

**HB**

**83**

<target><bill>HB 83</bill><subject>HB  
83</subject><comm>HFIN26</comm></target>



Adopted  
3/2/09

26-GH1004R  
Bailey  
2/28/09

**CS FOR HOUSE BILL NO. 83(FIN)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making appropriations for the operating and capital expenses of the state's**  
2 **integrated comprehensive mental health program; and providing for an effective date."**

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

4 **(SECTION 1 OF THIS ACT BEGINS ON PAGE 2)**

1 \* **Section 1.** The following appropriation items are for operating expenditures from the  
 2 general fund or other funds as set out in section 2 of this Act to the agencies named for the  
 3 purposes expressed for the fiscal year beginning July 1, 2009 and ending June 30, 2010,  
 4 unless otherwise indicated. A department-wide, agency-wide, or branch-wide unallocated  
 5 reduction set out in this section may be allocated among the appropriations made in this  
 6 section to that department, agency, or branch.

	Appropriation	General	Other	
	Allocations	Items	Funds	
	Funds	Funds	Funds	
	*****	*****		
	***** <b>Department of Administration</b> *****			
	*****	*****		
12	<b>Legal and Advocacy Services</b>	<b>2,024,500</b>	<b>1,873,200</b>	<b>151,300</b>
13	Office of Public Advocacy	1,723,100		
14	Public Defender Agency	301,400		
15	*****	*****		
16	***** <b>Department of Corrections</b> *****			
17	*****	*****		
18	<b>Inmate Health Care</b>	<b>7,169,900</b>	<b>6,795,900</b>	<b>374,000</b>
19	Inmate Health Care	7,169,900		
20	*****	*****		
21	***** <b>Department of Education and Early Development</b> *****			
22	*****	*****		
23	<b>Teaching and Learning Support</b>	<b>539,800</b>	<b>339,800</b>	<b>200,000</b>
24	Student and School	539,800		
25	Achievement			
26	*****	*****		
27	***** <b>Department of Health and Social Services</b> *****			
28	*****	*****		

29 No money appropriated in this appropriation may be expended for an abortion that is not a  
 30 mandatory service required under AS 47.07.030(a). The money appropriated for Health and  
 31 Social Services may be expended only for mandatory services required under Title XIX of the

	1		<b>Appropriation</b>	<b>General</b>	<b>Other</b>
	2		<b>Allocations</b>	<b>Items</b>	<b>Funds</b>
	3				<b>Funds</b>

4 Social Security Act and for optional services offered by the state under the state plan for  
 5 medical assistance that has been approved by the United States Department of Health and  
 6 Human Services.

7 It is the intent of the legislature that the Department continues to aggressively pursue  
 8 Medicaid cost containment initiatives. Efforts should continue where the Department  
 9 believes additional cost containment is possible including further efforts to contain travel  
 10 expenses. The Department must continue efforts imposing regulations controlling and  
 11 materially reducing the cost of Personal Care Attendant (PCA) services. Efforts must be  
 12 continued utilizing existing resources to impose regulations screening applicants for  
 13 Residential Psychiatric Treatment Center (RPTC) services, especially for out-of-state  
 14 services. The department must address the entire matrix of optional Medicaid services,  
 15 reimbursement rates and eligibility requirements that are the basis of the Medicaid growth  
 16 algorithm. This work is to utilize the results of the Medicaid Assessment and Planning  
 17 analysis. The legislature requests that by January 2010 the Department be prepared to present  
 18 projections of future Medicaid funding requirements under our existing statute and regulations  
 19 and be prepared to present and evaluate the consequences of viable policy alternatives that  
 20 could be implemented to lower growth rates and reducing projections of future costs.

21 It is the intent of the legislature that the Department of Health and Social Services eliminate  
 22 the requirement for narrative and financial quarterly reports for all grant recipients whose  
 23 grants are \$50,000 or less. This is an unnecessary burden and is not a requirement of the  
 24 federal grants.

25 It is the intent of the legislature that the Department of Health and Social Services make a  
 26 single 'upfront' payment for any grant award that is \$50,000 or less and includes a signature of  
 27 the grantee certifying compliance with the terms of the grant with their approved application.  
 28 Signature of the grantee would also certify that if a final report certifying completion of the  
 29 grant requirements is not filed, future grants will not be considered for that grantee until all  
 30 requirements of prior grants are completed satisfactorily. In the event a grantee is deemed  
 31 ineligible for a future grant consideration due to improper filing of final reports, the grantee  
 32 will be informed about the department's procedures for future consideration of grant  
 33 eligibility. The department will establish procedures to consider retroactivity for specific grant  
 consideration or express that the retroactivity cannot be considered for certain grants during

		<b>Appropriation</b>	<b>General</b>	<b>Other</b>
	<b>Allocations</b>	<b>Items</b>	<b>Funds</b>	<b>Funds</b>

3 the selection process.

4	<b>Alaska Pioneer Homes</b>	<b>13,757,100</b>	<b>13,757,100</b>	
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5 It is the intent of the legislature that the Department maintain regulations requiring all  
 6 residents of the Pioneer Homes to apply for all appropriate benefit programs prior to a state  
 7 subsidy being provided for their care from the State Payment Assistance program.

8 It is the intent of the legislature that all pioneers' homes and veterans' homes applicants shall  
 9 complete any forms to determine eligibility for supplemental program funding, such as  
 10 Medicaid, Medicare, SSI, and other benefits as part of the application process. If an applicant  
 11 is not able to complete the forms him/herself, or if relatives or guardians of the applicant are  
 12 not able to complete the forms, Department of Health and Social Services staff may complete  
 13 the forms for him/her, obtain the individuals' or designee's signature and submit for eligibility  
 14 per AS 47.25.120.

15	Alaska Pioneer Homes	64,300		
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16	Management			
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17	Pioneer Homes	13,692,800		
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18	<b>Behavioral Health</b>	<b>119,198,000</b>	<b>95,626,100</b>	<b>23,571,900</b>
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19	AK Fetal Alcohol Syndrome	59,500		
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20	Program			
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21	Alcohol Safety Action	1,188,300		
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22	Program (ASAP)			
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23	Behavioral Health Medicaid	43,862,400		
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24	Services			
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25	Behavioral Health Grants	25,307,300		
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26 It is the intent of the legislature that the department continue developing policies and  
 27 procedures surrounding the awarding of recurring grants to assure that applicants are regularly  
 28 evaluated on their performance in achieving outcomes consistent with the expectations and  
 29 missions of the Department related to their specific grant. The recipient's specific  
 30 performance should be measured and incorporated into the decision whether to continue  
 31 awarding grants. Performance measurement should be standardized, accurate, objective and  
 32 fair, recognizing and compensating for differences among grant recipients including acuity of  
 33 services provided, client base, geographic location and other factors necessary and appropriate

	Appropriation	General	Other
	Allocations	Funds	Funds
	Items		
3	to reconcile and compare grant recipient performances across the array of providers and		
4	services involved.		
5	It is the intent of the legislature that the \$181.0 increment in the FY10 budget for Behavioral		
6	Health Grants be used for the Volunteers of America ARCH residential treatment center for		
7	adolescents with substance abuse/dependency and co-occurring disorders.		
8	Behavioral Health	3,392,000	
9	Administration		
10	Community Action	1,047,200	
11	Prevention & Intervention		
12	Grants		
13	Rural Services and Suicide	2,135,700	
14	Prevention		
15	Psychiatric Emergency	7,673,000	
16	Services		
17	Services to the Seriously	12,724,200	
18	Mentally Ill		
19	Designated Evaluation and	3,031,900	
20	Treatment		
21	Services for Severely	11,947,200	
22	Emotionally Disturbed		
23	Youth		
24	Alaska Psychiatric	5,861,900	
25	Institute		
26	AK Mental Health & Alcohol	884,600	
27	& Drug Abuse Boards		
28	Suicide Prevention Council	82,800	
29	<b>Children's Services</b>	<b>13,314,700</b>	<b>12,984,700</b>
30	Children's Medicaid	4,185,600	330,000
31	Services		
32	Children's Services	69,600	
33	Management		

		<b>Appropriation</b>	<b>General</b>	<b>Other</b>
		<b>Allocations</b>	<b>Funds</b>	<b>Funds</b>
		<b>Items</b>		
3	Front Line Social Workers	148,600		
4	Family Preservation	150,000		
5	Foster Care Augmented Rate	500,000		
6	Foster Care Special Need	747,900		
7	Residential Child Care	1,956,300		
8	Infant Learning Program	5,556,700		
9	Grants			
10	<b>Health Care Services</b>		<b>350,000</b>	<b>106,000</b>
11	Health Planning and	456,000		
12	Infrastructure			
13	<b>Juvenile Justice</b>		<b>865,900</b>	<b>189,200</b>
14	McLaughlin Youth Center	654,700		
15	Fairbanks Youth Facility	103,700		
16	Bethel Youth Facility	57,100		
17	Probation Services	239,600		
18	<b>Public Assistance</b>		<b>13,200</b>	
19	Public Assistance	13,200		
20	Administration			
21	<b>Public Health</b>		<b>971,800</b>	<b>125,000</b>
22	Nursing	98,300		
23	Women, Children and Family	877,700		
24	Health			
25	Certification and Licensing	120,800		
26	<b>Senior and Disabilities</b>		<b>13,602,200</b>	<b>1,455,800</b>
27	<b>Services</b>			

28 It is the intent of the legislature that regulations related to the General Relief / Temporary  
29 Assisted Living program be reviewed and revised as needed to minimize the length of time  
30 that the state provides housing alternatives and assure the services are provided only to  
31 intended beneficiaries who are actually experiencing harm, abuse or neglect. The department  
32 should educate care coordinators and direct service providers about who should be referred  
33 and when they are correctly referred to the program in order that referring agents correctly

	Appropriation	General	Other
	Allocations	Funds	Funds
3	match consumer needs with the program services intended by the department.		
4	General Relief/Temporary	740,300	
5	Assisted Living		
6	Senior and Disabilities	2,737,900	
7	Services Administration		
8	Senior Community Based	3,069,400	
9	Grants		

10 It is the intent of the legislature that funding in the FY 2010 budget for Senior Community  
11 Based Grants be used to invest in successful home and community based supports provided  
12 by grantees who have demonstrated successful outcomes documented in accordance with the  
13 department's performance based evaluation procedures.

14	Community Developmental	7,924,800		
15	Disabilities Grants			
16	Commission on Aging	117,000		
17	Governor's Council on	468,600		
18	Disabilities and Special			
19	Education			
20	<b>Departmental Support</b>	<b>1,453,800</b>	<b>1,403,800</b>	<b>50,000</b>
21	<b>Services</b>			
22	Commissioner's Office	157,800		

23 It is the intent of the legislature that the Department of Health and Social Services complete  
24 the following tasks related to fiscal audits required in chapter 66, SLA 2003 of all Medicaid  
25 providers:

- 26 1. Develop regulations addressing the use of extrapolation methodology following an audit of  
27 Medicaid providers that clearly defines the difference between actual overpayment of funds to  
28 a provider and ministerial omission or clerical billing error that does not result in  
29 overpayment to the provider. The extrapolation methodology will also define percentage of  
30 'safe harbor' overpayment rates for which extrapolation methodology will be applied.
  - 31 2. Develop training standards and definitions regarding ministerial and billing errors versus  
32 overpayments. Include the use of those standards and definitions in the State's audit contracts.
- 33 All audits initiated after the effective date of this intent and resulting in findings of

	Appropriation	General	Other
	Allocations	Items	Funds
1			
2			
3	overpayment will be calculated under the Department's new regulations governing		
4	overpayment standards and extrapolation methodology.		
5	It is the intent of the legislature that the department develops a ten year funding source and		
6	use of funds projection for the entire department.		
7	It is the intent of the legislature that the department continue working on implementing a		
8	provider rate rebasing process and specific funding recommendations for both Medicaid and		
9	non-Medicaid providers to be completed and available to the legislature no later than		
10	December 15, 2009.		
11	Administrative Support	91,400	
12	Services		
13	Information Technology	854,600	
14	Services		
15	HSS State Facilities Rent	350,000	
16	*****	*****	
17	*****	<b>Department of Law</b>	*****
18	*****	*****	
19	<b>Criminal Division</b>	<b>12,500</b>	<b>12,500</b>
20	Criminal Justice	12,500	
21	Litigation		
22	<b>Civil Division</b>	<b>84,500</b>	<b>84,500</b>
23	Human Services and Child	84,500	
24	Protection		
25	*****	*****	
26	*****	<b>Department of Natural Resources</b>	*****
27	*****	*****	
28	<b>Resource Development</b>	<b>2,273,400</b>	<b>2,273,400</b>
29	Mental Health Trust Lands	2,273,400	
30	Administration		
31	*****	*****	
32	*****	<b>Department of Revenue</b>	*****
33	*****	*****	

	Appropriation	General	Other
	Allocations	Funds	Funds
1			
2			
3	<b>Alaska Mental Health Trust</b>	<b>2,650,000</b>	<b>2,650,000</b>
4	<b>Authority</b>		
5	Mental Health Trust	2,650,000	
6	Operations		
7	*****	*****	
8	***** <b>University of Alaska</b> *****		
9	*****	*****	
10	<b>University of Alaska</b>	<b>1,917,800</b>	<b>300,800</b> <b>1,617,000</b>
11	Statewide Services	474,000	
12	Anchorage Campus	1,418,800	
13	Fairbanks Campus	25,000	
14	*****	*****	
15	***** <b>Alaska Court System</b> *****		
16	*****	*****	
17	<b>Alaska Court System</b>	<b>1,812,300</b>	<b>837,000</b> <b>975,300</b>
18	Budget requests from agencies of the Judicial Branch are transmitted as requested.		
19	Trial Courts	227,000	
20	Therapeutic Courts	1,585,300	
21	It is the intent of the legislature that, as much as is possible, FY 2011 funding for Therapeutic		
22	Courts currently appropriated in other agencies be aggregated in the Therapeutic Courts		
23	allocation within the Alaska Court System.		
24	(SECTION 2 OF THIS ACT BEGINS ON PAGE 10)		

1 \* Sec. 2. The following sets out the funding by agency for the appropriations made in sec. 1 of  
 2 this Act.

3 Funding Source Amount

4 **Department of Administration**

5 1037 General Fund / Mental Health 1,873,200

6 1092 Mental Health Trust Authority Authorized 151,300

7 Receipts

8 \*\*\* Total Agency Funding \*\*\* \$2,024,500

9 **Department of Corrections**

10 1037 General Fund / Mental Health 6,795,900

11 1092 Mental Health Trust Authority Authorized 374,000

12 Receipts

13 \*\*\* Total Agency Funding \*\*\* \$7,169,900

14 **Department of Education and Early Development**

15 1037 General Fund / Mental Health 339,800

16 1092 Mental Health Trust Authority Authorized 200,000

17 Receipts

18 \*\*\* Total Agency Funding \*\*\* \$539,800

19 **Department of Health and Social Services**

20 1037 General Fund / Mental Health 139,574,800

21 1092 Mental Health Trust Authority Authorized 6,908,000

22 Receipts

23 1180 Alcohol and Other Drug Abuse Treatment & 18,919,900

24 Prevention Fund

25 \*\*\* Total Agency Funding \*\*\* \$165,402,700

26 **Department of Law**

27 1037 General Fund / Mental Health 84,500

28 1092 Mental Health Trust Authority Authorized 12,500

29 Receipts

30 \*\*\* Total Agency Funding \*\*\* \$97,000

31 **Department of Natural Resources**

1	1092 Mental Health Trust Authority Authorized	2,273,400
2	Receipts	
3	*** Total Agency Funding ***	\$2,273,400
4	<b>Department of Revenue</b>	
5	1094 Mental Health Trust Administration	2,650,000
6	*** Total Agency Funding ***	\$2,650,000
7	<b>University of Alaska</b>	
8	1037 General Fund / Mental Health	300,800
9	1092 Mental Health Trust Authority Authorized	1,617,000
10	Receipts	
11	*** Total Agency Funding ***	\$1,917,800
12	<b>Alaska Court System</b>	
13	1037 General Fund / Mental Health	837,000
14	1092 Mental Health Trust Authority Authorized	975,300
15	Receipts	
16	*** Total Agency Funding ***	\$1,812,300
17	***** Total Budget *****	\$183,887,400
18	(SECTION 3 OF THIS ACT BEGINS ON PAGE 12)	

1 \* **Sec. 3.** The following appropriation items are for capital projects and grants from the  
 2 general fund or other funds as set out in section 4 of this Act by funding source to the  
 3 agencies named for the purposes expressed and lapse under AS 37.25.020, unless otherwise  
 4 noted.

	Appropriation	General	Other
	Allocations	Items	Funds
	*****		*****
	***** Department of Transportation/Public Facilities *****		
	*****		*****
10	Coordinated Transportation	1,100,000	800,000
11	and Vehicles (HD 1-40)		300,000

12 (SECTION 4 OF THIS ACT BEGINS ON PAGE 13)

1 \* **Sec. 4.** The following sets out the funding by agency for the appropriations made in sec. 3 of  
2 this Act.

3	Funding Source	Amount
4	<b>Department of Transportation/Public Facilities</b>	
5	1037 General Fund / Mental Health	800,000
6	1092 Mental Health Trust Authority Authorized Receipts	300,000
7	*** Total Agency Funding ***	\$1,100,000
8	***** Total Budget *****	\$1,100,000

9 (SECTION 5 OF THIS ACT BEGINS ON PAGE 14)

1 \* **Sec. 5. PURPOSE.** In accordance with AS 37.14.003 and 37.14.005, the appropriations  
2 made by this Act are for the state's integrated comprehensive mental health program.

3 \* **Sec. 6. NONGENERAL FUND RECEIPTS.** (a) Alaska Mental Health Trust Authority  
4 authorized receipts (AS 37.14.036) or administration receipts (AS 37.14.036) that exceed the  
5 amounts appropriated by this Act are appropriated conditioned upon compliance with the  
6 program review provisions of AS 37.07.080(h).

7 (b) If Alaska Mental Health Trust Authority authorized receipts (AS 37.14.036) or  
8 administration receipts (AS 37.14.036) fall short of the estimates appropriated in this Act, the  
9 affected appropriation is reduced by the amount of the shortfall in receipts.

10 \* **Sec. 7. SALARY AND BENEFIT ADJUSTMENTS.** (a) The appropriations made in sec.  
11 1 of this Act include amounts for salary and benefit adjustments for public officials, officers,  
12 and employees of the executive branch, Alaska Court System employees, employees of the  
13 legislature, and legislators and to implement the terms for the fiscal year ending June 30,  
14 2010, of the following ongoing collective bargaining agreements:

- 15 (1) Alaska Public Employees Association, for the confidential unit;
- 16 (2) Alaska State Employees Association, for the general government unit;
- 17 (3) Alaska Public Employees Association, for the supervisory unit;
- 18 (4) Alaska Vocational Technical Center Teachers' Association - National  
19 Education Association, for employees of the Alaska Vocational Technical Center;
- 20 (5) Public Safety Employees Association, for regularly commissioned public  
21 safety officers.

22 (b) The operating budget appropriations made to the University of Alaska in this Act  
23 include amounts for salary and benefit adjustments for the fiscal year ending June 30, 2010,  
24 for university employees who are not members of a collective bargaining unit and for  
25 implementing the monetary terms of the collective bargaining agreements including the terms  
26 of the agreement providing for the health benefit plan for university employees represented by  
27 the following entities:

- 28 (1) Alaska Higher Education Crafts and Trades Employees;
- 29 (2) University of Alaska Federation of Teachers;
- 30 (3) United Academics;
- 31 (4) United Academics-Adjuncts.

1           (c) If a collective bargaining agreement listed in (b) of this section is not ratified by  
2 the membership of the respective collective bargaining unit, the appropriations made by this  
3 Act that are applicable to that collective bargaining unit's agreement are reduced  
4 proportionately by the amount for that collective bargaining agreement, and the corresponding  
5 funding source amounts are reduced accordingly.

6           (d) Appropriations made in sec. 1 of this Act for salary and benefit adjustments as  
7 described in (a) and (b) of this section are for the benefit of the state's integrated  
8 comprehensive mental health program only and do not necessarily affect every group of  
9 noncovered employees or every collective bargaining unit listed in (a) and (b) of this section.

10       \* **Sec. 8.** This Act takes effect July 1, 2009.