

SB

252

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

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January 31, 2006

Honorable Fred Dyson, Chair
Senate Health, Education, and
Social Services Committee
Alaska State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Dyson,

The Department of Health and Social Services respectfully requests that Senate Bill 252, "An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date." be scheduled for a hearing in the Senate Health, Education, and Social Services Committee at your earliest convenience.

This bill would clarify that the definition "child" includes an infant who has been identified by a health care provider involved in the delivery or care of that infant as being affected by abuse of a controlled substance or from withdrawal from prenatal exposure to a controlled substance. The purpose of the bill is to ensure that health care professionals report such infants to the Department of Health and Social Services under the state's mandatory reporting laws for child abuse and neglect. This provision is necessary to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect prevention and treatment.

A copy of a zero fiscal note should be on file with the committee. Your favorable consideration of this request will be most appreciated.

Sincerely,


Sherry Hill, Special Assistant
Department of Health and Social Services

cc: Kevin Jardell, Director
Governor's Legislative Office

Tammy Sandoval, Deputy Commissioner
Department of Health and Social Services

SB252



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 27, 2006

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "child abuse and neglect" for child protection purposes.

This bill would clarify that the definition "child" includes an infant who has been identified by a health care provider involved in the delivery or care of that infant as being affected by abuse of a controlled substance or from withdrawal from prenatal exposure to a controlled substance. The purpose of the bill is to ensure that health care professionals report such infants to the Department of Health and Social Services under the state's mandatory reporting laws for child abuse and neglect. This provision is necessary to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect prevention and treatment.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosure

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 252
 (S) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

RDU Children's Services
 Component Front Line Social Workers

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR

Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3791
 Date/Time 11/04/2005
 Date 11/08/2005

Section of CAPTA Law that proposed legislation addresses

SECTION I: CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 106. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS. [42 U.S.C. 5106a]

b. ELIGIBILITY REQUIREMENTS.—

1. STATE PLAN.—

2. COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

A. an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

i. provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

ii. policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition of such infants, except that such notification shall not be construed to—

I. establish a definition under Federal law of what constitutes child abuse; or

II. require prosecution for any illegal action.

iii. the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;

iv. procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports;

ALASKA PRIMARY CARE ASSOCIATION, INC.

"... Uncompromising in the pursuit of access to primary care for all Alaskans."



Re: Public Testimony for (S) HESS on SB 252 Definition of Child Abuse and Neglect

February 8, 2006

Dear Senator Dyson, Senator Wilken, and Senate Health Education and Social Services Committee Members,

Alaska Primary Care Association (APCA) represents 115 Community Health Center sites, as well as other safety net providers throughout Alaska. We are monitoring SB 252, *Definition of Child Abuse and Neglect*, and are submitting this letter to express our concerns regarding this bill.

We understand that legislation is needed in order for the State of Alaska to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect treatment and prevention, but we want you to be aware of the impact this bill could have on health care for infants from a provider's perspective.

Our providers had 33,771 encounters with Alaskan family members in 2004, including 5,714 encounters children under age 5 and 1,365 encounters with infants under age 1. Daily, each provider must balance the delicate art and science of doing what is best for each patient. Judgment calls and decisions are based on maximizing the health of each patient. Our providers are concerned that the mandatory reporting requirements included in this bill will reduce primary care access for infants and will be counter-intuitive to promoting better health for babies.

Of course, our providers, in their exercise of good judgment, already report instances when they believe it is in the best interest of the infant and will continue to do so with or without the passage of this legislation. The bottom-line concern of our providers, however, is that with the passage of this bill, infants may not receive the primary care so necessary in these early developmental stages of their lives, if family members refuse to bring infants to the clinics for fear of being reported.

Health care is optional. Mandatory reporting requirements in schools, where attendance is mandatory, differs from mandatory reporting in Community Health Centers and other clinics, where health care is optional. As you review this bill, we ask that you consider the impact it will have on health care access for infants.

Respectfully,

A handwritten signature in black ink, appearing to read "M Kasmar", is written above the typed name.

Marilyn Kasmar
Executive Director

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/30/06

FURTHER: Judiciary

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

DATE TURNED
IN TO OFFICE: 2.08.06

Health, Education and Social Services Committee considered

SENATE BILL NO. 252

SB 252 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the definition of 'child abuse and neglect' for child protection purposes; 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 _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	1/06			X	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✓	
				✓
			✓	
CHAIR:	✓			