

LEG. FINANCE - BILLS 1983 - 1984 2108
SB 376 cont. - SB 382

2. POWER COST ASSISTANCE PROGRAM

This program was established in 1980 as the Power Production Cost Assistance Program, to provide state subsidy to high-cost residential power. In 1982 the program was changed to the Power Cost Assistant Program. Appropriations made to this program are for the explicit purpose of providing power cost assistance to eligible electric utilities. The Alaska Public Utilities Commission determines the utility cost, eligibility, and the amount of state assistance received by the communities.

POWER COST ASSISTANCE PROGRAM

FY 81-83

Authorization	FY 81 \$2,657,600.00	FY 82 \$9,300,000.00	FY 83 \$8,300,000.00
<u>Utility Name</u>	<u>Total Expended</u>	<u>Total Expended</u>	<u>Total Expended</u>
Akiachiak Ltd..	0.00	2,295.98	40,682.61
Andreanof		3,628.44	30,917.53
Atnautlauk			3,487.74
AVEC (Election District 22, 23, 24, 25, 26 48 Villages)	1,088,603.69	2,724,722.58	3,239,296.93
Bethel Utilities		143,602.64	223,112.71
Bettles Light and Power		30,494.15	43,434.04
Chefornak Light Plant			1,613.78
Circle Electric			7,784.31
Copper Valley - Glennallen	65,951.47	119,207.69	0.00
Copper Valley - Valdez	72,333.42	245,060.78	0.00
Cordova Electric	97,894.45	236,408.98	247,759.32
Eagle Power			5,495.92
Ft. Yukon Utilities		41,953.17	111,201.23
Haines Light and Power	37,703.55	84,729.25	84,093.66
Hughes Light and Power		1,591.52	18,221.77
Hiarna-Newhalen			30,400.40
Kodiak Electric Assoc.-Kodiak	231,570.18	342,201.12	403,090.52
Kodiak Electric Assoc.-Pt. Lyons	32,209.74	106,637.19	128,356.08
Kotlik Electric Association		2,583.55	49,517.31
Kotzebue Electric Association	98,385.68	275,448.90	165,283.58
Kwethluk, Inc.			64,956.24

Levelock			20,281.65
M & D Enterprises		95,125.74	166,441.80
Manley Utility Corporation	2,138.86	18,305.67	17,175.01
Manokotak Natives Ltd.		5,577.68	42,771.77
McGrath Light and Power	33,932.82	90,603.83	124,207.10
Middle Kuskokwim			10,775.74
Naknek Electric - Naknek	43,418.54	175,798.36	224,696.87
Naknek Electric - Egegik	4,430.64	20,202.29	24,357.28
Napakiak Ircinap		48,138.46	71,133.24
Napaskiak Inc.		14,185.88	35,610.55
Nelson Lagoon			6,522.28
Nikolai, City of			6,318.32
Nome Joint Utilities	72,511.56	463,302.15	391,876.32
North Slope Borough			92,900.67
Northern Power and Eng. (Coldbay)		10,658.70	16,518.15
Northway Light and Power			35,453.16
Nushagak Electric Coop.	80,622.55	202,745.29	278,768.62
Ouzinkie Utilities			40,143.07
Pelican		20,501.35	48,190.67
Puvurnaq Power Company			1,785.69
Ruby, City of		31,869.15	65,221.82
Takotna	378.26	9,363.33	9,076.18
Tanana Power		35,824.50	90,138.02
Tatitlek			1,570.01
Tetlin			1,941.26
Thorne Bay			5,974.48
Tlingit-Haida Electric Auth.	232,166.37	642,862.47	896,517.15
Unalakleet Valley	50,798.01	118,867.35	142,041.89
Unalaska, City of		73,060.46	163,898.74
Yakutat		26,655.42	52,672.48
TOTAL	<u>2,245,049.79</u>	<u>6,464,548.02</u>	<u>8,283,685.67</u>

583-000-0020

STATE OF ALASKA

04/01/80

COMPLIANCE

CURRENT YEAR AUTHORIZATION/REVENUE BALANCES

03-73-04

CONFERENCE

ENERGY DEVELOPMENT

COMMERCE & EC DEVLPT

04-01-03

OR POWER AUTHORITY

OPERATING

POWER COST ASSISTANCE

YEAR-TO-DATE

EXPENDITURES

RESTRICTED REVENUES

SUBJECT

8,300,000.00

ACTUAL

3,605,067.46

ACCRUED

** BALANCE **

4,694,930.54

583-000-0030

STATE OF ALASKA

LEVEL 1

COMPLIANCE

CURRENT YEAR SUBJECT BALANCES

04/01/80

03-73-04

CONFERENCE

ENERGY DEVELOPMENT

COMMERCE & EC DEVLPT

04-01-03

OR POWER AUTHORITY

OPERATING

POWER COST ASSISTANCE

AUTH-

8,300,000.00

BALANCE-

4,694,930.54

TRAVEL FUNDS

PERSONAL SERVICES & TRAVEL AND HOUSING

9,280.49

*** BALANCE ***

9,280.49-

PERSONAL SERVICES & SUPPLIES & OTHER

*** BALANCE ***

CAPITAL OUTLAY

ASSETS, BENEFITS/GRANTS

*** OTHER ***

400/700/8-900

CONSTRUCTION

3,300,000.00

EXPENDITURES

2,575,000.00

STIPENDIUM

*** BALANCE ***

4,704,211.03

LEVEL 2

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

272/64

Date _____

Mr. President

The Committee on FINANCE considered SB 377

Repealing the termination date of an Act giving the supreme court authority over court facilities, etc.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Lee B. ...

Chairman

 Chairman

Chairman recommendation _____

Introduced: 1/25/84
Referred: Judiciary and
Finance

BY SACKETT, ZIEGLER,
JOSEPHSON, KERTTULA
AND RODEY

1 IN THE SENATE

2

SENATE BILL NO. 377

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act repealing the termination date of an Act
7 giving the supreme court authority over court facili-
8 ties; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. Section 3, ch. 160, SLA 1982, as amended by sec. 2,
11 ch. 70, SLA 1982, is repealed.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

FILE WITH SB 377
Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 SAWDEN STREET
KETCHIKAN, ALASKA 99901

While in Juneau
POUCH V
JUNEAU, ALASKA 99811

Senate

VICE CHAIRMAN
SENATE RESOURCES COMMITTEE
MEMBER
SENATE JUDICIARY COMMITTEE
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
WESTERN CONFERENCE COUNCIL
OF STATE GOVERNMENTS

January 26, 1984

MEMORANDUM

TO: Senator Bill Ray, Chairman
Senate Judiciary Committee

FROM: Senator Robert H. Ziegler, Sr.
Chairman, Sub-Committee For SB 377

SUBJECT: SB 377, An Act repealing the termination date of an Act giving the supreme court authority over court facilities; and providing for an effective date.

Dear Bill:

In Section 3, Chapter 160, SLA 1980, the termination date of the Act was set for June 30, 1982.

The termination date of the Act was changed to June 30, 1984 in Section 2, Chapter 70, SLA 1982.

This bill, if approved, will remove the termination date and the Supreme Court will continue to have authority over court facilities until such time as a termination date is passed by the legislature.

Very truly yours,


Robert H. Ziegler, Sr.

RHZ:1k

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

Date: 4/1/86

4/6/86

The Committee on FINANCE has had CSB 18742 (1986)

"An Act relating to the payment of costs of post mortem examinations, autopsies, embalming, and related services; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

MEMBER HAVING
OTHER RECOMMENDATIONS:

[Handwritten Signature]
CHAIRMAN

Original sponsors: Ferguson and Sackett

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 382 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the payment of costs of post
7 mortem examinations, autopsies, embalming, and re-
8 lated services; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 12.65 is amended by adding a new section to read:

11 Sec. 12.65.025. POST MORTEM EXAMINATIONS. (a) The commissioner
12 of health and social services shall designate the facilities at which
13 post mortem examinations and autopsies ordered under this chapter may
14 be performed. The Department of Health and Social Services shall pay
15 the costs of

16 (1) post mortem examinations and autopsies ordered under
17 this chapter;

18 (2) related transportation;

19 (3) embalming required by law; and

20 (4) cosmetology necessary to make the head, face, neck and
21 hands of the deceased presentable if those parts of the body are
22 disfigured by the autopsy.

23 (b) The Department of Health and Social Services shall provide
24 clothing and a casket for the deceased if the person legally
25 responsible for the burial, other than the state, is unable to pay for
26 clothing and a casket and the responsible person does not object.

27 (c) Instead of paying the cost of services listed under (a)(3),
28 (a)(4), and (b) of this section, the Department of Health and Social
29 Services may pay for the cremation and inurnment of the deceased if

1 (1) the person legally responsible for the burial requests
2 or approves the cremation and inurnment; and

3 (2) the cost to the department of the cremation and
4 inurnment does not exceed the cost to the state of services listed
5 under (a)(3), (a)(4), and (b) of this section that the department
6 would otherwise pay for or provide for the deceased.

7 (d) The Department of Health and Social Services shall establish
8 the maximum amounts or rates that the department will pay for services
9 under this section. Facilities designated under (a) of this section,
10 as a condition of their designation, shall agree to accept reimburse-
11 ment from the department as payment in full for services provided by
12 the facility under this section, and shall not seek reimbursement for
13 those services from a third party.

14 (e) A person is "unable to pay" under this section if the person

15 (1) is eligible for assistance under AS 47.25.120 - 47.25.-
16 300; or

17 (2) is otherwise unable to provide clothing and a casket
18 for the deceased.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HCSSB-382(Fin)
 Title: Payment of costs for post mortem examinations
 Sponsor: Ferguson & Sackett
 Requestor: House Finance
 Date of Request: April 17, 1984

FISCAL DETAIL

Agency Affected: DH&SS
 Program Category Affected: State Health Services - Public Health
 BRU, Program or Subprogram(s) Affected: Public Health Admin. Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		35.9				
200 TRAVEL		4.0				
300 CONTRACTUAL		702.6				
400 SUPPLIES		2.0				
500 EQUIPMENT		5.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		749.5				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		* 749.5				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: * Only \$145.9 of the total cost of \$749.5 is new general funds. The remainder is already in the DHSS(Public Assistance G.R.: \$64.5) & Court System (\$539.1) budgets. This is because most of these services are already borne by the state; SB 382 adds some new services and consolidates performance of the services in one agency.

ANALYSIS: Attach a separate page for analysis

Prepared By: Representative Al Adams - Chair ^{APA} Phone: 465-3706
 Division: House Finance Committee Date: 4/17/84

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

ANALYSIS OF HCS SB 382 (Fin) FISCAL IMPACT

Estimate FY 85: 850 autopsies as per AS 12.65 and 7 AAC 05.440

	<u>FY 83</u>	<u>FY 85</u>	
Estimate rural origin	135	150	
nonrural origin	615	200	Fairbanks
		500	Anchorage
 Mortuary cost per body			
Embalming	160 X \$230.00	= \$ 30,800	
Clothing body	175 X 95.00	= 16,625	
Casket	175 X 500.00	= 87,500	
Cosmetology	175 X 90.00	= 15,750	
	Subtotal	\$ 156,675	
 Post mortem examination and autopsy cost per body			
Operating room	850 X \$ 60.00	= \$ 51,000	
Laboratory & pathologists fees	850 X 500.00	= 425,000	
	Subtotal	\$ 476,000	
 Transportation			
To facility from carrier	150 X \$ 50.00	= \$ 7,500	
Between hospital and mortuary (Frbks only)	200 X \$ 80.00	= 16,000	
Air fares	150 X \$250.00	= 37,500	
	Subtotal	\$ 61,000	
	TOTAL	\$ 693,675	

Administrative Costs

Administrative Assistant 1.1	35.9	
Travel	4.0	
Contractual (phone, forms, space etc)	8.9	
Commodities	2.0	
Equipment (desk, typewriter, files, calculator, etc)	5.0	
	\$55.8	\$ 55,800

TOTAL FUNDING REQUIRED \$ 749,475

FY 85 budget request:

Court System-judicial branch	\$539.1
Department of Health & Social Services Public Assistance, General Relief	64.5
Total	\$603.6

ADDITIONAL GENERAL FUNDS REQUIRED FOR FY 85 \$ 145,875
 (\$749,475 - \$603,600 = \$145,875)

ESTIMATE: FUTURE FISCAL YEARS

It is anticipated that costs will only increase by inflation in future years. Costs will be set through regulation by the Department.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB-382 (Fin)
 Title: Payment of costs for post mortem examinations
 Sponsor: Ferguson & Sackett
 Requestor: Senate Finance
 Date of Request: April 2, 1984

FISCAL DETAIL

Agency Affected: DH&SS
 Program Category Affected: State Health Services - Public Health
 BRU, Program or Subprogram(s) Affected: Public Health Admin. Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		35.9				
200 TRAVEL		4.0				
300 CONTRACTUAL		686.8				
400 SUPPLIES		2.0				
500 EQUIPMENT		5.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		733.7				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		733.7				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Alaska Court System	539.1	(FY 85 Request)
DHSS/Public Assist. Gen. Relief	64.5	(FY 85 Request)
Additional Funding Required	130.1	(SB-382)

ANALYSIS: Attach a separate page for analysis

Prepared By: Senate Finance Committee Phone: 465-3753
 Division: _____ Date: 4-2-84

Approved by Commissioner: *John Sackett* Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

SENATE BILL NO. 382

ANALYSIS:

This bill would transfer the responsibility for the payment of the cost of post mortem examinations, autopsies, and related services, including transportation and facilities usage, to the Department of Health and Social Services upon the passage of this legislation. The FY 84 operating budget for the Court System contains funding for the payment of these costs. Upon the passage of this bill the Court System would transfer the unobligated balance of FY 84 funds to Health and Social Services. The FY 85 budget for the Court System contains \$539,100 of funds for these costs. The entire amount of funding would be transferred to the other agency.



Alaska Court System
State of Alaska

KARLA L. FORSYTHE
General Counsel

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, AK 99501

March 22, 1984

Ms. Lou Ann Cutler
Administrative Aide
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Lou Ann:

You asked me to provide the court system's estimate of the costs of implementing HB 690 if it is redrafted along the lines of the 3/15/84 draft of a proposed substitute for SB 382.

The court system estimates that a total of \$130,125 in new funding will be required, in addition to funds currently budgeted to the court for autopsy costs and to the general relief program for burial assistance payments. This amount covers new costs which the state would absorb: embalming when legally required, clothing and caskets if the person legally responsible for burial is unable to pay, and the new administrative position requested by DHSS.

The original cost projection was based upon HB 690, which does not define "related services," and does not clarify the circumstances under which the state will bear the cost. I have attached a revised cost projection reflecting the fiscal effect of changes incorporated in proposed CSSB 382.

For FY 83, court records reflect 135 autopsies of rural origin, and 600 non-rural. Applying a population increase factor of 13% over two years, the court system estimates that in FY 85, 150 bodies will come from rural Alaska, and 700 from nonrural areas.

Since 7 AAC 35.100(b)(3) requires embalming for bodies in transit more than 24 hours, embalming charges should be paid only in conjunction with bodies of rural origin. Using the court system's figure of 150 rural bodies, and adding ten cases in which an autopsy may be required because communicable disease is

suspected, the embalming cost under the proposed language would total \$36,800 (160 x \$230).

Under the revised wording, the cost of clothing and a casket is borne by the state only if a person is eligible for assistance or otherwise unable to pay. The court system estimates payment by the state would be required in 175 cases.

The cost of a casket is figured at \$500, then multiplied by 175 eligible cases, for a total expenditure of \$87,500.

Body cosmetology is not mentioned in the proposed substitute and the court system has never been authorized to pay this cost. DHSS included the cost of cosmetology as a possible related service, and if the committee wishes to include body cosmetology within the bill, the cost would be calculated at \$15,750 (\$90 x 175).

The revised language does not effect post mortem examination and autopsy costs. The operating room or facility usage fee can be estimated at \$60. Currently the court system pays \$50, which appears reasonable since mortuaries frequently derive the economic benefit of having in their possession a body for which they can contract with families for additional mortuary services.

Court system billings reflect that the total amount charged for lab work and pathologists fees averages \$500. Although the court system has not paid the full rate desired by mortuaries for facility useage, costs billed for lab and pathologists fees are paid in full.

There are three types of transportation costs. First, bodies of rural origin must be transported between the airport and the autopsy facility. Bodies of local origin will be transported to a mortuary whether or not an autopsy is performed. Since in these cases the transportation cost is not solely related to the autopsy, the state should not pay.

In Fairbanks, autopsies take place at the hospital rather than the mortuaries, resulting in an additional transportation cost to and from the mortuary. The court system estimates 200 bodies from Fairbanks, with a cost of \$80, for a total of \$16,000.

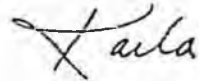
The third transportation cost is air fare which should be calculated based upon 150 bodies of rural origin. Current billings show typical freight charges of \$175 to Kotzebue, \$135 to Dillingham, \$117 to Barrow, \$100 to Kodiak, and \$86 to Aniak. Using a figure of \$250 per body, the resulting total charge for air transportation is \$37,500.

In summary, using the language of the proposed substitute and applying the court's figure for numbers of rural bodies and for air fare and autopsy costs, the cost projection for the committee substitute is \$677,925.

DHSS has requested an administrative position, which increases the total cost to \$733,725. The funding already requested by the court and general relief funds for funeral and burial payments (a total of \$603,000), should be applied against this figure. Thus, a total of \$130,125 for new funds is needed.

Please let me know if you have any questions.

Sincerely,



Karla L. Forsythe
General Counsel

KLF:smh

Attachment

cc: Max Gifford
Mike Scott
Rick Barrier
Bob Fisher
Arthur H. Snowden, II

PREPARED BY THE ALASKA COURT SYSTEM - March 22, 1984

Estimated Cost of Proposed CSSB 382

Estimate FY 85 - 850 autopsies as per AS 12.65 and 7 AAC 05.440

	<u>FY 83</u>	<u>FY 85</u>	
Estimate rural origin	135	150	
nonrural origin	615	200	Fairbanks
		500	Anchorage
Mortuary cost per body			
Embalmng	160 X	\$230.00	= \$ 36,800
Clothing body	175 X	95.00	= 16,625
Casket	175 X	500.00	= 87,500
		Subtotal	\$140,925
Post mortem examination and autopsy cost per body			
Operating room	850 X	\$ 60.00	= \$ 51,000
Laboratory & pathologists fees	850 X	\$500.00	= \$425,000
		Subtotal	\$476,000
Transportation			
To facility from carrier	150 X	\$ 50.00	= \$ 7,500
Between hospital and mortuary (Frbks only)	200 X	\$ 80.00	= \$ 16,000
Air fares	150 X	\$250.00	= \$ 37,500
		Subtotal	\$ 61,000
	TOTAL		\$677,925

Administrative Costs			
Administrative Assistant II		35.9	
Travel		4.0	
Contractual (phone, forms, space, etc)		8.9	
Commodities		2.0	
Equipment (desk, typewriter, files, calculator, etc.)		5.0	
		\$55.8	\$ 55,800

TOTAL FUNDING REQUIRED \$733,725

Current budget request			
Court System - judicial branch		\$539.1	
Department of Health & Social Services Public Assistance, General Relief		64.5	
	TOTAL	\$603.6	

ADDITIONAL FUNDING REQUIRED FOR FY 85 \$130,125

INUICH IKAYUOTAAT SUTIGULLIOAA PITOURATIGUN
LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
POST OFFICE BOX 309
BARROW, ALASKA 99723
TELEPHONE (907) 852-2311

Howe

February 22, 1984

Representative Mae Tischer
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Re: House Bill 690

Dear Representative Tischer:

I am enclosing a memo about the need for legislation to authorize the State to pay for embalming and related costs when the State orders a body autopsied. Legislation has been recently introduced by Rep. Al Adams and referred to the HESS committee to deal with this problem. Rep. Adams' staff recommended that I send you a memo outlining the need for this legislation. I currently have three clients who are trying to get the State to pay the cost of funeral expenses incurred because of a State-ordered autopsy, and our office has seen several other cases in recent years. Other bush offices of Alaska Legal Services have had similar cases. Thus we are aware of the ongoing need for legislation.

I hope that the memo will help you in moving the bill through the HESS committee. Senator Ferguson has introduced similar legislation in the Senate. If you need any additional information, I would be happy to assist you.

Sincerely yours,

Heather Noble

Heather Noble
Staff Attorney

cc: Rep. Adams
Sen. Ferguson

bcc: Louann Cutler, Finance Committee ✓

INUICH IKAYUOTAAT SUTIGULLIQAA PITOURATIGUN
LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
POST OFFICE BOX 309
BARROW, ALASKA 99723
TELEPHONE (907) 852-2311

MEMO

TO: Rep. Mae Tischer, Chair, House Committee on Health, Education
and Social Services

FROM: Heather Noble, Staff Attorney, Barrow office of Alaska Legal
Services

RE: Embalming and casket costs for autopsied bodies

The Barrow office of Alaska Legal Services has repeatedly encountered cases of clients being charged for the costs of embalming and caskets for loved ones who died in circumstances requiring autopsy.

THE PROBLEM

Autopsies are ordered by a judge, magistrate, or coroner. The family has no choice about it: the autopsy occurs under court order. Autopsies are ordered whenever someone dies violently or in suspicious circumstances or of an illness when they are not in a doctor's case.

In the bush, when an autopsy is ordered, the body is flown to Fairbanks or Anchorage, autopsied, embalmed, placed in a casket, and flown back to the village. The body must be embalmed and placed in a casket to comply with public health regulations of the Department of Health and Social Services. 7 AAC 35.100. Funeral homes do the embalming and sell the casket.

Currently the Court System pays the transportation costs to get the body to Fairbanks or Anchorage and back to the place of death or home village, as well as the cost of autopsy. The Court System does not pay for embalming or a casket. The

Memo to Mae Tischer - page 2

family gets hit with a bill for the use of funeral home facilities, for embalming, for a casket, and sometimes for a hearse to transport the body to and from the airport. In addition the family must pay the funeral home to purchase clothes to dress the body, unless the family has foreseen the need and sent clothes or unless the family is willing to bury the body naked. These costs usually total at least \$1000 and can be much higher if the funeral home salesman talks the family into buying a more expensive casket sight unseen.

This situation contrasts sharply with how the body would be handled if no autopsy were ordered. If the body stayed in the village, the family would dress the body and build a homemade casket. There would be no expense, except for a little lumber to make up the casket.

Why should a family have to pay \$1000 to a funeral home merely because the State has ordered an autopsy? Wouldn't it be more fair for the State to pay such costs?

LEGISLATION TO SOLVE THE PROBLEM

House Bill No. 690, introduced by Rep. Al Adams and referred to the Finance and the HESS committees, will solve many of these problems. The bill states that the Department of Health and Social Services shall pay the costs of autopsies and "related services, including transportation and storage of bodies and embalming."

The bill deals with the inequity of requiring the family to pay for embalming when embalming is only necessary because of the State-ordered autopsy. Unfortunately for people in the bush the bill is not quite clear about what costs would be included. In particular the bill does not clarify whether the cost of a basic

Memo to Mae Tischer - page 3

casket would be paid by the State. It is not fair to require bush families to pay a funeral home \$400 or \$500 for a casket when, but for the autopsy, they would build a casket themselves. Obviously if the family chooses to select a more expensive casket the State should not have to pay for that choice. But the State should pick up the cost of a basic casket. To achieve this, the bill should be amended, changing the last sentence of Sec.

12.65.125 as follows:

"The Department of Health and Social Services shall pay the costs of post mortem examinations and autopsies ordered under this chapter and the costs of related goods and services, including transportation and storage of bodies and embalming and any casket which would not need to be purchased but for the autopsy."

possible, upon request of the State Registrar. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.230
AS 18.50.240

7 AAC 05.440. SUSPICIOUS DEATHS. When there is any question of foul play, no one shall accept a death or fetal death certificate for filing or recording, issue a burial-transit permit, or otherwise move or allow a body to be moved or molested except by order of a law-enforcement officer or court until clearance by the proper magistrate. In any case without medical attention, the magistrate may request a medical examiner to determine the cause of death and prepare a certificate. In any suspicious case, the magistrate will investigate; and if he deems it necessary, enter the case as coroner and call a coroner's jury. In all such cases, the magistrate is responsible for seeing that the certificate of death or fetal death is prepared and filed. He may require anyone concerned to furnish the necessary facts for the certificate, and any medical examiner or other physician brought into the investigation to sign the certification of cause of death. If a coroner's jury has been impanelled, the magistrate must also sign the certificate as coroner, giving the jury's findings in addition to any medical certification.

In presumptive death cases, with no body established, presumption of death must be established in accordance with the statutes. In all presumptive death cases the filing of the certificate, and the presumption about death and its cause shall be the responsibility of the appropriate court. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 12.65.020
AS 12.65.070
AS 18.50.230
AS 18.50.240

7 AAC 05.450. FETAL DEATHS. Any product of gestation of less than 20 weeks duration of pregnancy, showing no evidence of life, may have a fetal death certificate prepared, filed, recorded, and registered as required above, at the option of the parents or others concerned; such certificate is not mandatory for fetal deaths with a duration of pregnancy of less than 20 weeks. However, this regulation does not release anyone from the duty of reporting any suspicion of foul play or illegal act; nor does it except

such cases from any existing burial requirements or restrictions, or other health requirements, either state or local. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.240

7 AAC 05.460. BURIAL-TRANSIT PERMITS. No dead body or fetus of 20 weeks or more gestation shall be finally disposed of, or removed from the state, until a burial-transit permit has been issued by the proper local registrar or other agent duly authorized by the State Registrar. Such burial-transit permit shall be obtained in any case within 72 hours after death (or delivery), unless an extension of time is granted under secs. 550-570 of this chapter. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.250

7 AAC 05.470. PERSONS WHO MUST OBTAIN. The funeral director, or person acting as such, who first assumes custody of a dead body or fetus shall be responsible for obtaining the burial-transit permit. For the purpose of these regulations, the person who first assumes custody shall include anyone first moving, or causing to be moved, such body or fetus for the following purposes:

- (1) for final disposition;
- (2) for removal from the state;
- (3) for storage or other holding for a period beyond 72 hours after death;
- (4) for transportation by common carrier; and
- (5) for removal by any means from the registration district where death occurred.

No dead body or fetus shall be moved for any of the above purposes without being accompanied by a burial-transit permit, unless an emergency exists or the body is being moved by an established funeral director for the purpose of preparation for final disposition, and then only in accordance with these regulations and the instructions of the State Registrar; provided further that a law enforcement officer or a court may order the removal of a body when necessary for an official investigation, with a notice of such removal to the proper local

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

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CHAPTER 35.
 EMBALMING

Section

- 10. (Repealed)
- 20. (Repealed)
- 30. (Repealed)
- 40. (Repealed)
- 50. (Repealed)
- 60. (Repealed)
- 70. (Repealed)
- 80. (Repealed)
- 90. Care of human remains
- 100. Transportation of the dead
- 110. Requirements of funeral establishments
- 120. Preparation room requirements
- 130. Definitions

7 AAC 35.010. LICENSE REQUIRED.
 Repealed. (Eff. 12/29/77, Reg. 64)

7 AAC 35.020. QUALIFICATIONS OF
 APPLICANTS FOR EMBALMER'S LICENSE.
 Repealed. (Eff. 12/29/77, Reg. 64)

7 AAC 35.030. APPLICATION. Repealed.
 (Eff. 12/29/77, Reg. 64)

7 AAC 35.040. EXAMINATION OF
 APPLICANTS FOR EMBALMER'S LICENSE.
 Repealed. (Eff. 12/29/77, Reg. 64)

7 AAC 35.050. SCOPE AND CONDUCT OF
 EXAMINATION. Repealed. (Eff. 12/29/77,
 Reg. 64)

7 AAC 35.060. SUCCESSFUL AND
 UNSUCCESSFUL APPLICANTS. Repealed.
 (Eff. 12/29/77, Reg. 64)

7 AAC 35.070. REVOCATION, SUSPENSION
 AND REFUSAL TO ISSUE LICENSE.
 Repealed. (Eff. 12/29/77, Reg. 64)

7 AAC 35.080. REPORTS BY FUNERAL
 ESTABLISHMENTS. Repealed. (Eff. 12/29/77,
 Reg. 64)

7 AAC 35.090. CARE OF HUMAN REMAINS.
 (a) All human remains shall be disinfected by
 approved disinfecting solutions so that there will
 be no danger of spreading disease or infection.

(b) Embalmers shall take every precaution to

prevent the spread of infections from persons
 who have died of communicable diseases.

(c) It shall be the duty and responsibility of all
 physicians licensed to practice medicine in the
 State of Alaska who are in attendance or any
 physician who by virtue of his appointment as
 medical examiner or local health officer shall
 have knowledge or suspect that a person has
 died of a communicable disease which may
 reasonably constitute a threat to the health of
 morticians and their staffs, village officials,
 clergymen, and all others involved in the
 handling and preparation of a dead human body,
 to inform and counsel such individuals promptly
 of this hazard or potential threat to their health
 and safety. Appropriate precautionary measures
 to prevent the spread of communicable diseases
 from deceased human bodies to employees of
 mortuary establishments, persons contracted to
 provide services involved in the preparation and
 handling of dead human bodies, and to the
 general public, shall be undertaken at all times
 and shall be the responsibility of the funeral
 director, or in his absence, the senior village
 official present.

(d) When death has occurred from smallpox,
 plague, anthrax, diphtheria, meningococcal
 meningitis, cholera, epidemic typhus, or any
 unusual and highly communicable disease, the
 body shall be handled and prepared under strict
 quarantine regulations. If one of the above
 named communicable diseases occurred or was
 reasonably suspected to be present, the body
 shall be embalmed by a licensed embalmer and
 immediately placed in a casket or coffin which
 shall be permanently closed unless the
 Commissioner of Health and Social Services shall
 make a specific exception. (In effect before
 7/28/59; am 2/21/71, Reg. 37)

Authority: AS 18.05.040

7 AAC 35.100. TRANSPORTATION OF THE
 DEAD. (a) The transportation of human remains
 dead of any diseases mentioned in sec. 90 of this
 chapter shall be permitted only under the
 following conditions:

(1) the body shall be thoroughly embalmed
 with disinfectant solution; and

(2) all orifices shall be closed with absorbent
 cotton; and

(3) the body shall be washed with the solution and placed immediately in an hermetically sealed casket; and

(4) the casket encased in a suitable shipping container acceptable to the Commissioner of Health and Social Services.

(b) The transportation of human remains dead of any cause other than those diseases mentioned in sec. 90 of this chapter is permitted only under the following conditions:

(1) when the destination can be reached within the state within 24 hours after death, an unembalmed body shall be thoroughly washed, all orifices shall be closed with absorbent cotton, and the body dressed in a clean sheet and placed in an hermetically sealed metal shipping container;

(2) human remains shipped into or out of Alaska must first be embalmed;

(3) when the body cannot reach its destination within 24 hours after the death, the body shall be thoroughly embalmed, and placed in a casket; the casket encased in a suitable shipping container acceptable to the Commissioner of Health and Social Services;

(4) exceptions to (b) of this section may be approved only by the Commissioner of Health and Social Services where circumstances render the provisions of (b) of this section impossible to carry out.

(c) An outside shipping container is required in all instances except when the casket is transported in a hearse. The outside container shall be of wood, canvas, reinforced nylon, composition board, or other suitable material. (In effect before 7/28/59; am 2/21/71, Reg. 37)

Authority: AS 18.05.040

7 AAC 35.110. REQUIREMENTS OF FUNERAL ESTABLISHMENTS. (a) A funeral establishment shall

- (1) repealed (Eff. 12/29/77, Reg. 64);
- (2) have a sanitary preparation room; and
- (3) be subject to approval and inspection by the department.

(b) Repealed. (Eff. 12/29/77, Reg. 64) (Eff. 2/21/71, Reg. 37; am 12/21/77, Reg. 64)

Authority: AS 18.05.040

7 AAC 35.120. PREPARATION ROOM REQUIREMENTS. (a) The walls and ceiling of the preparation room shall be covered with tile, plaster, sheet rock, composition wall board or brick. With the exception of tile, all these materials shall be finished off with an impervious, readily washable or cleanable material.

(b) Outside ventilation shall be provided for by windows or transoms. If outside ventilation cannot be provided for by these means, an eight-inch pipe shall be installed to run from the ceiling of the room to the roof of the building, or from the side wall to the outside of the building. The installation shall be arranged so that it will not be a public health hazard.

(c) The preparation room shall be private and shall not be located near a public passageway. It shall contain only equipment necessary for preparing bodies for burial or shipment, and no toilet or commode.

(d) Windows and exterior doors shall be installed in such a way that the room shall be obstructed from view from the outside and so that fumes and odors are prevented from entering other parts of the building.

(e) The equipment for preparation rooms shall consist of the following:

(1) an operation or embalming table, which has rustproof metal or porcelain or glass top and a drainage opening at the lower end;

(2) a covered waste can, and sink with running water and backflow prevention and sewage connections;

(3) a cabinet, and instrument table, instruments, all necessary supplies including disinfectants and antiseptics, a sterilizer for instruments, and several pairs of rubber gloves;

(4) a first aid emergency kit for personal use.

(f) A water supply shall be available that complies with the Water Supply chapter of the Administrative Code.

Title 45, Code of Federal Regulations, sec. 233.90(c)(v)(1), when the 18-year-old meets all of the following criteria:

(A) was an eligible recipient of Aid to Families with Dependent Children (AFDC) assistance in the month preceding his 18th birthday;

(B) is a full-time high school student living at home with a relative specified in 45 CFR 233.90(c)(v)(1); and

(C) other children and the specified relative are in the home and continue to be eligible for AFDC; or

(2) a person who has applied for but who is not yet receiving benefits under the Adult Public Assistance, Alaska Longevity Bonus, or Supplemental Security Income programs.

(b) Persons eligible for cash payments under (a)(2) of this section may receive them for a period not to exceed six months.

(c) There are no restrictions on the use of cash payments. (Eff. 3/23/78, Reg. 65)

Authority: AS 47.05.010

AS 47.25.120

7 AAC 47.130. FUNERAL AND BURIAL EXPENSES. (a) General relief assistance payments which may not exceed \$750 per deceased person will be paid to the vendor for the following funeral and burial services provided in the state:

(1) preparation and embalming;

(2) provision of a cloth-covered wooden casket with at least four handles and a padded and lined interior, which is similar to Sound Casket Company No. 199 gray domed, Puget Sound Casket Company No. 0 gray flannel square, or Casket Distributors Incorporated No. A-2 welfare regular service flannel cover;

(3) chapel service with minister;

(4) use of a hearse; and

(5) other services, facilities, and equipment necessary for a dignified burial;

(b) General relief assistance will be paid to a vendor of funeral and burial services which exceed the monetary limitation provided in (a) of this section, for the following:

(1) the cost of the least expensive municipal or private cemetery plot that is reasonably available in the state, whichever is less, or the cost of cremation if cremation is requested by the next-of-kin;

(2) the reasonable cost of opening and closing the grave;

(3) the cost of hermetic sealers, an oversized casket, clothing and extraordinarily lengthy storage of the deceased if the service is necessary and authorization is given by a regional manager of the division before the service is rendered;

(4) the cost of transporting the deceased from the place of death to the place of burial if the deceased was transported from the last place of residence to the place of death at public expense and authorization is given by a regional manager of the division before transporting the deceased person.

(c) One assistance payment will be made for services under (a) and (b) of this section. This payment will be made to the vendor that prepares the deceased person for burial. The vendor who receives payment from the division shall immediately refund to the division any amounts received from a prior resource specified in sec. 160(b) of this chapter. (Eff. 3/23/78, Reg. 65; am 11/8/80, Reg. 76)

Authority: AS 47.05.010

AS 47.25.120

AS 47.25.300

7 AAC 47.140. ELIGIBILITY. Eligibility for General Relief and General Relief Medical assistance is based upon

(1) financial need;

(2) immediate and specific need for subsistence items such as rent, food, fuel, transportation, burial, or medical supplies and services;

*7/19/81
revised
and
added.*

(3) lack of prior resources listed in sec. 160(b) of this chapter of any kind sufficient to meet the specific need;

(4) age at which applicant may be eligible, as set out in sec. 170 of this chapter; and

(5) residence in the State of Alaska at the time of application; proof of residence may be required;

(6) registration for work with the Alaska Department of Labor and acceptance of any bona fide offer of employment. This requirement applies to all persons 18 through 59 years of age except a person

(A) who has been determined by a physician to be mentally or physically incapacitated and that incapacity prevents the person from engaging in gainful employment;

(B) who is attending high school full-time; or

(C) who is needed in the home to care for a relative who has been determined by a physician to be mentally or physically incapacitated. (Eff. 3/23/78, Reg. 65; am 5/2/79, Reg. 70; am 5/24/80, Reg. 74)

Authority: AS 47.05.010
AS 47.25.120

7 AAC 47.150. DETERMINATION OF FINANCIAL ELIGIBILITY. (a) Financial eligibility exists only if the need standard exceeds monthly net income, as determined under this section.

(b) Need is determined by use of one of the following tables:

(1) Adult-only households

Number of Adults	Need Standard (Rent Under \$35/mo.)	Need Standard (Rent \$35 or more/mo.)
1	\$235	\$ 0
2	335	400
3	435	500
4	535	600
5	635	700

\$100 must be added for each additional adult.

(2) Households with children and adults

Number of Persons	Maximum Need Standard
Parent plus 1 child	\$300
Parent plus 2 children	350
Parent plus 3 children	400
Parent plus 4 children	450
Parent plus 5 children	500
Parent plus 6 children	550
Parent plus 7 children	600

\$100 must be added for each additional adult, and \$50 for each additional child.

(c) Monthly net income is determined by

(1) counting all income earned or unearned, from any source, except payments made under the Alaska Native Claims Settlement Act, received during the calendar month in which application is made, and all income reasonably expected to be received in time to meet the specific needs (income received weekly is multiplied by 4.3, that received every two weeks by 2.15, that received twice monthly by 2, and that received monthly by 1);

(2) subtracting all mandatory payroll deductions (federal and state income tax, FICA, unemployment insurance, union dues, insurance premiums, and retirement); and

(3) not counting income received in the month just before the calendar month in which application is made, but considering this a resource under sec. 160 of this chapter.

(d) Persons who are included in the household, and who will therefore have their financial needs, income, and resources considered in determining financial eligibility, include the applicant, all persons related to the applicant by blood, marriage, or adoption who reside with him, and all unrelated persons whose needs are included in the request for assistance and who would benefit directly from the requested assistance, or who would benefit directly even if their needs are not included. (Eff. 3/23/78, Reg. 65)

Authority: AS 47.05.010
AS 47.25.130

7 AAC 47.160. RESOURCES. (a) General Relief or General Relief-Medical assistance may

not be granted if the applicant, despite an excess of need over income, has other resources available and adequate to meet the specific need. Resources that will affect eligibility are classified as prior or personal.

(b) Prior resources include but are not limited to

(1) coverage by Social Security, workman's compensation, or by medical and hospital insurance;

(2) eligibility for assistance from categorical programs such as Adult Public Assistance and Aid to Families with Dependent Children;

(3) qualification to receive assistance from the Veteran's Administration, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), Alaska Fisherman's Fund, U.S. Seaman's Act program, Crippled Children's Service, Office of Vocational Rehabilitation, Medicaid, Medicare, or free clinics;

(4) potential treatment or assistance from the United States Public Health Service and Bureau of Indian Affairs health care and general relief programs; and

(5) availability of cash, medical, and subsistence items and assistance from the Salvation Army, Red Cross, Lion's International, and other charitable organizations.

(c) Personal resources are

(1) liquid assets such as cash, savings, stocks, or bonds totaling more than \$500;

(2) more than one each of these: automobile, snowmobile, boat, or a combination of all three, unless they are used to produce income; a combination of any two is not considered a resource for the purpose of this section;

(3) real property, except for the applicant's home and the land upon which it stands and land contiguous to it, unless the property is for sale at or below fair market value, is producing reasonable income, or is essential to the employment of the applicant;

(4) credit sufficient to directly or indirectly meet the specified need. (Eff. 3/23/78, Reg. 65)

Authority: AS 47.05.010
AS 47.25.130

7 AAC 47.170. AGE AT WHICH APPLICANT MAY BE ELIGIBLE. (a) Applicants 18 years of age or older may be found eligible for General Relief and General Relief Medical assistance.

(b) An applicant under 18 years of age may be found eligible if he meets at least one of the following requirements:

(1) is living apart from parents or guardian and managing his own financial affairs, regardless of the source of his income;

(2) is 16 years of age or older and married, living with his spouse at the time of application;

(3) is in need of assistance to pay medical expenses for the diagnosis, prevention, or treatment of pregnancy or for diagnosis, and treatment of venereal disease; or

(4) is a female seeking abortion, or treatment following an abortion. (Eff. 3/23/78, Reg. 65)

Authority: AS 09.65.100
AS 47.05.010
AS 47.25.120

7 AAC 47.180. PROVISION OF MEDICAL BENEFITS. The division shall provide a written certification of eligibility for General Relief Medical benefits upon a form or card specified by it. This certification signifies that the person or persons named on it have been found eligible for medical assistance for the period of time stated. This certification neither guarantees to the recipient that certain medical services and supplies will be furnished nor guarantees to the provider that he will receive unrestricted payment for any and all services and supplies he provides. (Eff. 3/23/78, Reg. 65; am 4/15/82, Reg. 82; am 5/25/82, Reg. 84)

Authority: AS 47.05.010
AS 47.25.170

Editor's Note: Emergency amendments of 7 AAC 43.005(c), 7 AAC 47.030, 7 AAC 47.050, 7 AAC 47.060, 7 AAC 47.070, 7 AAC 47.110, 7 AAC 47.180, 7 AAC 47.200, 7 AAC 47.210, 7 AAC 47.220 and 7 AAC 47.900, filed on 4/15/82 (effective 5/17/82), were repealed on 5/25/82 and are therefore not being printed. The text of these provisions appears as it did before the emergency amendments.

Offered: 4/4/84
Referred: Rules

Original sponsors: Ferguson and Sackett

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 382 (Finance) (title am)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the payment of costs of post
7 mortem examinations, autopsies, embalming, and re-
8 lated services; and providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 12.65 is amended by adding a new section to read:
11 Sec. 12.65.025. POST MORTEM EXAMINATIONS. (a) The commissioner
12 of health and social services shall designate the facilities at which
13 post mortem examinations and autopsies ordered under this chapter may
14 be performed. The Department of Health and Social Services shall pay
15 the costs of (1) post mortem examinations and autopsies ordered under
16 this chapter, (2) related transportation, and (3) embalming required
17 by law. The department shall provide clothing and a casket for the
18 deceased if the person legally responsible for the burial, other than
19 the state, is unable to pay for clothing and a casket and the re-
20 sponsible person does not object.
21 (b) A person is "unable to pay" under this section if the person
22 (1) is eligible for assistance under AS 47.25.120 -
23 47.25.300; or
24 (2) is otherwise unable to provide clothing and a casket
25 for the deceased.
26 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
27 10.070(c).

Offered: 4/4/84
Referred: Rules

Original sponsors: Ferguson and Sackett

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2 CS FOR SENATE BILL NO. 382 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
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26 10.070(c).

Introduced: 1/27/84
Referred: Finance

1 IN THE SENATE

BY FERGUSON AND SACKETT

2

SENATE BILL NO. 382

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the payment of costs of post
mortem examinations, autopsies, embalming, and re-
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7

8

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and Social Services shall pay the costs of post mortem examinations
and autopsies ordered under this chapter and the costs of related
services, including transportation and storage of bodies and embalm-
ing.

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* Sec. 2. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

20

COMMITTEE REPORT
SENATE

FURTHER:

1/27/84

Date: 4/4/84

Mr. President:

The Committee on FINANCE has had SB 375

payment of costs of public utilities, telephone, telegraph, and related services, etc.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 382 (Finance) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Notes
- reports it back without recommendation 1) Sen. Fil. 733.7
2) Ct. Sy-Lem (589.1) savings/tran.
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CSSB-382
 Title: Payment of costs for
post mortem examinations
 Sponsor: Ferguson & Sackett
 Requestor: Senate Finance
 Date of Request: April 2, 1984

FISCAL DETAIL

Agency Affected: DH&SS
 Program Category Affected: State Health
Services - Public Health
 BRU, Program or Subprogram(s) Affected:
Public Health Admin. Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		35.9				
200 TRAVEL		4.0				
300 CONTRACTUAL		686.8				
400 SUPPLIES		2.0				
500 EQUIPMENT		5.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		733.7				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		733.7				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Alaska Court System	539.1	(FY 85 Request)
DHSS/Public Assist. Gen. Relief	64.5	(FY 85 Request)
Additional Funding Required	130.1	(SB-382)

ANALYSIS: Attach a separate page for analysis

Prepared By: Senate Finance Committee Phone: 465-3753
 Division: _____ Date: 4-2-84

Approved by Commissioner: *Ferguson & Sackett* Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 382
 Title: PAYMENT OF THE COSTS OF
POST MORTEM EXAMINATIONS
 Sponsor: SENATOR FERGUSON
 Requestor: _____
 Date of Request: 1/31/84

FISCAL DETAIL

Agency Affected: ALASKA COURT SYSTEM
 Program Category Affected: _____
ADMINISTRATION OF JUSTICE
 BRU, Program or Subprogram(s) Affected: _____
TRIAL COURTS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		(539.1)				
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		(539.1)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(539.1)				
FEDERAL FUNDS						
OTHER						
TOTAL		(539.1)				

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ROBERT G. FISHER Phone: 264-0561
 Division: ALASKA COURT SYSTEM Date: 1/31/84

Approved by Commissioner: _____ Date: 1/31/84
 Agency: ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

SENATE BILL NO. 382

ANALYSIS:

This bill would transfer the responsibility for the payment of the cost of post mortem examinations, autopsies, and related services, including transportation and facilities usage, to the Department of Health and Social Services upon the passage of this legislation. The FY 84 operating budget for the Court System contains funding for the payment of these costs. Upon the passage of this bill the Court System would transfer the unobligated balance of FY 84 funds to Health and Social Services. The FY 85 budget for the Court System contains \$539,100 of funds for these costs. The entire amount of funding would be transferred to the other agency.

Original sponsors: Ferguson and Sackett

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 382 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to post mortem examinations; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 12.65 is amended by adding a new section to read:

10 Sec. 12.65.025. POST MORTEM EXAMINATIONS. (a) The commissioner
11 of health and social services shall designate the facilities at which
12 post mortem examinations and autopsies ordered under this chapter may
13 be performed. The Department of Health and Social Services shall pay
14 the costs of (1) post mortem examinations and autopsies ordered under
15 this chapter, (2) related transportation, and (3) embalming required
16 by law. The department shall provide clothing and a casket for the
17 deceased if the person legally responsible for the burial, other than
18 the state, is unable to pay for clothing and a casket and the re-
19 sponsible person does not object.

20 (b) A person is "unable to pay" under this section if the person

21 (1) is eligible for assistance under AS 47.25.120 -
22 47.25.300; or

23 (2) is otherwise unable to provide clothing and a casket
24 for the deceased.

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT G - ANCHORAGE
1526 F STREET
ANCHORAGE, ALASKA 99501
(907) 277-4419

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907
(907) 465-4525

COMMITTEES
HEALTH, EDUCATION & SOCIAL SERVICES (CHAIR)
JUDICIARY (VICE-CHAIR)
FINANCE
MAJORITY CAUCUS (CHAIR)

MEMORANDUM

TO: Senate Finance Committee
FROM: Senator Josephson *Joe Josephson*
DATE: April 2, 1984
RE: SB 382 - An Act relating to the payment of costs of post mortem examinations, autopsies, embalming and related services; efd.

Background

This bill corrects a problem encountered by primarily rural residents of the state when autopsies are ordered by a judge, magistrate, or coroner. In the Bush, when an autopsy is ordered, the body is flown to Fairbanks or Anchorage, autopsied, embalmed, placed in a casket, and flown back to the village. The body must be embalmed and placed in a casket to comply with public health regulations of DH&SS FAAC 35.700. Funeral homes do the embalming and sell the caskets.

Currently, the court system pays the transportation costs to get the body to Fairbanks or Anchorage and back to the place of death or home village, as well as the cost of an autopsy. The court system does not pay for embalming or a casket. The family has to pay for the use of funeral home facilities, for embalming, for a casket, and sometimes for a hearse to transport the body to and from the airport. In addition, the family must pay the funeral home to purchase clothes to dress the body, unless the family has foreseen this need.

Senators Sackett and Ferguson, sponsors of the bill, have prepared a Finance Committee substitute which provides that the Department of Health and Social Services should pay the costs of post-mortem examinations and autopsies order, related transportation and embalming required by law. The Department shall also provide clothing and a casket for the deceased if the person legally responsible for the burial, other than the state, is unable to pay for these.

The bill also defines "a person unable to pay" as required of any person applying for General Relief Assistance.

FISCAL INFORMATION

Fiscal Note from Alaska Court System - upon passage of SB 382, the Court system would transfer the unobligated balance of FY 84 funds to DH&SS. The FY 85 budget (\$539,100) would be transferred to DH&SS.

Memo to Senate Finance Committee
April 2, 1984
Page Two

Fiscal Note and Position Paper from Department of Health and Social
Services - FY 85 618.0, FY 86 650.0, FY 87 682.5.

Fiscal Note prepared by Finance Committee - with the assistance of
the court system, we have prepared a more accurate estimate of
the anticipated costs based on historical figures.

MAR 28 1984



Alaska Court System
State of Alaska

KARLA L. FORSYTHE
General Counsel

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, AK 99501

March 22, 1984

Ms. Lou Ann Cutler
Administrative Aide
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Lou Ann:

You asked me to provide the court system's estimate of the costs of implementing HB 690 if it is redrafted along the lines of the 3/15/84 draft of a proposed substitute for SB 382.

The court system estimates that a total of \$130,125 in new funding will be required, in addition to funds currently budgeted to the court for autopsy costs and to the general relief program for burial assistance payments. This amount covers new costs which the state would absorb: embalming when legally required, clothing and caskets if the person legally responsible for burial is unable to pay, and the new administrative position requested by DHSS.

The original cost projection was based upon HB 690, which does not define "related services," and does not clarify the circumstances under which the state will bear the cost. I have attached a revised cost projection reflecting the fiscal effect of changes incorporated in proposed CSSB 382.

For FY 83, court records reflect 135 autopsies of rural origin, and 600 non-rural. Applying a population increase factor of 13% over two years, the court system estimates that in FY 85, 150 bodies will come from rural Alaska, and 700 from nonrural areas.

Since 7 AAC 35.100(b)(3) requires embalming for bodies in transit more than 24 hours, embalming charges should be paid only in conjunction with bodies of rural origin. Using the court system's figure of 150 rural bodies, and adding ten cases in which an autopsy may be required because communicable disease is

suspected, the embalming cost under the proposed language would total \$36,800 (160 x \$230).

Under the revised wording, the cost of clothing and a casket is borne by the state only if a person is eligible for assistance or otherwise unable to pay. The court system estimates payment by the state would be required in 175 cases.

The cost of a casket is figured at \$500, then multiplied by 175 eligible cases, for a total expenditure of \$87,500.

Body cosmetology is not mentioned in the proposed substitute and the court system has never been authorized to pay this cost. DHSS included the cost of cosmetology as a possible related service, and if the committee wishes to include body cosmetology within the bill, the cost would be calculated at \$15,750 (\$90 x 175).

The revised language does not effect post mortem examination and autopsy costs. The operating room or facility usage fee can be estimated at \$60. Currently the court system pays \$50, which appears reasonable since mortuaries frequently derive the economic benefit of having in their possession a body for which they can contract with families for additional mortuary services.

Court system billings reflect that the total amount charged for lab work and pathologists fees averages \$500. Although the court system has not paid the full rate desired by mortuaries for facility useage, costs billed for lab and pathologists fees are paid in full.

There are three types of transportation costs. First, bodies of rural origin must be transported between the airport and the autopsy facility. Bodies of local origin will be transported to a mortuary whether or not an autopsy is performed. Since in these cases the transportation cost is not solely related to the autopsy, the state should not pay.

In Fairbanks, autopsies take place at the hospital rather than the mortuaries, resulting in an additional transportation cost to and from the mortuary. The court system estimates 200 bodies from Fairbanks, with a cost of \$80, for a total of \$16,000.

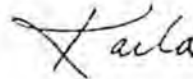
The third transportation cost is air fare which should be calculated based upon 150 bodies of rural origin. Current billings show typical freight charges of \$175 to Kotzebue, \$135 to Dillingham, \$117 to Barrow, \$100 to Kodiak, and \$86 to Aniak. Using a figure of \$250 per body, the resulting total charge for air transportation is \$37,500.

In summary, using the language of the proposed substitute and applying the court's figure for numbers of rural bodies and for air fare and autopsy costs, the cost projection for the committee substitute is \$677,925.

DHSS has requested an administrative position, which increases the total cost to \$733,725. The funding already requested by the court and general relief funds for funeral and burial payments (a total of \$603,000), should be applied against this figure. Thus, a total of \$130,125 for new funds is needed.

Please let me know if you have any questions.

Sincerely,



Karla L. Forsythe
General Counsel

KLF:smh

Attachment

cc: Max Gifford
Mike Scott
Rick Barrier
Bob Fisher
Arthur H. Snowden, II

PREPARED BY THE ALASKA COURT SYSTEM - March 22, 1984

Estimated Cost of Proposed CSSB 382

Estimate FY 85 - 850 autopsies as per AS 12.65 and 7 AAC 05.440

	<u>FY 83</u>	<u>FY 85</u>	
Estimate rural origin	135	150	
nonrural origin	615	200	Fairbanks
		500	Anchorage
 Mortuary cost per body			
Embaling	160 X	\$230.00	= \$ 36,800
Clothing body	175 X	95.00	= 16,625
Casket	175 X	500.00	= 87,500
		Subtotal	\$140,925
 Post mortem examination and autopsy cost per body			
Operating room	850 X	\$ 60.00	= \$ 51,000
Laboratory & pathologists fees	850 X	\$500.00	= \$425,000
		Subtotal	\$476,000
 Transportation			
To facility from carrier	150 X	\$ 50.00	= \$ 7,500
Between hospital and mortuary (Frbks only)	200 X	\$ 80.00	= \$ 16,000
Air fares	150 X	\$250.00	= \$ 37,500
		Subtotal	\$ 61,000
		TOTAL	\$677,925

Administrative Costs			
Administrative Assistant II		35.9	
Travel		4.0	
Contractual (phone, forms, space, etc)		8.9	
Commodities		2.0	
Equipment (desk, typewriter, files, calculator, etc.)		5.0	
		\$55.8	\$ 55,800
		TOTAL FUNDING REQUIRED	\$733,725

Current budget request			
Court System - judicial branch		\$539.1	
Department of Health & Social Services Public Assistance, General Relief		64.5	
		TOTAL	\$603.6

ADDITIONAL FUNDING REQUIRED FOR FY 85

\$130,125

Senior Voice

OP/C

010501

S0384

CONSUMER PROTECTION SECTION

ATT GENERAL'S OFF

1031 W 4TH AVE SUITE 110

ANCHORAGE AK

99501

Grieving families caught in 'Catch-22'

by Liz Lauzen

When a 26-year-old Nuiqut man fell off a porch and died recently, his body was sent to Fairbanks for an autopsy to determine the cause of death.

His mother, an unemployed woman in her 50s, is now stuck with a \$2,000 bill for funeral services—much of it for state-required services which would not have been needed or desired had the son's body remained in the village for burial.

It's a situation which the

state's senior citizen ombudsman, funeral directors and state officials all describe as a "Catch 22."

No one seems to know for sure how often grieving Alaskan families are caught in the squeeze between the state court system's requirement for an autopsy and the public health division's regulations concerning embalming and transportation of bodies.

But three divisions of state government and a legislative committee are currently seeking a solution aimed at

relieving families of the costs of these state-mandated funeral home services.

In conversations with coroners, state court officials, funeral home directors, public health officials and attorneys, the problems surrounding autopsies were described.

State laws concerning coroner duties require an autopsy in nearly every death which is not attended by a physician.

In Alaska, this means most deaths of an accidental or violent nature, and any

other death in which a physician is not following the case closely enough to feel comfortable in signing the death certificate.

Because autopsies are performed only in Fairbanks, Anchorage and Juneau, bodies must be transported from rural communities to the urban center.

At the same time, state public health laws require that the body be embalmed "when a body cannot reach its destination within 24 hours."

This time frame allows villagers to bury their dead in the village without embalming when an autopsy is not required. It does not allow for these simple burial practices when an autopsy is required.

The state court system will pay for the cost of transporting the body to the site of the autopsy; for the autopsy itself; and for the cost of returning the body to the village.

It will not pay for other.

Continued on page 16

for burial. (Required)

in metal transfer container

Grieving families caught in 'Catch-22' of autopsy

Continued from page 16
eral's office and the Alaska State Troopers met in September to discuss the concerns and begin to find solutions.

"There is a problem, several problems involved," said Cole.

"There are problems because there are several agencies involved, and a lot of tension focused on all of it."

Key to the discussions is who should pay for autopsy-related fees which the court system does not pick up.

Current regulations in both the Division of Public Health and the court system do not authorize the state to pay for embalming and services incidental to autopsies.

"I personally feel the court system has the responsibility for paying the costs of embalming," said Dr. E. S. Rabeau, director of the Division of Public Health and deputy director of the Department of Health and Social Services.

"If they are taking custody of the body, then by God they should pay for it," he added.

Rep. Al Adams (D-Kotzebue) and his staff have begun to look at the problem as well.

Lack of information about how many people qualify for public assistance is a problem involved with deciding who should pay for the costs of embalming, said Lou Ann Cutler, an Adams aide.

"Personally, I feel the state should pay. But which agency?"

Another problem that can be addressed, Cutler said, is that of informing the public.

"A lot of people who do qualify don't know they qualify.

"It's not easy for the troopers and the magistrates to deal with the families. Families are upset, sometimes the troopers are under time constraints to get the body out.

"And also, there is some question perhaps whether or not some funeral homes are doing a hard sell."

Will legislation be needed to sort out the problem?

"If we have to go that route, yes. But we prefer to settle it internally, if we can," Cutler said.

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Kenai Voice

010501 S0384
CONSUMER PROTECTION SECTION
ATT GENERAL'S OFF
1031 W 4TH AVE SUITE 110
ANCHORAGE AK 99501

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Continued on page 16

Grieving families caught in 'Catch-22'

Continued from page 1

expenses, including embalming.

The Division of Public Health which requires embalming to control communicable diseases, does not pay for embalming. Nor does it pay the cost of transporting the body from the site of the autopsy to the funeral home, where the embalming is done. Nor does it pay the cost of a casket.

"The family is not responsible in any way for the remains being embalmed and put in a casket," said Heather Noble, attorney for Alaska Legal Services in Barrow who is investigating the problems of the Nuiqsut woman.

"I'm concerned with the money. I want the state to pick up the costs."

In some cases, the state Division of Public Assistance will pay these costs.

"People can qualify if they -- or the deceased -- meet resource and assets requirements," explained Public Assistance official Jim Dalman.

Generally, a family must have cash assets of less than \$300 and a monthly income of less than \$400 (for two adults) to qualify, Dalman said. Public Assistance recipients who die are almost always picked up.

But this is not a program which could pick up the funeral cost for every body on which an

em • balm (*em bām'*), *v.t.* — to treat (a dead body) so as to preserve it, as with chemicals, drugs or balsams; to protect from decay.

autopsy is performed and embalming is required, Dalman said.

"This is a state program with limited funding," he said. "We use it as a program of last resort, for use in a situation where the family must demonstrate it is without means. It is quite restrictive."

About 150 funerals are paid for by general relief each year, he explained.

One problem with the program is that it is little known in many villages.

Another problem is that it must be applied for in advance, before embalming or other funeral home services are performed.

For those who do not qualify -- or do not apply for -- public assistance, costs for funeral services can add up rapidly.

For a grieving family, the lines between state-required services, funeral home-recommended services, and family-desired services often blur.

The Nuiqsut woman's \$2,000 bill included \$800 for a casket, \$400 for embalming, and charges for limosine service, pro-

fessional fees, clothes and flowers.

"If that body had stayed in the village, the family could have built a casket from a packing crate," explained Noble. The cost, in that case, would have been minimal.

In some villages, fear of what will happen to the body once it is removed from the

village further complicates autopsy problems.

In Kwethluk, a village near Bethel, the problem recently came to a head when villagers refused to allow an Alaska State Trooper to remove the body.

Additional troopers were sent in, but villagers still opposed the removal, explained Stephanie Cole, deputy director for magistrate services for the court system.

"Apparently, someone in the past had had a negative experience in that the body had not been returned," Cole said. "That is not a common problem, but such stories do not die."

The result, said Cole, was that the villagers agreed to allow the body to be removed to Bethel, but not to Anchorage, where the autopsy would normally have been performed.

But Cole said facilities in Bethel are not sufficient for performing autopsies, so most bodies will continue to be removed to one of the state's three larger cities for autopsies.

State officials have begun to look at the problem.

Officials from the Division of Public Health, the court system, the Consumer Protection section of the Attorney General, but such stories do not die." Continued on page 17

Autopsy-related fees add up

When the state requires an autopsy, and the family must then pick up fees for funeral home services, what does it cost?

Eight funeral homes provide services in Alaska: two in Fairbanks, one in Juneau and five in Anchorage. Fees vary from funeral home to funeral home. And they vary because of preference for more service or more expensive services.

One funeral home director, who asked that his firm not be named, outlined services and charges often en-

countered by families when an autopsy is performed.

Some of these services are not required by state public health laws, but grieving families often elect to have them performed after the body has been removed from the village for autopsy.

- Professional fees, \$420- includes arrangements with families, paperwork, permits, overhead (utilities, salaries, etc.), writing obituary.

- Embalming, \$395- preparing body with chemicals for burial. (Required)

- Operating room charge, \$100- restoring the body after autopsy. (Highly recommended by morticians).

- Transportation, \$85- charge when autopsy is performed away from funeral home and body must be transported to funeral home for embalming. (Required, unless other arrangements can be made).

- Casket, \$300 or more- (Families could elect to have body shipped back to village)

Grieving families caught in 'Catch-22' of autopsy

Continued from page 16
eral's office and the Alaska State Troopers met in September to discuss the concerns and begin to find solutions.

"There is a problem, several problems involved," said Cole.

"There are problems because there are several agencies involved, and a lot of tension focused on all of it."

Key to the discussions is who should pay for autopsy-related fees which the court system does not pick up.

Current regulations in both the Division of Public Health and the court system do not authorize the state to pay for embalming and services incidental to autopsies.

"I personally feel the court system has the responsibility for paying the costs of embalming," said Dr. E. S. Rabeau, director of the Division of Public Health and deputy director of the Department of Health and Social Services.

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"Personally, I feel the state should pay. But which agency?"

Another problem that can be addressed, Cutler said, is that of informing the public.

"A lot of people who do qualify don't know they qualify.

"It's not easy for the troopers and the magistrates to deal with the families. Families are upset, sometimes the troopers are under time constraints to get the body out.

"And also, there is some question perhaps whether or not some funeral homes are doing a hard sell."

Will legislation be needed to sort out the problem?

"If we have to go that route, yes. But we prefer to settle it internally, if we can," Cutler said.

AVCP

Association of Village Council Presidents
P. O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

August 4, 1983

RECEIVED
AUG 10 1983

Art Snowden III
Administrative Director
Alaska Court System
303 K Street
Anchorage, AK 99501

Office of Administrative Director
Alaska Court System

RE: Court Ordered Autopsies in the AVCP/Calista Region

Dear Mr. Snowden:

I am writing to you on behalf of the 56 Native Villages of the AVCP/Calista Region concerning the present policy of having court ordered autopsies performed in Anchorage, outside of our Region.

Recent events in one of our villages, Kwethluk, underscore the legal and ethical limitations of removing the bodies of local residents for autopsy purposes to Anchorage. In Kwethluk, we had a serious clash of individual vs. state interests involved over the removal of the body of a local resident, Arnold Nicolai. The family of the deceased objected to the removal of the body on religious grounds and a prior adverse experience of having the body of a family member removed to Anchorage for autopsy purposes and not returned for a protracted period of time.

Although we recognize a legitimate State interest in conducting an inquiry into the cause of death, we believe that as a legal and ethical matter, the State must show a compelling reason for removing a body to Anchorage for an autopsy when fundamental First Amendment rights (i.e., Russian Orthodox and Eskimo religious practice of holding a 48 hour mourning period in the presence of the deceased and immediate burial of the untampered body thereafter) are involved.

As a matter of law, even if the State can show a compelling reason for an Anchorage autopsy (i.e., lack of facilities in Bethel and determination of the cause of death), the State is still under a burden in the face of a Fundamental Constitutional right to exercise that such an exercise would properly include holding all future court ordered autopsies in Bethel.

We believe that such a change in policy will go along way towards balancing the valid but competing interests of the State and our Native Eskimo people in the Bush. It will also help to defuse volatile confrontations, such as the Kwethluk incident, through a sensitive application of State law to Native interests.

Art Snowden III
Page 2
August 4, 1983

*DHSS
\$750
embalming
casket
preparation*

This procedural change would also rectify the additional financial burden placed on our rural families. Embalming and preparation costs directly related to the autopsy order are the responsibility of the deceased's family.

As a matter of information and courtesy, we are sending a copy of this letter to the interested parties listed below.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
Willie Kasayulie, Chairman

Gene Sobola for,
Ivan M. Ivan, President

*- it pays \$50 facility fee
for use of room*

IMI:TD:my

cc: Governor Sheffield
Senator John Sackett
Rep. Tony Vaska
John Nicori, Kwethluk Tribal Council President
Moses and Marty Nicolai, parents of the deceased
Liz Dillion, Tribal Council Member, Kwethluk
Atty Peter Ehrhardt, attorney for the Nicolai family
Commissioner of Health & Social Services
Commissioner of Public Safety
William "Spud" Williams, Tanana Chiefs Conference

Memorandum

Alaska Court System

TO:

All Magistrates, District Court
Judges and Clerks of Court

DATE : June 8, 1982

FROM: Bob Martin
Magistrate Training Assistant

SUBJECT: Funeral Expenses in
Coroner Cases

As of March 31, 1982, the Bureau of Indian Affairs and A.V.C.P. Social Services ceased paying for funeral expenses, i.e. embalming, casket and clothing, for deceased Alaska Natives taken to Anchorage for autopsy under court order.

The State Division of Public Assistance will now pay such funeral expenses up to \$750.00 for all persons unable to afford these costs.

To obtain this assistance the decedent's family or next of kin should contact the nearest Division of Public Assistance District Office (see Attachment #1).

If the family receives welfare assistance of any kind, they are presumed eligible for burial assistance. Otherwise, a form entitled Application for Food Stamps (GEN #50) with the words "GR Burial Application" added in the middle of the first page should be completed and submitted to the nearest district office (see Attachment #2). This form is available from village fee agents. When burial assistance is requested, the Division will determine eligibility, advise the applicant whether these services will be provided and, if so, arrange payment with the funeral home.

The Court System will continue to pay autopsy and transportation costs.

Further questions on this subject should be forwarded to my office.

BM/kl

Attachments

cc: Susan Miller



DIVISION OF PUBLIC ASSISTANCE DISTRICT OFFICES

The following is an up to date listing of all of the Division of Public Assistances offices and the decision making offices they each report to as of 6/1/82.

Southeast Region

Decision Making Office

21 Juneau
24 Petersburg

Juneau

23 Ketchikan
22 Sitka

(Are decision makers)

Northern Region

Decision Making Office

41 Fairbanks
42 Galena
* # 45 Barrow
* # 49 Hinto
* # 78 Tok

Fairbanks

43 Ft. Yukon
47 Kotzebue

(Are decision makers)

Southwest Region

Decision Making Office

51 Bethel
* # 54 Mt. Village
55 Aniak

Bethel

46 Nome (Is D.M.O.)
48 Unalakleet (Non-D.M.O.)
(Reports to Nome)

Southcentral Region

Decision Making Office

* # 70 Aleutians
71 Anchorage
72 Valdez
73 Dillingham
* # 74 Cordova
75 Kodiak
* # 81 McGrath

Anchorage

76 Kenai (Is D.M.O.)
77 Wasilla (Is D.M.O.)

Note: A Wrangell office has recently opened: this office presently reports to Juneau.

A Palmer office has also opened: this office reports to Wasilla

An * represents areas where there is presently no P.A. district office.

APPLICATION FOR
FOOD STAMPS
AID TO FAMILIES WITH DEPENDENT CHILDREN

(DATE STAMP HERE)

We will consider this application without regard to race, color, sex, age, handicap, religion, national origin, marital status, or political belief. If you believe you have been discriminated against, you can file a complaint with the Division of Public Assistance or the Department of Health & Social Services. Food Stamp complaints may also be sent to USDA FNS Western Region, 550 Kearney St. San Francisco, California 94108

FOR OFFICE USE ONLY:

Case No. _____ Date Received by _____
Decision Office _____

GR APPLICATION

New

Review or RC

Expedited Service

INSTRUCTIONS FOR COMPLETING APPLICATION

CAREFULLY READ and complete all of the questions in the application. All of the questions must be completed before your application can be processed. If a question does not apply to your situation, write "N/A". If you don't know or don't understand what the question means, write "don't know" or "not sure". Your eligibility worker or fee agent will assist you with these questions during your interview.

We are required to take action on your application within 30 days from the time it is received in our office. If you are applying for food stamps, you will receive them for the entire month in which you first apply. Most clients have to have an interview before we can see if they are eligible, but you do not have to wait for an interview before you turn in your application.

When you are interviewed, be sure to bring with you proof of all income received by all household members; for example—pay stubs, award letters from government benefits such as Social Security income, Unemployment Insurance, BIA grants, and other similar income.

You must list the Social Security number of each person for whom you want to receive a cash payment. If someone doesn't have a Social Security number, your eligibility worker or fee agent will help you apply for one. We will also need proof of the age and relationship of the children applying for AFDC (birth certificate, baptism papers, or school records will give us the necessary information). If you are applying for food stamps, all members age 18 and over must provide a Social Security number and certain members must also complete a work registration form.

We also need the following: rent or house payment receipts, utility bills, checking or savings account statements, child care receipts and work related expense receipts.

ASSISTANCE REQUESTED: Check the boxes which match your situation:

- FOOD STAMPS ONLY (available for most low-income households)
- AFDC ONLY (a cash payment for families in which one or both parents of a child(ren) under 18 are absent, deceased, disabled, or incapacitated)
- BOTH AFDC and FOOD STAMPS

GR burial application

YOUR NAME _____
(First) (Middle) (Last) Phone where you can be reached _____
STREET ADDRESS _____
MAILING ADDRESS _____ City _____ State _____ Zip _____

Describe how to get to your home if you don't have a street address: _____

Have you applied for assistance before? No Yes Where? _____ When? _____
If yes, under what last name did you apply? _____

IF YOU NEED FOOD STAMPS RIGHT AWAY: If your household (you and the people who live and eat with you) has little or no income right now, you may be able to receive food stamps within a few days. Answer the following questions if your household has little or no income and needs food stamps right away, and then complete the application.

Has anyone in your household received any income so far this month? Yes No If yes, how much? \$ _____
Did our household's entire income recently stop? Yes No When? _____
Does anyone in your household expect to receive income later this month? Yes No Don't Know
If yes, how much? \$ _____ When? _____
How much do the members of our household have in cash and savings (give your best estimate of the total)? \$ _____

HOUSEHOLD MEMBERS List yourself first if you are also applying:

Name:	(Last)	(First)	(M.I.)	Social Security Number	Relationship	Birthday Month/Day/Year	Age
1.				-- --			
2.				-- --			
3.				-- --			
4.				-- --			
5.				-- --			
6.				-- --			

(If you need more room, use page 8)

ADDITIONAL INFORMATION:

Are household members listed above either U.S. citizens or persons from another country residing legally in the United States? Yes No If answer is no, please explain the circumstances. _____

Are any of the persons 16 through 17 years old in school or vocational training? Yes No Are any of the persons 18 through 20 years old in school or vocational training? Yes No

If you are not working, are you receiving Unemployment benefits? Yes No List all other persons in your home who are also receiving Unemployment: _____

Has anyone in your household quit a job in the last 60 days? Yes No If yes, give date quit and explain: _____

RESOURCES:

Does anyone in your household own (or are you buying) any cars, trucks, boats, campers, motorcycles, snowmachines, airplanes, or other vehicles? Yes No If yes, please describe. _____

	MAKE	MODEL	YEAR	AMOUNT OWED	ESTIMATED VALUE
1.					
2.					
3.					

List the total amounts of money you and the members of your household have: Cash on Hand \$ _____ Stocks and Bonds \$ _____

Do you or anyone in your household have a bank account, savings account, checking account, or money in a savings and loan or credit union? Yes No If yes, complete the following: Type of account (checking, savings, etc.) _____ Money in the account today \$ _____ Name of Bank (savings & loan, etc.) and branch _____ Name(s) on the Account _____ Account # _____

Do you or anyone in your household share a joint bank, savings and loan, or credit union account of any type with someone who is not living in your home? Yes No If yes, give names on the account, name of the bank and branch, and the amount now in that account: _____ Account # _____

Does your household own any real estate besides the home you are living in, such as land or buildings (including buildings you rent to others)? Yes No If yes, you may need to provide us with information about the value of the property, any amount owed, and what the property is used for. Describe property. _____

Did you or a member of your household sell, trade, or give away anything of substantial value during the last three months? Yes No If answer is yes, explain. _____

MEMORANDUM

State of Alaska

TO: The Honorable John Sackett
Senator
Alaska State Legislature

DATE: March 20, 1984

FILE NO:

FROM: Norma Lang
Legislative Liaison
Department of Health & Social
Services

TELEPHONE NO:

SUBJECT: Fiscal Note for SB 382

Please destroy the Estimated Costs sheet attached to the Fiscal Note for SB 382 dated 2/10/84 and replace with the attached Estimated Cost Sheet.

Attachment

cc: Marilyn Twitchell, Governor's Office
Mike Greany, Legislative Finance
Senate Finance Committee
Lisa Emerson, OMB

Estimated Costs

Estimate FY 85 850 autopsies ordered per AS 12.65

Estimate 250 rural origin
600 non-rural

Mortuary cost per body x 850

Pickup & delivery	\$ 80.00
Embalming	\$230.00
Clothing body	\$ 95.00
Body Cosmetology	<u>\$ 90.00</u>

\$495.00 x 850 = \$420,750

Post mortem examination and autopsy cost per body x 850

Operating room	\$100.00
Laboratory fee	\$100.00 av.
Pathologists fees	\$450.00 av.
Local transportation	<u>\$ 50.00 est.</u>

\$700.00 x 850 = \$595,000

Rural transportation cost per body x 250

Air fares	\$600.00 x 250 = \$150,000
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Administrative Costs

Administrative Assistant II	35.9
Travel	4.0
Contractual (phone, forms, space, etc.)	8.9
Commodities	2.0
Equipment (desk, typewriter, files calculator, etc.)	<u>5.0</u>

\$55.8 \$ 55,800

TOTAL \$1,221,550

Funding required for FY 85 will be \$1,157.1. Proposed funding for this service is from the following sources:

Court System - Judicial Branch (deleted by Fiscal Note submitted by Court System)	\$539.1
New funding to cover increased services as proposed by Bill.	618.0

TOTAL appropriation required for this bill \$1,157.1

An estimated amount of \$64.5 to be recovered by billing the DH&SS, Public Assistance GR Med Program. Recipients covered under this program are indigent.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 382
Title: Payment of costs of post mortem examinations & autopsies
Sponsor: Ferguson & Sackett
Requestor: Senate Finance
Date of Request: 1/27/84

FISCAL DETAIL

Agency Affected: Dept. of Health & Social Services
Program Category Affected: State Health Services-Public Health
BRU, Program or Subprogram(s) Affected: Public Health Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		35.9	37.7	39.6	41.6	43.7
200 TRAVEL		4.0	4.2	4.4	4.6	4.9
300 CONTRACTUAL		571.1	600.7	630.3	662.3	695.4
400 SUPPLIES		2.0	2.1	2.2	2.3	4.4
500 EQUIPMENT		5.0	5.3	5.5	5.8	6.1
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		618.0	650.0	682.5	716.6	754.5
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND		618.0	650.0	682.5	716.6	754.5
FEDERAL FUNDS						
OTHER						
TOTAL		618.0	650.0	682.5	716.6	754.5

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: General Fund

ANALYSIS: Attach a separate page for analysis

Prepared By: David Bruce, Deputy Director Phone: 465-3090
Division: Public Health Date: 2/6/84

Approved by Commissioner: Robert London Smith Date: 2/10/84
Agency: Dept. of Health and Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Estimated Costs

Estimate FY 85 850 autopsies as per AS 12.65

Estimate 250 rural origin
600 non-rural

Mortuary cost per body x 850

Pickup & delivery	\$ 80.00
Embalming	\$230.00
Clothing body	\$ 95.00
Body Cosmetology	<u>\$ 90.00</u>

\$495.00 x 850=\$420,750

Post mortem examination and autopsy cost per body x 850

Operating Room	\$100.00
Laboratory fee	\$100.00 av.
Pathologists fees	\$450.00 av.
Local Transportation	<u>\$ 50.00 est.</u>

\$700.00 x 850=\$595,000

Rural Transportation cost per body x 250

Air fares	\$600.00 x 250=\$150,000
-----------	--------------------------

TOTAL	\$1,165,750.00
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Administrative Costs

Administrative Assistant II	35.9
Travel	4.0
Contractual (phone, forms, space, etc.)	8.9
Commodities	2.0
Equipment (desk, typewriter, files, calculator, etc.)	<u>5.0</u>

TOTAL	\$55.8
-------	--------

Additional funding required for FY 85 will be \$707.2. Funding for this service currently proposed in the Governor's Budget is as follows:

Court System - Judicial Branch	\$539.1
Department of Health and Social Services Public Assistance, General Relief	<u>64.5</u>
	\$603.6

Total SB 382 required	\$1,221.6
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Total FY 85 Governor's Budget	\$618.0
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1.	POSITION TITLE Administrative Assistant II			RANGE/STEP 14/A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPROV.	DISCIP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER NA	PCN NUMBER New Position	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	27,833							
6.	Benefits	8,067							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01		35.9					
10.	Travel	02		4.0					
11.	Contractual	03		8.9					
12.	Commodities	04		2.0					
13.	Equipment	05		5.0					
14.	Other								
15.	TOTAL COST			55.8					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		55.8					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

Administrative Assistant II would be responsible for coordinating approximately 850 post mortem examinations on an annual basis as required by AS 1 .65.020. The position is necessary in order to assure coordination of transportation of the deceased from rural areas to Fairbanks or Anchorage; purchase maintenance, and storage of transport seekers; contracts and payments for pathologist conducting autopsies and contract and payment to funeral homes for autopsies, embalming and related costs. The Court System did not propose transferring any positions to the Department of Health and Social Services to run the program.

AGENCY Dept. Health & Social Services

PROGRAM Public Health

BRU State Health Services

COMPONENT Public Health Administration

13 REQUEST FOR
NEW POSITION

FY 85

Page 1 of 1

Revised Date 2/2/84

POSITION PAPER
Senate Bill No. 382

"An Act relating to payment of costs of post mortem examinations, autopsies, embalming, and related services, and providing for an effective date."

The bill makes provision for transferring the payments of post mortem examinations, autopsies, transportation of the deceased, embalming, storage of bodies and other related services. Attached is a page showing the estimated costs of the post mortem examinations, autopsies and related costs. This was developed from interviewing various funeral homes around the State and court system personnel. We were advised the court system had set the rates for which it would pay mortuaries in 1970 and had not raised them since. Medical examiners are reportedly paid \$50.00/hr. by the State and their normal fee varies from \$100.00 to \$200.00 per hour. Because of this low rate we have been unable to find anyone willing to accept appointment as a medical examiner in the Fourth Judicial District. Whether or not SB 382 is passed we expect to see substantial cost increases within the next few years due to rates having been kept artificially low over the years.

This bill also expands greatly the functions for which the State will be responsible. By assuming possession of the body and performing an autopsy we have taken away the surviving families option of a burial without embalming. Thus we have a moral obligation to pay for the added costs of returning a body to the family for burial. When a person dies of certain communicable diseases or burial is delayed over 24 hours the State mandates that the body be embalmed. This is primarily a public health function.

In Senate Bill 382 on lines 16 and 17 the term related costs is used. Due to the ambiguity of what this term could mean we request it be removed and either allow the Department of Health and Social Services to decide what costs will be compensated or define specifically what services for which the State will pay. At this time the Department of Health and Social Services does not anticipate and has not budgeted for caskets, any expenses related to a coroner inquest or other legal inquiry, long term storage of the body or effects, transportation past Alaska's boundaries, actual burial costs or a burial plot.

The Court System has proposed transferring \$539.1 to the Department of Health and Social Services. They do not propose transferring any positions to handle the program. Our fiscal note includes one Administrative Assistant II to develop and oversee the activity. At the present time we do not have sufficient staff to handle the work this program entails.

The Department of Health and Social Services supports passage of this bill if accompanied by the attached fiscal note.

POSITION PAPER
SB 382 - Page 2

Recommended by: E. S. Rebeau MD David Rebeau
E. S. Rebeau, M.D., Director
Division of Public Health

Date: 2/7/84

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and
Social Services

Date: 2/10/84

Introduced: 1/27/84
Referred: Finance

1 IN THE SENATE

BY FERGUSON AND SACKETT

2

SENATE BILL NO. 382

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the payment of costs of post
7 mortem examinations, autopsies, embalming, and re-
8 lated services; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 12.65 is amended by adding a new section to read:

11 Sec. 12.65.025. POST MORTEM EXAMINATIONS. The commissioner of
12 health and social services shall designate the facilities at which
13 post mortem examinations, autopsies, embalming, and related services
14 ordered under this chapter may be performed. The Department of Health
15 and Social Services shall pay the costs of post mortem examinations
16 and autopsies ordered under this chapter and the costs of related
17 services, including transportation and storage of bodies and embalm-
18 ing.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).