affairs Agency cannot provide legal advice or
20 representation because of a conflict of interest or because of the limitation in (b) of
21 this section, the long-term care ombudsman may employ private legal counsel.

22 (b) The Legislative Affairs Agency may not provide legal services to the
23 office of the long-term care ombudsman in connection with the office's power under
24 AS 24.57.060(c)(2).

25 **Sec. 24.57.200. Definitions.** In this chapter,

26 (1) "long-term care facility" means an assisted living home that is
27 required to be licensed under AS 47.33 and a nursing home as defined in
28 AS 08.70.180;

29 (2) "older Alaskan" means a resident who is 60 years of age or older;

30 (3) "senior citizen housing" has the meaning given "senior housing"
31 in AS 18.56.799."

1 Renumber the following bill sections accordingly.

2 Page ____, following line ____:

3 Insert new bill sections to read:

4 ** Sec. ____. AS 24.60.176(b) is amended to read:

5 (b) In this section, "appointing authority" means

6 (1) the legislative council for employees of the Legislative Affairs
7 Agency and of the legislative council and for legislative employees not otherwise
8 covered under this subsection;

9 (2) the Legislative Budget and Audit Committee for the legislative
10 fiscal analyst and employees of the division of legislative finance, the legislative
11 auditor and employees of the division of legislative audit, and employees of the
12 Legislative Budget and Audit Committee;

13 (3) the appropriate finance committee for employees of the senate or
14 house finance committees;

15 (4) the appropriate rules committee for employees of

16 (A) standing committees of the legislature, other than the
17 finance committees;

18 (B) the senate secretary's office and the office of the chief clerk
19 of the house of representatives; and

20 (C) house records and senate records;

21 (5) the legislator who made the hiring decision for employees of
22 individual legislators; however, the legislator may request the appropriate rules
23 committee to act in the legislator's stead;

24 (6) the ombudsman for employees of the office of the ombudsman,
25 other than the ombudsman, and the long-term care ombudsman for employees of
26 the office of the long-term care ombudsman, other than the long-term care
27 ombudsman;

28 (7) the legislature for the ombudsman and the long-term care
29 ombudsman.

30 * Sec. ____. AS 24.60.250(c) is amended to read:

31 (c) In addition to the sanctions described in AS 24.60.260, if the Alaska

1-LS8002A.3

1 Public Offices Commission finds that a legislative director has failed or refused to file
2 a report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify
3 the Alaska Legislative Council or the Legislative Budget and Audit Committee, as
4 appropriate. For the ombudsman and the long-term ombudsman, the Alaska
5 Legislative Council shall be notified.

6 * Sec. ____ AS 24.60.990(a)(9) is amended to read:

7 (9) "legislative director" means the director of the legislative finance division,
8 the legislative auditor, the director of the legislative research agency, the ombudsman,
9 the long-term care ombudsman, the executive director of the Legislative Affairs
10 Agency, and the directors of the divisions within the Legislative Affairs Agency;"

11 Renumber the following bill sections accordingly.

12 Page ____, following line ____:

13 Insert a new bill section to read:

14 ** Sec. ____. AS 39.27.022(d) is amended to read:

15 (d) This section applies to employees of the legislature only if the committee
16 responsible for adopting employment policies concerning the employee adopts a
17 written policy that the section applies. This section applies to the employees of the
18 office of the ombudsman only if the ombudsman adopts a policy that the section
19 applies. This section applies to the employees of the office of the long-term care
20 ombudsman only if the long-term care ombudsman adopts a policy that the
21 section applies."

22 Renumber the following bill sections accordingly.

23 Page ____, following line ____:

24 Insert a new bill section to read:

25 ** Sec. ____. AS 39.90.140(3) is amended to read:

26 (3) "matter of public concern" means
27 (A) a violation of a state, federal, or municipal law, regulation,
28 or ordinance;

1-LS8002A.3

- 1 (B) a danger to public health or safety;
- 2 (C) gross mismanagement, a substantial waste of funds, or a
- 3 clear abuse of authority; [OR]
- 4 (D) a matter accepted for investigation by the office of the
- 5 ombudsman under AS 24.55.100 or 24.55.320; or
- 6 (E) a matter accepted for investigation by the office of the
- 7 long-term care ombudsman under AS 24.57.060(a);"

8 Renumber the following bill sections accordingly.

9 Page ____, following line ____ :

10 Insert a new bill section to read:

11 "** Sec. _____. AS 44.21.230(c) is amended to read:

12 (c) The commission may not investigate, review, or undertake any

13 responsibility for the longevity bonus program under AS 47.45 or [, EXCEPT FOR

14 ACTIVITIES OF THE OFFICE OF THE LONG TERM CARE OMBUDSMAN,] the

15 Alaska Pioneers' Homes under AS 47.55."

16 Renumber the following bill sections accordingly.

17 Page ____, following line ____:

18 Insert a new bill section to read:

19 "** Sec. _____. AS 44.62.040(c) is amended to read:

20 (c) Before submitting the regulations and orders of repeal to the lieutenant

21 governor under (a) of this section, every state agency that by statute possesses

22 regulation making authority, except boards and commissions, [AND] the office of the

23 ombudsman, and the office of the long-term care ombudsman, shall submit to the

24 governor for review a copy of every regulation or order of repeal adopted by the

25 agency, except regulations and orders of repeal identified in (a)(1) - (2) of this

26 section. The governor may review the regulations and orders of repeal received under

27 this subsection. The governor may return the regulations and orders of repeal to the

28 adopting agency before they are submitted to the lieutenant governor for filing under

1-LS8002A.3

1 (a) of this section [,] (1) if they are inconsistent with the faithful execution of the
2 laws, or (2) to enable the adopting agency to respond to specific issues raised by the
3 Administrative Regulation Review Committee. The governor may not delegate the
4 governor's review authority under this subsection to a person other than the lieutenant
5 governor."

6 Renumber the following bill sections accordingly.

7 Page _____, following line _____:

8 Insert new bill sections to read:

9 ** Sec. _____. AS 44.66.050(a) is amended to read:

10 (a) Before the termination, dissolution, continuation, or reestablishment of a
11 board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program
12 under AS 44.66.020 and 44.66.030, a committee of reference of each house, which
13 shall be the standing committee of legislative jurisdiction as provided in the Uniform
14 Rules of the Alaska State Legislature, shall hold one or more hearings to receive
15 testimony from the public, the commissioner of the department having administrative
16 responsibility for each named board, commission, or agency program, and the
17 members of the board or commission involved. The hearings may be joint hearings.
18 The committee shall also consider the proposed budget of the board, commission, or
19 agency program, prepared in accordance with AS 37.07.050(f), and the performance
20 audit of the activities of the board, commission, or agency program, prepared by the
21 legislative audit division as prescribed in AS 24.20.271(1). The committee may
22 consider any other report of the activities of the board, commission, or program,
23 including but not limited to annual reports, summaries prepared by the Legislative
24 Affairs Agency, and any evaluation or general report of the manner of conduct of
25 activities of the board, commission, or agency program prepared by the office of the
26 ombudsman or by the office of the long-term care ombudsman.

27 * Sec. _____. AS 44.66.050(c) is amended to read:

28 (c) A determination as to whether a board, [OR] commission, or agency
29 program has demonstrated a public need for its continued existence must take into
30 consideration the following factors:

1-LS8002\A.3

1 (1) the extent to which the board, commission, or program has
2 operated in the public interest;

3 (2) the extent to which the operation of the board, commission, or
4 agency program has been impeded or enhanced by existing statutes, procedures, and
5 practices that it has adopted, and any other matter, including budgetary, resource, and
6 personnel matters;

7 (3) the extent to which the board, commission, or agency has
8 recommended statutory changes that are generally of benefit to the public interest;

9 (4) the extent to which the board, commission, or agency has
10 encouraged interested persons to report to it concerning the effect of its regulations
11 and decisions on the effectiveness of service, economy of service, and availability of
12 service that it has provided;

13 (5) the extent to which the board, commission, or agency has
14 encouraged public participation in the making of its regulations and decisions;

15 (6) the efficiency with which public inquiries or complaints regarding
16 the activities of the board, commission, or agency filed with it, with the department
17 to which a board or commission is administratively assigned, [OR] with the office of
18 the ombudsman, or with the long-term care ombudsman have been processed and
19 resolved;

20 (7) the extent to which a board or commission that regulates entry into
21 an occupation or profession has presented qualified applicants to serve the public;

22 (8) the extent to which state personnel practices, including affirmative
23 action requirements, have been complied with by the board, commission, or agency
24 to its own activities and the area of activity or interest; and

25 (9) the extent to which statutory, regulatory, budgeting, or other
26 changes are necessary to enable the agency, board, or commission to better serve the
27 interests of the public and to comply with the factors enumerated in this subsection."

28 Renumber the following bill sections accordingly.

29 Page _____, following line _____:

30 Insert a new bill section to read:

1 ** Sec. _____. AS 44.99.240(2) is amended to read:

2 (2) "state agency" means

3 (A) a department, institution, board, commission, division,
4 authority, public corporation, or other administrative unit of the executive
5 branch, including the University of Alaska and the Alaska Railroad
6 Corporation;

7 (B) a committee, division, or administrative unit of the
8 legislative branch, including the Alaska Legislative Council, the leadership of
9 each house, [AND] the office of the ombudsman, and the office of the long-
10 term care ombudsman;

11 (C) an administrative unit of the judicial branch, including the
12 Alaska Judicial Council and the Commission on Judicial Conduct."

13 Renumber the following bill sections accordingly.

14 Page ____, following line ____:

15 Insert new bill sections to read:

16 ** Sec. _____. AS 47.24.010(f) is amended to read:

17 (f) A person listed in (a) of this section who reports to the long-term [LONG
18 TERM] care ombudsman under AS 24.57.060 [AS 44.21.232], or to the Department
19 of Health and Social Services, that a vulnerable adult has been exploited, abused, or
20 neglected in an out-of-home care facility is considered to have met the duty to report
21 under (a) of this section.

22 * Sec. _____. AS 47.24.013(a) is amended to read:

23 (a) If a report received under AS 47.24.010 regards the abandonment,
24 exploitation, abuse, neglect, or self-neglect of a vulnerable adult who is 60 years of
25 age or older that is alleged to have been committed by or to have resulted from the
26 negligence of the staff or a volunteer of an out-of-home care facility, including a
27 facility licensed under AS 18.20, in which the vulnerable adult resides, and, if the
28 Department of Health and Social Services licenses that type of facility, the
29 Department of Administration shall transfer the report for investigation to the long-
30 term [LONG TERM] care ombudsman under AS 24.57.060 [AS 44.21.232] and the

1-LS8002A.3

1 Department of Health and Social Services.

2 * Sec. _____. AS 47.24.013(c) is amended to read:

3 (c) Upon receipt of a report from the department under (a) or (b) of this
4 section, the long-term [LONG TERM] care ombudsman and the Department of
5 Health and Social Services shall

6 (1) conduct an investigation as appropriate under AS 24.57.060
7 [AS 44.21.232] or this title, respectively;

8 (2) coordinate and cooperate in their responses to and investigations
9 of the report if their jurisdictions overlap;

10 (3) provide the results of their actions or investigations to the central
11 information and referral service of the department within 60 days after the receipt of
12 the report."

13 Renumber the following bill sections accordingly.

14 Page _____, following line _____:

15 Insert a new bill section to read:

16 ** Sec. _____. AS 47.33.310(b) is amended to read:

17 (b) An assisted living home shall post in a prominent place in the home

18 (1) a copy of the rights set out in AS 47.33.300;

19 (2) the name, address, and phone number of the long-term [LONG
20 TERM] care ombudsman appointed [HIRF^o] under AS 24.57.020 [AS 44.21.231]
21 and, if relevant to residents, of the advocacy agency for persons with a developmental
22 disability or mental illness;

23 (3) the telephone number of an information or referral service for
24 vulnerable adults; and

25 (4) a copy of the grievance procedure established under
26 AS 47.33.340."

27 Renumber the following bill sections accordingly.

28 Page _____, following line _____:

1 Insert new bill sections to read:

2 "* Sec. _____. REPEALER. AS 44.21.231, 44.21.232, 44.21.233, 44.21.234, 44.21.235,
3 44.21.236, 44.21.237, 44.21.238, 44.21.239, 44.21.240(2), 44.21.240(3), 44.21.240(4), and
4 44.21.240(5) are repealed.

5 * Sec. _____. TRANSITIONAL PROVISION FOR PAY LEVELS. (a) Notwithstanding
6 other provisions of this Act, if the person serving in the position of long-term care
7 ombudsman under AS 44.21.231 on the day before the effective date of this Act is appointed
8 as the first long-term care ombudsman under AS 24.57, added by this Act, that person shall
9 be compensated under AS 24.57 at the same salary level at which the person was
10 compensated on the day before the effective date of this Act.

11 (b) Notwithstanding other provisions of this Act, if a person serving as an employee
12 in the office of the long-term care ombudsman under AS 44.21.231 - 44.21.240 on the day
13 before the effective date of this Act is retained to serve as an employee with the same duties
14 under the first long-term care ombudsman appointed under AS 24.57, added by this Act, that
15 person shall be compensated under AS 24.57 at the same salary level at which the person was
16 compensated on the day before the effective date of this Act."

17 Renumber the following bill sections accordingly.

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB204
Amendment	#1
Motion	Make adopt
<u>Motion by</u>	G
<u>Objection</u>	
<u>Objection by</u>	L
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Pete Kelly	
Senator Lyda Green	
Senator Randy Phillips	
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	With drew

Alaska State Legislature

Senator Mike Miller, Chairman
Senator Pete Kelly, Vice Chairman
Senator Drue Pearce
Senator Gary Wilken
Senator Kim Elton



State Capitol, Rm 119
Juneau, Alaska 99801-1182
(907) 465-3762

Senate Committee on Health, Education and Social Services

SB 204

"An Act extending the termination date of the Alaska Commission on Aging"

The Alaska Commission on Aging was first established as a single Planning and Service Area (PSA) in the Department of Administration as the Older Alaskans Commission in July of 1981 by AS 44.21. Being classified as a PSA means that the commission is the only agency in the State that plans, funds, and oversees services to seniors statewide. In 1994, legislation was adopted (Chapter 131, SLA 1994) that changed the commission's name to Alaska Commission on Aging.

The commission is authorized to administer and coordinate state programs for older Alaskans and to administer federal programs provided under the Older Americans Act, 42 U.S. Code 3001-30451, as amended. Together, the provisions of AS 44.21 and the Older Americans Act establishes the commission's authority, purpose, and scope of work.

On September 17, 1999, the Alaska State Legislature, Legislative Budget and Audit Committee's special report on the Department of Administration, Alaska Commission on Aging conclusion's were the following:

Report Conclusions

The expiration date of ACoA should be extended.

In our opinion, ACoA has demonstrated that there is a public need for this commission. According to AS 44.66.010, the commission is scheduled to expire June, 30, 2000. We recommend that the legislature adopt legislation extending ACoA's expiration date to June 30, 2004.

The purpose of SB 104 is to extend the termination date of the Alaska Commission on Aging: to June 2004.

Alaska Commission on Aging
Chronology regarding Long Term Care Ombudsman considerations

- '98-99:** Discussion and familiarization with outstationing options
- Summer '99** Commission staff expands discussion on outstationing options, drawing on research by Long Term Care Ombudsman staff, National Association of State Units on Aging, and U.S. Administration on Aging.
- Sept. 29 - Oct. 1.** Commission meets in Kodiak.
In Executive Session reviews final draft of Legislative Audit's Sunset report recommending extension of sunset date for Alaska Commission on Aging.
Commission hosts teleconference discussions with Disability Law Center, Alaska Legal Services, State Ombudsman, Alaska Mental Health Trust to assess the possible fit for outstationing the LTCO in their agency. Commission holds follow-up discussion. Concludes that in further review of outstationing options, the LTCO would best be served by a setting outside of a legalistic environment. In light of this decision, Commission anticipates further discussion with State Ombudsman and Alaska Mental Health Trust Authority at the Commission's next meeting.
Commission establishes two ad-hoc committees; one to review further considerations regarding outstationing the LTCO office; and a second committee to assess considerations if, after full review, the Commission determines that the most prudent course of action was to retain the LTCO office within the Commission. The latter committee would specifically exclude Commission members with relationships with the Pioneer Homes. The committees were to report back to the full commission at a special November 12 teleconferenced meeting. Finally, the Commission determines that it would adopt clear written guidance regarding the philosophy, priorities and expectations for the LTCO function.
- Nov. 12.** Commission meets.
State Ombudsman and Alaska Mental Health Trust Authority executive director present reports outlining their conclusions re: appropriateness of outstationing the LTCO office in their respective offices. State Ombudsman finds, after a comprehensive review, that outstationing to that office would not be in the best interests of either function. Alaska Mental Health Trust Authority (MHTA) executive director finds that outstationing to the MHTA would be premature; however the Trust is open to exploring all mutual options as they develop a Trust redress procedure. In response to invitation from Commissioners, Trust agrees to have two representatives serve on the search or interview committee for recruitment of a new Long Term Care Ombudsman.

Committee reviewing outstationing considerations reports. Their own review, combined with conclusions by the State Ombudsman's office and the MHTA, leads them to conclude that there is not an appropriate state agency available to accept an outstationing of the LTCO office. Thus they recommend that to assure the function receives appropriate support and priority, the office will best be served by remaining within the Commission.

Committee reviewing in-house considerations reports. Recommends that the Commission restructure its oversight of the office, and clarify its mandate and emphases. The Committee recommends establishing a standing committee to provide oversight for the LTCO function. The committee should explicitly exclude those commissioners with formal involvement, however limited, with the Pioneers Homes. The committee presents draft document concerning the LTCO outlining relevant statutory provisions, priorities, guiding philosophy, and infrastructure which is accepted as framework for a By-laws amendment to be acted on at the Commission's next teleconferenced meeting slated for December 10.

- Dec. 10** Commission meets. The Commission affirms the proposed By-laws amendment to establish the Long Term Care Ombudsman Committee as a standing committee of the Commission. The amendment specifies the committee membership, role, and meeting schedule.
- Jan. 13** LTCO Committee meets, reviews and further develops draft document concerning the Long Term Care Ombudsman office. Begins shaping process and schedule to recruit and hire a new Long Term Care Ombudsman to be overseen by the Committee.
- Jan. 20** LTCO Committee meets, finalizes *Commission Guidance for the Office of Long Term Care Ombudsman*. Further refines process and schedule to recruit and hire a new Long Term Care Ombudsman to be overseen by the Committee.
- Jan. 28** Commission meets, reviews and adopts the LTCO Committee's statement: *Guidance for the Office of the Long Term Care Ombudsman*. The *Guidance* defines the purpose of the office, and the *Guidance*; its fit within the policy documentation for the LTCO function; the distinguishing characteristics of the LTCO function: complaint investigation, mediation, and advocacy; priorities for the LTCO office; and relevant statutes and regulations.

The Commission reviews and adopts the Committee's draft statement describing the LTCO search process and timeline.

Present Commission staff finalize documentation to upgrade the LTCO position to
Alaska Commission on Aging 2/2/00 2
Update on LTCO considerations



Mar.2,2000

MARTY MARGESON
Margeson Real Estate
Anchorage Downtown Bed & Breakfast
at "Raspberry Meadows"
1401 West 13th Avenue
Anchorage, AK 99501
907-278-9275, FAX 279-9282

SB 204

Senators Parnell and Torgerson
FAX 465-4779

RE: MOVE Ombudsman's Office

Gentlemen:

I have frequently had to ask assistance from the Ombudsman's office with my dad's care in the Anchorage Pioneer Home and support the report in Audit No. 62.1402-99 and the Daily News article illustrating the current location as a conflict of interests. Currently, the "boss" is also the acting Ombudsman, which seems more conflicted. My dad suffers from Alzheimer's and I need strong advocacy - the office has been unfairly understaffed, and that has influenced their ability to handle a huge caseload - my father alone experienced 6 assaults and 6 falls in one year in APH.

The Long Term Care Ombudsman has been my dad's only professional advocate. I would further request that the Commission on Aging not appoint a new Long Term Care Ombudsman until the office has been moved into a neutral setting where I can advocate and protect our vulnerable elderly.

Please support the immediate move of the LTCOO and delay hiring a new Long Term Care Ombudsman until the move is accomplished. This new position is important - the best candidate must be hired: I understand we are only advertising in Alaska, and hope you will encourage an expanded search. Our vulnerable adults need your protection.

Sincerely,


Marty Margeson

SENATE FINANCE COMMITTEE

SIGN-IN

SB 204-EXTEND ALASKA COMMISSION ON AGING

NAME: Sharon Clark Subject/Bill No: SB 204
Co./Dept./Title: Leg. Code, ^{House} Sen Miller Phone: 37612
Address: Juneau AK Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Gene Demmert Subject/Bill No: SB 204
Co./Dept./Title: AK Commission on Aging Phone: 4879
Address: Juneau Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

Red Card

PLEASE PROVIDE THE FOLLOWING INFORMATION, TO BE INCLUDED IN THE MINUTES FOR THIS MEETING:

NAME:

Sharon Clark, Leg Aide, Sen Miller

AFFILIATION:

Leg staff, Sen Clark

THANK YOU. PLEASE RETURN THIS INFORMATION TO THE PAGE (BREE).

Green Card

PLEASE PROVIDE THE FOLLOWING INFORMATION, TO BE INCLUDED IN THE MINUTES FOR THIS MEETING:

NAME:

Joule Demmert

AFFILIATION:

Alaska Commission on Aging

THANK YOU. PLEASE RETURN THIS INFORMATION TO THE PAGE (BREE).

SENATE FINANCE COMMITTEE

SIGN-IN

SB 204-EXTEND ALASKA COMMISSION ON AGING

NAME: Kevin G. Lument Subject/Bill No: SB204
Co./Dept./Title: Alaska Commission on Aging/DOH Phone: 465-4879
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Kevin M. Lument Subject/Bill No: SB204
Co./Dept./Title: Dep. Comm. DOH Phone: 465-2200
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

Compliance with ACoA program statutes (AS 44.21.200-230)

After reviewing the board member's files on record at the Office of the Governor, Boards and Commissions it appears that ACoA's board members have been appointed in accordance with Alaska statutes. All appointed members have shown a dedicated interest in matters dealing with the elderly within Alaska. The members are all Alaskan residents who represent all six funding regions within the State and meet the age requirements set by the State.

To be in compliance with AS 44.21.230 and the Older Americans Act, the commission must prepare a four year state plan covering the FY's 1997-2000. This plan must receive approval from the U.S. Administration on Aging and describe how the State will use federal and state funds to provide senior services. Federal regulations require that the plan include a funding formula to allocate NTS funds within the State. ACoA has the flexibility to modify this plan formula as needed due to its single planning unit classification. The plan informs readers of the current status of the senior population within Alaska and the commission's future goals for those seniors. This formula has been developed, approved, and is contained within the current state plan. ACoA also produces an annual report, which is prepared for the governor and legislature of Alaska. This report provides an annual analysis and evaluation of the services that are provided to older Alaskans.

The commission's by-laws cover the board's requirements for meetings. The by-laws state that the board will meet four times a year and that the public must be notified at least ten days in advance of the meetings. In reviewing the board minutes it is apparent that they have met the requirements for the number of board meetings. It also appears that a notice of each meeting has been publicly advertised.

LTCO access to state operated Pioneer Homes is limited. compared to private sector facilities

Currently, the LTCO cannot contact personnel of a Pioneer Home facility without first notifying the administrator of the home. This is a constraint that the ombudsman does not face at any other long-term care facility in the State when investigating complaints regarding care of residents. As discussed further in Recommendation No. 1, this constraint to the operations of the LTCO suggests that a conflict-of-interest exists in the oversight structure involving the ombudsman function. ACoA should proceed with considering various organizational alternatives for the LTCO and restore confidence that all complaints related to resident care in various long-term care facilities will be actively investigated and resolved. (See Recommendation No. 1.)

ALLOCATION OF FUNDS

Under the Older Americans Act, as a single planning and service area state, ACoA is required to develop a funding plan to allocate the federal funds it receives under Title III of the act. Such an allocation should show preference in the delivery of services to older persons in greatest economic or social need. As mentioned above, ACoA has developed such a funding plan. The funding plan allocates funds to six regions in the State as well as a statewide portion (approximately 5%). Funds are then distributed within the region using a grant proposal process.

Funding decisions begin with ACoA staff conducting research, reviewing proposals, making the necessary computations, and conducting public hearings where necessary. Staff recommendations are then forwarded to ACoA. Each commissioner receives a number of applications from regions other than their own. This is done to help give the commissioners a better overall understanding of the different programs throughout the State. The commissioners are responsible for reviewing the staff's recommendation prior to the grant meeting held in June. The June ACoA grant meetings are open to the public, and time for public comment is scheduled. Each applicant is given an allotted amount of time to present their case or answer questions from the commissioners. The commissioners then decide what changes, if any, it wishes to make to staff recommendations and then votes its final approval of the funding allocation.

The results from our survey show that over 82% of the grantees responding believe that the granting procedure is a fair process.

The extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.

ACoA has a statutory responsibility for the advocacy of certain beneficiary groups. From our review of the commission's minutes, position papers, and resolutions from 1996 to the present, it appears that the commission is actively involved in the issues concerning the senior population. Over this time period the commission has drafted over 30 resolutions in favor or opposing senate bills, house bills, state taxes, and any other issue they believe would be of concern to older Alaskans.

The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.

To reach the public the commission advertises each public meeting by posting legal notices in three major newspapers, the *Anchorage Daily News*, the *Fairbanks Daily News-Miner*, and the *Juneau Empire*. They also inform the public of their meetings through the *Senior Voice*

and the newsletter *Alaska Seniors Living Longer Growing Stronger*. Presently, the commission is building a Web page to further the public's knowledge. The Web page will also give the public the ability to comment on issues concerning the commission.

We asked the grantees in our survey if ACoA has been effective in informing or educating their community and others around the State of important legislative or other developments affecting seniors. The response we received showed that over 89% of the respondents believe that ACoA is effective in informing and educating.

Also, persons that are at least 60 years old and reside in a long-term care facility are encouraged to utilize the services of the long-term care ombudsman. The Older American Act and State regulations require signs to be posted in long-term care facilities that indicate what office is to be contacted if they have complaints. The long-term care ombudsman also has trained volunteers in three facilities in Anchorage. They not only listen to complaints from residents but also initiate complaints if they observe improprieties.

The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

The commission schedules time at each meeting for public comment. The public has the opportunity to attend any of ACoA's public meetings as well as contact them through their new Web page concerning any of their decisions. In reviewing the minutes, nothing came to our attention that would lead us to believe the commission does not take the public comments into consideration.

There were no new regulations adopted during this period.

The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

We contacted the state ombudsman's office concerning any complaints or grievances against ACoA, and according to their office, no complaints had been investigated by their office.

The extent to which the board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

Since ACoA does not regulate any occupations or professions, this is not applicable.

The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

According to the Division of Labor Relations, over the period of FY 97 through FY 99 there have been three evaluation complaints and one discrimination grievance. At the present time one of the evaluation complaints is still open and the other three have been resolved with letters of agreement between the parties involved.

The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

LTCO OVERSIGHT

As discussed in Recommendation No. 1, ACoA is considering alternative organization placement of the LTCO function in order to provide more day-to-day oversight of the function. Additionally, in our view, a restructuring of the LTCO function would also ameliorate conflict of interest issues brought about the close organizational ties between the administration of state-owned long-term care facilities and oversight of the ombudsman.

ADMINISTRATION OF FEDERAL FUNDING

In our FY 98 statewide single audit, we identified several areas where ACoA staff was involved in the inappropriate administration of federal funds related to aging programs. The degree to which ACoA staff was involved in the deficiencies identified varied, since the staff is jointly responsible for administering much of the funding with the State's Division of Senior Services (DSS). Accordingly, addressing the issues set out in Recommendation Nos. 2-5 will require ACoA staff and executive director to work, in varying degrees, cooperatively with the DOA director of administrative services, DSS, and the state accountant.

BUDGETARY CONSTRAINTS

With the commission working on developing new services and increasing existing services, working within the current budgetary constraints is difficult. According to ACoA, the State of Alaska has the second fastest growing senior population, proportionately, in the nation. In the survey of grantees the level of funding provided by the commission was not adequate according to 50% of the respondents.

As reflected in our overall conclusion, ACoA is helping older Alaskans lead dignified, independent, and useful lives. We believe that ACoA has demonstrated that there is a public need for this commission. According to AS 44.66.010, the commission is required to terminate on June 30, 2000. We recommend that the legislature adopt legislation extending ACoA's termination date until June 20, 2004.

Supplemental Information

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SURVEY RESULTS

In the course of our review we mailed the following survey to 61 grantees of which 46 responded.

Question No. 1

The funding you receive from AcoA assists in helping older Alaskans lead dignified, independent, and useful lives.

Definitely Agree	Very much agree	Agree	Slightly Agree	Disagree
80.4%	13.0%	4.4%	2.2%	0%
97.8%			2.2%	

Question No. 2

The funding provided by AcoA is adequate

Definitely Agree	Very much agree	Agree	Slightly Agree	Disagree
6.5%	17.4%	26.1%	17.4%	32.6%
50.0%			50.0%	

Question No. 3

AcoA's funding addresses the nutrition and transportation needs of senior citizens in our community.

Definitely Agree	Very much agree	Agree	Slightly Agree	Disagree
43.2%	11.4%	27.2%	15.9%	2.3%
81.8%			18.2%	

Question No. 4

The grant eligibility requirements imposed by AcoA, do not inappropriately limit the participation in our community's senior service programs.

Definitely Agree	Very much agree	Agree	Slightly Agree	Disagree
39.1%	21.7%	21.8%	13.0%	4.4%
82.6%			17.4%	

Question No. 5

AcoA's grant procedure is a fair process.

Definitely Agree	Very much agree	Agree	Slightly Agree	Disagree
37.8%	26.7%	17.7%	13.3%	4.4%
82.2%			17.7%	

Question No. 6

AcoA encourages public participation and input in developing regulations or making other decisions.

Definitely Agree	Very much agree	Agree	Slightly Agree	Disagree
42.2%	20.0%	22.2%	6.7%	8.9%
84.4%			15.6%	

Question No. 7

AcoA has been very effective in informing or educating your community or others around the State of important legislative or other developments affecting seniors

Definitely Agree	Very much agree	Agree	Slightly Agree	Disagree
54.4%	23.9%	10.9%	4.4%	6.5%
89.2%			10.9%	

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135

November 22, 1999

Ms. Pat Davidson
Legislative Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska 99811-3300

RECEIVED
NOV 22 1999
LEGISLATIVE AUDIT

Dear Ms. Davidson,

Thank you for the opportunity to reply to the preliminary audit report on the Department of Administration, Alaska Commission on Aging, dated September 17, 1999. Following are the Department's comments to your recommendations made in the letter.

The Department is in concurrence with the Auditor's Conclusion, that the Commission's termination date be extended until June 30, 2004.

Regarding the *Findings and Recommendations*:

1. The Commission on Aging is committed to structuring its oversight of, and relationship with, the Long Term Care Ombudsman (LTCO) office to assure that the well-being of older Alaskans receiving long-term care is appropriately addressed by the LTCO. The Commission devoted much of its September meeting to this topic as it did in November, and will again in December. The Commission expects to amend its By-laws this winter to further delineate the manner in which the Commission shall provide oversight for the LTCO function. This work, now in progress, will include establishing a Commission committee, with some membership restrictions, that will assume responsibility for this oversight.

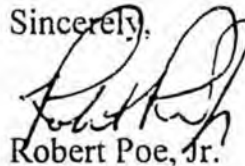
Pat Davidson

-2-

November 22, 1999

2.. 3.. 4.. 5. The Department of Administration previously responded to these recommendations regarding the administration of federal funds.

Sincerely,



Robert Poe, Jr.
Commissioner

Cc: Alison Elgee
Deputy Commissioner

Jane Demmert
Alaska Commission on Aging
Excutive Director

Kay Burrows
Director
Division of Senior Services



Alaska Commission on Aging

November 23, 1999

Ms. Pat Davidson
Legislative Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska 99811-3300

Dear Ms. Davidson,

Thank you for Legislative Audit's Preliminary Report of September 17, 1999 concerning the Sunset audit recently completed on the Alaska Commission on Aging. The Commission reviewed this in Executive Session during our meetings September 29 - October 1, 1999.

Our Commission concurs with the Auditor's Conclusion that the Commission's termination date be extended until June 30, 2004.

Regarding the *Findings and Recommendations*:

1. The Commission is committed to assuring that the well being of older Alaskans receiving long-term care is appropriately addressed by the Long Term Care Ombudsman (LTCO). This year we have closely studied the federal and state statutory provisions that underpin the Long Term Care Ombudsman (LTCO) function. The bulk of our September meeting centered on consideration of organizational and structural options for operation of the LTCO function. In our meeting earlier this month we further discussed these issues and initiated steps to amend our by-laws to further define the Commission's framework for providing oversight and support for the Long Term Care Ombudsman office. This includes establishing a Commission committee, with specific membership restrictions, to assume responsibility for this important oversight work.
- 2., 3., 4., 5. The Department of Administration previously responded to these recommendations regarding the administration of federal funds.

Sincerely,


Marjorie J. Hays
Chairman

Audit Report

DEPARTMENT OF ADMINISTRATION
ALASKA COMMISSION ON AGING

September 17, 1999



Audit Control Number:

02-1462-99

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Juneau, Anchorage, or our web site <http://www.legis.state.ak.us/legaud/web/default.htm>.

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ALASKA STATE LEGISLATURE

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Division of Legislative Audit



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legaudit@legis.state.ak.us

September 17, 1999

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF ADMINISTRATION ALASKA COMMISSION ON AGING

September 17, 1999

Audit Control Number

02-1462-99

The objective of this review is to advise the legislature as to whether the Alaska Commission on Aging (ACoA) should be extended or be allowed to expire in statute. Currently, under AS 44.66.010 (a)(10) the commission expires on June 30, 2000. If no action is taken by the legislature, the commission will have one year in which to conclude its affairs and will expire on June 30, 2001. We believe that ACoA has demonstrated the commission is operating in the public interest. We recommend that the legislature adopt legislation extending ACoA's expiration date to June 30, 2004.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section.

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

We reviewed the activities of the Alaska Commission on Aging (ACoA) in accordance with Titles 24 and 44 of the Alaska State Statutes in order to determine whether this commission should continue in existence as provided for under the terms of the State's "sunset" legislation.

As required by AS 44.66.050, this report shall be considered during the legislative oversight process in determining whether the commission should be allowed to expire or be reestablished. State law currently specifies ACoA will terminate on June 30, 2000. If no action is taken by the legislature, the ACoA will be allowed to continue in existence for one additional year for concluding its operations before finally being allowed to expire.

Objectives

The specific objectives of our review were:

1. To determine whether ACoA has operated in the public interest, as primarily evaluated using the criteria set out at AS 44.66.050.
2. To determine whether ACoA operations are in compliance with state and federal statutes and regulations.
3. To determine if the June 30, 2000 expiration date for ACoA should be extended.

Scope and Methodology

A majority of this review was conducted by another auditor at our direction and supervision. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

Most of the audit effort focused on ACoA's activities over the last three fiscal years (FY 97 through FY 99). We evaluated these activities in order to determine if operations were consistent with the public interest. A review of the commission's board and current proceedings was performed in order to determine whether they are in compliance with Alaska Statutes and regulations. We also conducted a survey of grant recipients in order to evaluate their input on how well they believe the commission is performing in areas pertaining to the Sunset Review. A review of the nutrition and transportation support funding formula and grant allocation was also performed in order to understand and test the grant allocation process.

We also reviewed the recent operations of the long-term care ombudsman, as they specifically related to investigative access to the State's pioneer homes. Further, we report in this review the findings developed related to the federal funding for aging programs that were made during our agency's FY 98 Statewide Single Audit.

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ORGANIZATION AND FUNCTION

The Alaska Commission on Aging was first established as a single Planning and Service Area (PSA) in the Department of Administration as the Older Alaskans Commission in July of 1981 by AS 44.21. Being classified as a PSA means that the commission is the only agency in the State that plans, funds, and oversees services to seniors statewide. In 1994, legislation was adopted (Chapter 131, SLA 1994) that changed the commission's name to Alaska Commission on Aging.

The commission is authorized to administer and coordinate state programs for older Alaskans and to administer federal programs provided under the Older Americans Act, 42 U.S. Code 3001-3045I, as amended. Together, the provisions of AS 44.21 and the Older Americans Act establish the commission's authority, purpose, and scope of work. The primary functions of the commission include the following:

1. To set policy with the approval of the commissioner of the Department of Administration for the administration of state and federal programs under AS 65 and 42 U.S.C. 3001-3045I (Older Americans Act), as amended, which would include determining the appropriate amount of state and federal funds to allocate toward the purchase of needed programs and services for older Alaskans.
2. To advocate the needs and interests of older Alaskans at both the state and local levels including Alaskans affected by Alzheimer's Disease and Related Disorders in relationship with the Alaska Mental Health Trust Authority as provided in AS 47.30.031.
3. To encourage the development of municipal commissions serving older Alaskans and community-oriented programs and services for the benefit of older Alaskans.
4. To develop or expand services to older Alaskans as well as to ensure a more systematic and thorough approach toward helping them lead dignified, independent, and useful lives.
5. To approve a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and, with reference to the approved plan, prepare and submit to the governor and legislature an annual analysis and evaluation of the services that are provided to older Alaskans.

Though ACoA has been given the power mandated by legislation to address nearly all the concerns of older Alaskans, AS 44.21 stipulates that the commission may not investigate, review, or undertake any responsibility for the longevity bonus program under AS 47.45 or, except for activities of the office of the long-term care ombudsman, the Alaska Pioneers' Homes under AS 47.55.

The commission consists of 11 members. Seven are appointed by the governor based on their knowledge and demonstrated interest in the concerns of older Alaskans. Statutes require that the seven appointments be made to assure representation of low-income persons and minorities, and representation from rural and urban areas of the State, and to secure statewide geographical representation on the commission. These members serve overlapping four-year terms at the pleasure of the governor and all seven are voting members.

The remaining members are designated in statutes as the chairman of the Pioneers' Homes Advisory Board and the commissioner or designee of the Departments of Administration, Community and Regional Affairs,¹ and Health and Social Services. The chairman of the Pioneers' Home Advisory Board and the commissioner of the Department of Administration, or his designee, are also voting members.

The commission is authorized by statute to employ an executive director to serve at its pleasure. Currently, the executive director has a staff of 11 with two vacant positions in Juneau, including employees in the office of the long-term care ombudsman. The ombudsman, which is required under the Older Americans Act, is hired by the commission to a full-time position in the classified service.

The duties of the long-term care ombudsman include the investigation and resolution of complaints made by or on behalf of older Alaskans residing in a long-term care facility within the State. The ombudsman has within their purview complaints relating to actions by a provider or a representative of a provider of long-term care services, or by a public agency or social services agency that may adversely affect the health, safety, welfare, or rights of older Alaskans.

Alaska Commission on Aging

(As of 06/30/99)

Voting Members

Alaire E. Stanton, Chairman
Doris E. Bacus
Peggy A. Burgin
Jesse L. Gardner
Marjorie J. Hays, Ph. D.
Daniel K. Karmun, Sr.
Donald M. Hoover
Ella H. Craig, Chairman of the Pioneer's Homes
Advisory Board
Allison Elgee, Designee of Commissioner of
Department of Administration

Non-Voting Members

Kim Metcalfe-Helmar, Designee of Commissioner
of Community and Regional Affairs¹
Jonathan Sherwood, Designee of Commissioner
of Health and Social Services

¹ As of July 1, 1999 the Department of Community and Regional Affairs (DCRA) was dissolved and its functions transferred to other executive branch departments. As of the date of this report no decision has been made on how to fill the commission position previously occupied by a representative from DCRA.

BACKGROUND INFORMATION

In order to fulfill its mission of assisting older individuals to live dignified, independent, and useful lives, the Alaska Commission on Aging (ACoA) administers funds that support a variety of services. These services can be broadly categorized as: nutrition, transportation, and support (NTS) services; senior employment program (SEP); senior residential services (SRS); home and community-based care (HCB); and long-term care ombudsman (LTCO). The majority of ACoA's funding is expended in the form of grants to local non-profit service agencies for NTS and HCB programs.

Nutrition, Transportation and Support Services

ACoA's NTS program is funded through Title III of the federal Older Americans Act together with state funds. The NTS services are the most commonly found services for seniors in many of the communities. These services are specifically targeted to reach low-income, minority, and frail or disabled seniors. Services provided are:

1. Nutrition - Home-delivered meals are provided to the ill or housebound senior. Other meals provided in a congregate setting offer older Alaskans companionship and opportunities to volunteer for what are termed "senior-to-senior" services. Preventive health care and nutrition education services are also provided.
2. Transportation - Rides and rider assistance are provided through van/car rides to high-priority destinations such as medical visits, work, public assistance offices, meal sites, shopping, adult day care centers, and volunteer posts.
3. Support services - Information and referral services are provided to seniors. These services include outreach to seniors in need, escort, homemaker, chore and shopping service, advocacy to help obtain services and benefits for seniors, senior legal services, statewide senior media, and administration or senior volunteer service programs (foster grandparents, senior companions, retired seniors volunteer programs or RSVP).

Senior employment program

Federal SEP grant funds are awarded by the commission statewide to public and private nonprofit organizations to hire individuals who are at least 55 years old and have a low income. These individuals perform jobs that provide a service to their community. Through this program seniors have the opportunity to gain or renew job skills and experience, maintain independent lives, make meaningful contributions to their communities, and to provide direct support to other seniors. SEP funds also provide seniors with other supportive services. These include additional training, annual physicals, eyeglasses, and other items necessary to carry out job duties.

The Older Worker Specialist program is also funded by SEP funds. This program offers a full range of job search assistance and support to all SEP workers as well as to other older job seekers.

In FY 98, SEP grant funds paid for the wages, fringe benefits, and supportive services for over 300 individuals age 55 and older, whose income level fell below nationally established poverty guidelines. These individuals were located in 42 communities around the State.

Senior residential services

ACoA receives legislatively mandated funds for two rural senior assisted living residential homes, one in Kotzebue and the other in Tanana. The individuals living at these residences receive assistance in managing their daily living activities.

Home and community-based care

The HCB Program is designed to help seniors from being forced to rely on institutional care. Its objective is to provide seniors with access to affordable home and community-based care services that will allow them to achieve their desire to live out their lives at home, or in a home-like setting. Most recipients of HCB services are frail/disabled persons age 60 and older, or individuals with Alzheimer's Disease and related disorders. Specifically, services include:

1. Adult day services - This is a structured, comprehensive program that provides a variety of health, social, and related support services in a protective setting during any part (less than 24 hours) of a day. According to ACoA's annual report a total of 422 individuals received care in an adult day center during FY 98.
2. In-home respite care - Respite care is planned care, assistance, and activities provided by a trained paraprofessional caregiver to a dependent adult in the client's home for a scheduled period of time. This program serves individuals unable to care for themselves at home. It is designed to relieve, on a short-term basis, those persons normally providing the care. A total of 370 clients received respite services during FY 98, according to ACoA's annual report.
3. Care coordination - This program helps frail clients find appropriate services and ensures coordination of the services. This is accomplished through an in-depth assessment of the client's needs and resources by interviewing the client, the client's family, caregivers, and medical and social care providers. Care coordination includes outreach, intake screening, initial assessment, care planning, service arrangement, ongoing monitoring, formalized reassessment, and service delivery system involvement. During FY 98 a total of 1,000 clients received care coordination services, according to ACoA.
4. Alzheimer's education and caregiver support - This centralized program provides a variety of services ranging from information referral and outreach, to education and

training, personal consultations, telephone reassurance, and support group activities. A toll-free 800-telephone number is provided for statewide information and referral.

Funding for the HCB program is mainly from state funds received through ACoA and the Mental Health Trust funds. A small amount of funding is received from federal sources. In addition, clients pay fees on a sliding scale, and cash and in-kind contributions are required of grantees.

Long-term care ombudsman is also under the oversight authority of ACoA

State law establishes the LTCO under the authority of the Alaska Commission on Aging.² LTCO is required to "investigate and resolve" complaints made by or on behalf of an older Alaskan who resides in a long-term care facility in the State. Complaints within the investigative purview of the ombudsman, as set out at AS 44.21.232 relates to a:

decision, action, or failure to act by a provider or a representative of a provider of long term care services, or by a public agency or social services agency, that may adversely affect the health, welfare, or rights of the older Alaskan.

Besides the broad scope of authority, the LTCO statutes also provide that the ombudsman may:

1. subpoena witnesses, and compel their attendance,
2. require production of evidence, and
3. administer oaths, and examine any person under oath in connection with a complaint.³

The statutes go on to say that no persons may deny the LTCO access to a long-term care facility or to an older Alaskan who may be either the complainant or a subject of a complaint.⁴ Under state law, it is a class B misdemeanor for a person to intentionally interfere with the LTCO in the performance of their official duties.⁵

²Alaska Statute 44.21.231(a) establishes LTCO under ACoA while section (b) of the statute goes on to state:
The ombudsman shall be hired by the commission. A member of the commission who has a financial interest in a long-term care facility in the state, or who has any other conflict of interest, may not participate in the hiring of the ombudsman.

³See AS 44.21.232 (c)(1)

⁴See AS 44.21.234

⁵See AS 44.237 (c)

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REPORT CONCLUSIONS

In developing our conclusion regarding if the Alaska Commission on Aging (ACoA) should be allowed to expire, we evaluated commission operations using the nine factors set out at AS 44.66.050. Under the state's "sunset" law, these nine factors are to be considered when determining if an agency or organization subject to the law has demonstrated a valid public policy need for its continued existence. We also address a central organizational issue related to the office of the long-term care ombudsman (LTCO) in our conclusions. As will be seen in the Findings and Recommendations section of the report, we discuss concerns related to the administration of federal funds that involve ACoA staff. These findings were developed in the course of our agency's FY 98 federal compliance statewide audit.

The expiration date of ACoA should be extended

In our opinion, ACoA is helping older Alaskans lead dignified, independent, and useful lives. ACoA has also demonstrated that they are able to comply, with some noted exceptions, with the state and federal regulations governing this commission. We believe ACoA has demonstrated that there is a public need for this commission. According to AS 44.66.010, the commission is scheduled to expire on June 30, 2000. We recommend that the legislature adopt legislation extending ACoA's expiration date to June 30, 2004.

Administrative actions have harmed the perception that the LTCO function is independent

In 1998, the most recent LTCO conducted an extensive investigation involving the operation of the Anchorage Pioneer Home. Due at least in part, to the length of the investigation and the manner in which the LTCO proceeded, the state agency responsible for the administering the pioneer homes developed certain procedures, such as:

1. Involvement by the Department of Law. The LTCO was required to conduct interviews in the presence of an assistant attorney general from the Department of Law. It was reported to us that the presence of the state attorney during the interview process was disruptive to the LTCO interviews.
2. Notification to pioneer home administrators prior to interviewing staff. The LTCO was required to notify pioneer home management before conducting interviews with staff regarding complaints. We have been told by DOA administrators that this was done to allow pioneer home managers to make the necessary adjustments in staffing assignments while the interview took place.

Imposition of these requirements created a situation where state facilities were treated differently by the LTCO than similarly situated private sector facilities. Given the organizational structure of the LTCO it made it appear the agency's independence to conduct investigations of state facilities was compromised. In our view, whether well intentioned or

not on the part of pioneer home management, these actions had the effect of limiting the authority, and eventually the effectiveness, of the LTCO.

In Recommendation No. 1 in the Findings and Recommendation section, we support ACoA's consideration of various administrative alternatives for carrying out its LTCO responsibilities. Currently the Department of Administration is ultimately responsible for management oversight of both the LTCO and the State's pioneer homes. Rather than ACoA retaining direct oversight responsibility for the LTCO, the commission is considering "sub-contracting" the function to another state agency or private non-profit organization. In our view, given the present administrative situation, such a transfer would be in the best interest of the LTCO operations by lessening the appearance that the function is compromised by a conflict of interest.

Federal funds not handled in strict accordance with various requirements

During our FY 98 federal compliance statewide audit we noted four specific situations where ACoA staff, and at times the management and staff of the Division of Senior Services (DSS), did charge expenditures to various federal funding programs in strict accordance with the various requirements related to the funds. While specifics are discussed at greater length in the Findings and Recommendations section (see Recommendations Nos. 2-5) below is brief summary of our findings.

1. The basis used to charge DSS personal service costs to federal aging programs was not consistent with federal funding requirements (see Recommendation No. 2).
2. Indirect costs were charged to federal aging programs without benefit of the federally-required and approved cost allocation plan (see Recommendation No. 3).
3. Adequate controls are not in place to ensure subrecipients of pass-through federal funds receive the appropriate type of audit (see Recommendation No. 4).
4. Various costs were charged to federal aging programs for goods and services that should have been shared in part with other programs or operating components (see Recommendation No. 5).

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Alaska Commission on Aging (ACoA) should consider organizationally restructuring the long-term care ombudsman (LTCO) function.

The state's LTCO statute, modeled to mirror provisions required by the federal government⁶ is very cognizant of possible conflicts of interest. For example, when setting out ACoA's role in hiring the LTCO, the statutes specify "[t]he ombudsman shall be hired by the commission. A member of the commission who has a financial interest in a long term care facility in the state, or who has any other conflict of interest, may not participate in the hiring of the ombudsman."

Additionally, the portion of the Older Americans Act related to the operations of the LTCO repeatedly emphasizes the necessity of that function being independent of interests involved in long-term care facilities. The operation of pioneer homes puts Alaska in a unique position. The state government essentially owns and operates long-term care facilities subject to LTCO scrutiny.

The LTCO and the Division of Longevity Programs (DLP), the agency responsible for pioneer home operations, have differed on how complaints regarding state facilities should be investigated. In the course of the 1998 investigation of the Anchorage Pioneer Home, this difference became very apparent. As a result, DLP management felt compelled to adopt measures that had an impact on how the LTCO investigated complaints. Two of the more significant measures imposed on the investigations were:

1. Involvement by the Department of Law. The LTCO was required to conduct interviews in the presence of an assistant attorney general from the Department of Law. It was reported to us that the presence of the state attorney during the interview process was disruptive to the LTCO interviews.
2. Notification to pioneer home administrators prior to interviewing staff. The LTCO was required to notify pioneer home management before conducting interviews with staff regarding complaints. We have been told by DOA administrators that this was done in order to allow pioneer home managers to make the necessary adjustments in staffing assignments while the interview took place.

The effect of these measures on the work of the LTCO gives an appearance that the ombudsman is not as independent when reviewing the activities of state facilities as they are

⁶Establishing an office of the long-term care ombudsman is a condition for receiving federal funding through the Older Americans Act. Accordingly, the duties and responsibilities for establishing a LTCO have been developed, in a broad way, by the federal government.

with private-sector facilities. The constraints imposed by DLP, however reasonable the agency may believe them to be, is inconsistent with the maintaining the strict independence required for the LTCO function.

LTCO cites conflict of interest

The LTCO, because of how it is organizationally located, must always be cognizant of the potential conflicts of interest that may arise. The most recent LTCO adopted the somewhat extreme position that under no circumstances could ACoA oversee or direct her activities because of an inherent conflict of interest. In her view, the conflict arose out of two major factors:

1. The composition of ACoA. The commissioner of the Department of Administration (DOA) or designee is a fully participating member of ACoA. Since administration of the pioneer homes system is located in DOA, the commissioner has managerial authority over how the various homes are operated, although the director of pioneer homes is responsible on a day-to-day basis. Additionally, the chair of the Pioneers' Homes Advisory Board also sits on ACoA, and although this board has no managerial responsibility over homes, it does review and comment on how homes are administered.
2. Organizational placement and structure within DOA. Although the executive director of ACoA is recruited, hired, and evaluated by the commission, the director reports to the DOA commissioner through the Director of the Division Senior Services and the deputy commissioner. Under AS 44.21.225(2) and (3) the executive director is responsible for administering federal funding provided through the Older Americans Act, and state funding provided through older Alaskans service programs.

Because of these circumstances the LTCO believed her activities should be directed by ACoA's executive director. In her view, the connection with the DOA commissioner, essentially the executive officer of the State's pioneer homes, resulted in such an inherent conflict of interest, that ACoA could not serve as an oversight organization for LTCO activities.

ACoA's executive director is currently reviewing various options, for possibly administratively relocating the LTCO within state government. This has been done at the direction of the commission. It is our understanding that ACoA is going to discuss possible alternatives regarding the LTCO function. More specifically the commission is going to consider how best to carry out this responsibility that would, among other things, address the inherent conflict of interest involved with this function given its current organization location. We encourage ACoA in this endeavor which will be taken up at the commission's next meeting to be held September 29 – October 1, 1999 in Kodiak.

Recommendation No. 2

The Department of Administration's director of the Division of Senior Services (DSS) and the executive director of the ACoA should ensure personal services costs are properly allocated to federal programs.

While reviewing expenditures charged to DOA's major federal program, the aging cluster⁷ programs, we found the department does not comply with OMB Circular A-87 when charging personal service expenditures to federal programs.

Specifically, we identified 11 positions within DSS that had a portion of their personal service costs charged to the aging cluster programs. The positions were allocated based on estimations of time the positions would spend working on the aging cluster programs. Similar allocations were made for other positions and other federal programs. Further, we determined that an employee working solely on the aging cluster programs did not have her salary and wages supported by periodic certifications. We determined that \$457,942 of personal service expenditures were charged to the aging cluster programs during FY 98 using this methodology.

OMB requirements are very definite for compensation of personal services. The circular states that personnel activity reports must reflect an after-the-fact distribution of the actual activity of each employee where the employee works on more than one federal award. In the cases where an employee is expected to work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by signed periodic certifications that the employee worked solely on that program for the period.

In order to comply with the federal requirements for allowable costs under OMB Circular A-87, we recommend that the director of DSS and the executive director of ACoA develop adequate procedures for charging federal programs for personal service costs. These should include periodic certifications for employees working on one single cost center and personnel activity reports for individuals working on multiple federal programs.

Recommendation No. 3

DOA directors of administrative services and DSS should work with the state accountant to establish a cost allocation plan approved by the appropriate federal agency.

We reviewed expenditures charged to the aging cluster programs and found that indirect costs were routinely charged without an approved cost allocation plan. A cursory review of FY 98 aging cluster programs' expenditures found \$66,252 of indirect charges. Examples of indirect charges include risk management, finance core services, administrative support core services.

⁷A cluster of programs are federal programs with different CFDA numbers that are closely related and share common compliance requirements. A cluster is considered one federal program for the purposes of auditing. The aging cluster is composed of two federal programs: CFDA # 93.044 Grants for Supportive Services and Senior Centers, and CFDA # 93.045 Nutrition Services.

and commissioner's office support services. The DSS staff person responsible for charging indirect costs was unaware of the federal requirements for a cost allocation plan.

Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and are not readily assignable to a specific federal program. OMB Circular A-87 states that where an accumulation of indirect costs will ultimately result in costs charged to a federal award, a cost allocation plan is required. Generally, a cost allocation plan must meet specific federal requirements defined in OMB Circular A-87 and be approved by the appropriate federal agency.

We recommend the directors of administrative services and DSS work together to develop a federally approved cost allocation plan. To achieve maximum synergy, we recommend this effort be coordinated with the state accountant's existing contract for cost allocation plan assistance.

Recommendation No. 4

DOA's director of DSS and the executive director of ACoA should improve its monitoring of subrecipients to ensure that federal funds passed through to grantees are spent in accordance with federal requirements.

The majority of federal funding for the aging cluster programs is passed through by ACoA to subrecipients in the form of grants. The grants are a combination of both federal and state funding. The subrecipient organizations are responsible for using the federal and state funds to provide specific nutrition and support services to individuals over 60 years of age.

OMB Circular A-133 requires the State to monitor its subrecipients to ensure that federal awards are used for authorized purposes in compliance with laws, regulations and the provisions of contracts or grant agreements and that performance goals are achieved. It also requires the State to identify the federal awards passed through to subrecipients by informing each subrecipient of the CFDA title and number, award name and number, and name of the federal agency for each federal award. OMB Circular A-133 further states that all subrecipients must certify that the organization and its principals are not suspended or debarred⁸ as a prerequisite to being eligible to receive federal awards.

During our review of ACoA's internal controls over subrecipient monitoring for the aging cluster programs, we found control procedures needed to be improved. We also found ACoA was not providing important federal award information to subrecipients in a timely manner. Further, subrecipients were not being required to certify that they had not been suspended or debarred for participation in federal programs.

⁸Suspension or debarment as used in this section of the report refers to organizations and its principal members that have been deemed ineligible to participate in federal procurement contracts or receive federal awards.

Any subrecipient that spends \$300,000 or more in federal awards is required by OMB Circular A-133 to undergo an audit. ACoA relies on subrecipients' audits for assurance that federal funds are being spent for allowable activities and costs and its subrecipients are providing services to eligible individuals. Upon review of ACoA's audit review procedures, we found the staff did not know which of its grantees were required to undergo an audit. During FY 98, subrecipients' audit reports were not being utilized as an effective monitoring tool by the program manager for the aging cluster programs. Further, we found the commission had no monitoring procedures in place for those grantees not requiring an audit. Without adequate subrecipient monitoring procedures, the agency can not ensure that federal funds were used in compliance with federal requirements.

Grants for nutrition and support services include both state and federal funds. We found that ACoA was not informing subrecipients of federal award information at the time funds were paid to subrecipients. At the time of this audit, the agency had not informed subrecipients the amount and type of federal funds they had been paid by the State during FY 98. We also noted that, for FY 97, the required federal award information was provided to subrecipients approximately eight months after the end of the fiscal year. Without the federal award information, subrecipients are ill prepared to determine whether they need to have a federal audit as required by OMB Circular A-133.

We also noted during our review that ACoA was not requiring subrecipients to certify that they have not been suspended or debarred from participation in federal programs. The lack of certification increases the risk of awarding federal money to ineligible subrecipients.

In order to comply with federal subrecipient monitoring requirements defined in OMB Circular A-133, we recommend that the director of DSS and the executive director of ACoA establish procedures to ascertain which grantees are required to undergo an audit. For those grantees that are required to have an audit, we recommend ACoA utilize the audit information to the greatest extent possible. For those grantees not subject to the audit requirement, we recommend other procedures be established to monitor compliance with federal requirements.

We also recommend that ACoA provide federal award information to subrecipients in a timely manner. We further recommend the agency adopt a certification procedure to comply with federal requirements over suspension and debarment.

Recommendation No. 5

DOA's director of DSS should establish procedures to ensure that costs are charged to federal awards in accordance with the relative benefits received.

We tested 11 transactions charged to DOA's major federal program, the aging cluster programs. Three of the eleven transactions we tested were found to inequitably charge costs to the aging cluster programs. Two of the three transactions were for computer equipment purchases. The entire cost of the equipment was charged to the aging cluster programs even

though DSS staff utilized these computers for other state and federal programs. The third transaction was for travel by a DSS staff person to work on DSS' budget. Again, the entire cost was charged to the aging cluster programs even though the aging cluster represents only one of several components of DSS' budget.

OMB Circular A-87 states that a cost is allocable to a particular federal award if the goods or services involved are chargeable or assignable to such an award in accordance with the relative benefits received. The transactions described above were charged entirely to the aging cluster programs even though the transactions benefited other federal and state programs. Total related questioned costs were \$46,725 (\$46,400 for equipment and \$325 for travel).

We recommend the director of DSS establish procedures to ensure that costs are charged to federal awards in accordance with the relative benefits received. We further recommend that these procedures address documenting the basis of any allocation of costs.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analysis of board activities relates to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

The extent to which the board, commission, or program has operated in the public interest.

Working with others

The commission believes if they are to operate effectively they must maintain a working relationship with other state agencies. This allows the commission to coordinate many of their activities and goals with others. For example, the commission's relationship with the Alaska Mental Health Trust Authority and the Division of Senior Services long-term care is becoming more valuable to seniors as services to adults with Alzheimer's disease and related disorders (ADRD) have increased. These relationships will become more valuable as new services are developed in the future.

The commission works closely with the grantees around the State to help guide and assist them with the needs of the seniors in their area. Staff members meet with grantees periodically throughout the year for site inspections and may allocate time during conferences held throughout the State to meet with senior organizations. Grantees are also able to communicate with ACoA staff on a daily basis via the telephone and through the Internet for support or problems they may be experiencing within their programs.

To address the question of whether the commission operates in the public interest, we conducted a survey of grantees. The results of our survey show that 98% of the respondents believe that ACoA is helping older Alaskans lead dignified, independent, and useful lives.

Frail seniors and adults with Alzheimer disease and related disorders are assisted in living as independently as possible

In an effort to keep frail seniors and adults with ADRD living as independently as possible, ACoA funds adult day programs. This is a structured, comprehensive program designed to help seniors on an individual needs basis. The centers provide a variety of health, social, and related support services. Adults can attend the centers during any part of the day, but can not stay for over 24 hours at one time. This program is supported primarily by state general funds and funds from the Mental Health Trust fund to serve victims of ADRD. Presently there are 12 adult day programs serving 11 communities throughout the State.

Provides oversight of senior services

Commission-directed funding provides for improved quality assurance at residential facilities for many seniors in the State through the long-term care ombudsman (LTCO). This office has the authority to investigate and resolve complaints against any facility caring for the elderly, including nursing homes, adult residential care facilities and foster homes.

Keeps Alaska's seniors informed on important issues

The *Senior Voice* is a monthly newspaper distributed to seniors around the State published by the Older Persons Action Group, Inc. This paper is partially funded by ACoA and contains legislative action, health issues, senior programs, and other issues related to the seniors living in Alaska.

To further increase public knowledge of senior issues, ACoA began the publication of a monthly newsletter titled *Alaskan Seniors Living Longer Growing Stronger*. This publication focused on topics such as: long-term care resources, assisted living homes, Alaska's Pioneers' Homes, senior demographics, and new senior employment. To help in the overall public awareness of senior issues this newsletter was distributed not only to seniors, but to key Alaskans in public policy, the press, long-term care, and other organizations that are involved in the issues that affect the quality of life we experience as we age. The printing of this newsletter has temporarily been discontinued, but ACoA has plans to continue with the newsletter in the near future.

The commission also has held public teleconferences during the legislative sessions. These teleconferences were held in 1999 every two weeks at the start of the legislative session and moved to weekly meetings from mid-April to May 18. The purpose of these meetings was to inform all whom participated about the status of legislation that affected senior citizens and other current legislative issues.

In a survey of grantees, performed specifically for this report, 89% of the respondents believe that the commission has been very effective in informing or educating their community or others around the State of important legislative issues and other developments affecting seniors. The survey also indicated 84% of the respondents believed that ACoA encourages public participation and input in developing regulations or making other decisions.

Provide older workers with an opportunity to gain work skills and job experience

As mentioned before, the commission's Senior Employment Program has given a number of seniors the opportunity to get back into their community's workforce. By having this program ACoA has been able to increase the service they provide in their NTS and HCB programs. The program also gives the seniors involved a sense of accomplishment and independence as well as bringing both seniors and other members of the community together.