

LEGISLATIVE FINANCE - HOUSE / SENATE FINANCE COMM. FILES 8879

HB 63 cont. - HB 65 440 31

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

Public participation has been limited to the legislative hearings which resulted in the revision of the parole statutes.

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

- A. Twenty cases were opened by the Ombudsman's Office since the last audit. Nine cases were declined, three discontinued, and the Ombudsman advised the inmate/parolee on proper procedures in six cases. Of two fully investigated cases, an error was found in an agency booklet concerning pardons (subsequently withdrawn for correction) and a parole revocation was found to be justified.
- B. Complaints filed directly with the Department or the Board are handled as requests for rehearings or special hearings.

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

The Parole Board does not regulate an occupation or profession.

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

All hires and Board appointments complied with appropriate regulations.

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

Additional staff may be necessary if the workload increases at the present rate (see Appendix A).

APPENDIX

APPENDIX A

ALASKA STATE BOARD OF PAROLE

WORKLOADS

<u>Work Activity</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Parole Hearings	166	238	244	231	233	210
Mandatory Parole Revocation Hearings	7	26	37	40	57	128
Preliminary Revocation Hearings	26	32	26	31	67	75
Arrest Warrants Issued	27	45	41	88	86	151
Supplemental Mandatory Conditions Set	26	N/A	141	179	373	515
Emergency Conditional Commutation Release	none	104	107	174	350	0
Consider Non-Award of HB 106 Good Time	none	0	0	0	144	303
TOTAL	<u>252</u>	<u>445</u>	<u>596</u>	<u>743</u>	<u>1,310</u>	<u>1,382</u>

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

REPLY TO:

P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3378

DEC 21 1988

December 15, 1988

Randy S. Welker  
Legislative Auditor  
Division of Legislative Audit  
P.O. Box W  
Juneau, Alaska 99811-3300

RE: Parole Board  
Preliminary Audit Report

Dear Mr. Welker:

Thank you for the copy of the preliminary audit report on the Alaska Parole Board and for the opportunity to respond to the report.

We agree with the report conclusion and the analysis of public need. I would suggest several minor changes as noted below.

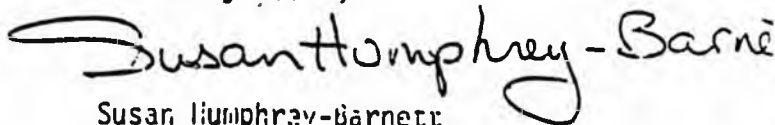
The last phrase of the 3rd sentence in the first paragraph on page 3 should be amended to read "although travel costs, compensation and per diem are provided."

The last sentence in the first paragraph on page 3 needs to reflect an administrative staff of Executive Director, Parole Administrator, Parole Board Officer, and one clerical personnel.

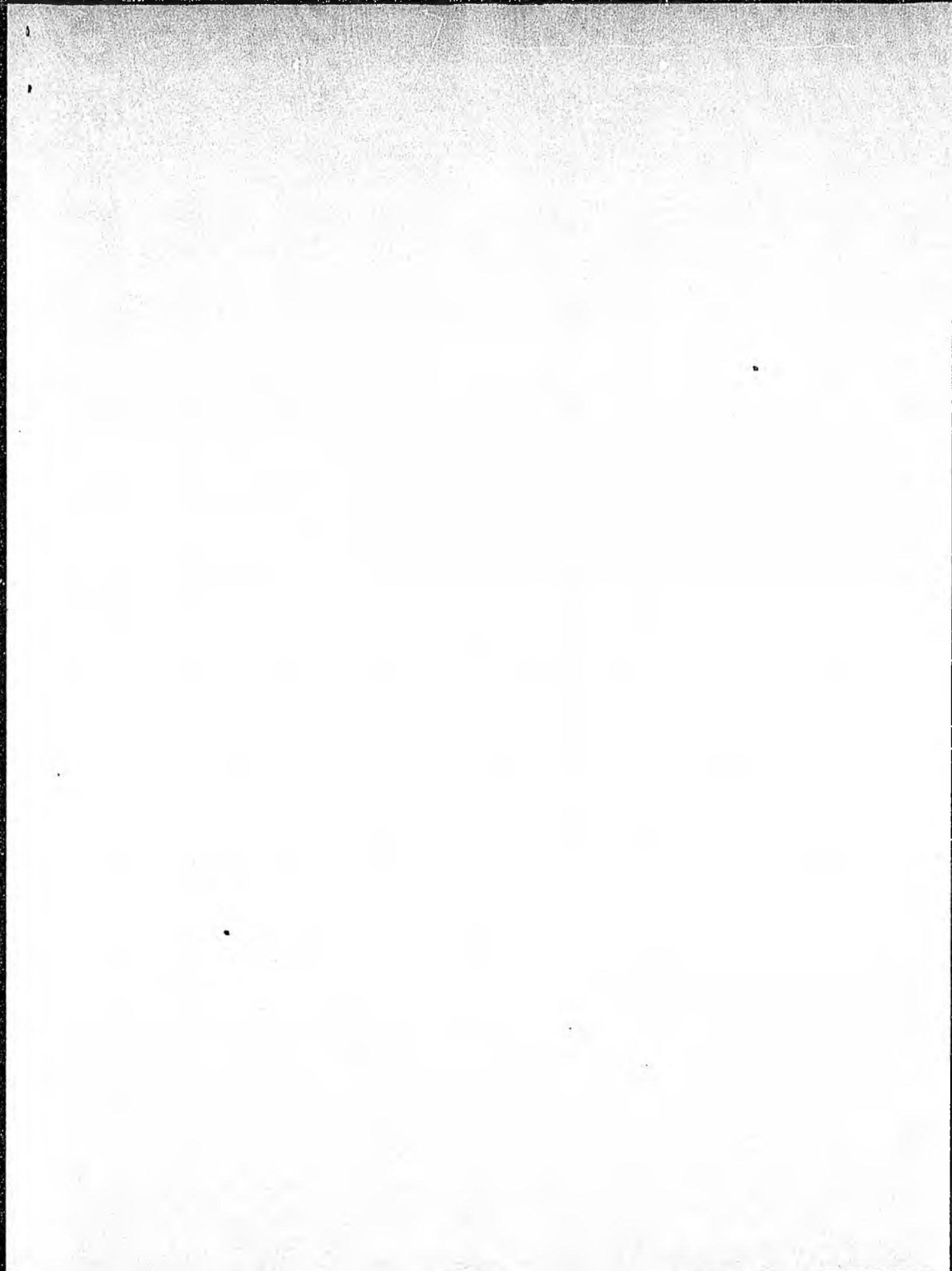
Finally, clarification needs to be provided on Appendix A attached to the report. In an attempt to keep the chart simple, the Parole Board did not provide the numbers of "other work activity" included in the totals for each year. In retrospect that was a mistake. A corrected appendix is attached for your information including the additional line with the accurate numbers for each of the years.

Please contact me or Parole Board Executive Director Sam Trivette if you need additional information.

Sincerely yours,



Susan Humphrey-Barnett  
Commissioner



STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 9, 1989

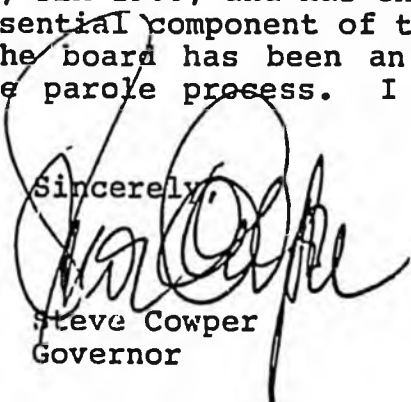
The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the board of parole for the customary four-year period (see AS 44.66.-010(c)). Under current law the board is scheduled to "sunset" June 30, 1989. Under AS 44.66.010(b), it will then go into its wind-down year.

Article III, sec. 21, of the Alaska Constitution requires a parole system to be provided by law. The state board of parole was created by ch. 81, SLA 1960, and has existed ever since. Parole remains an essential component of the state's criminal justice system. The board has been an effective vehicle in administering the parole process. I urge your support of this bill.

Sincerely,



Steve Cowper  
Governor

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SENATE COMMITTEE REPORT

FURTHER

4/5/89

DATE TURNED INTO OFFICE

4/24/89

Mr. President:

FINANCE

Committee considered

HB 63

state board of parole; efd

and recommended

- replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title
- attached amendment(s) and  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

- FISCAL NOTE(S)  <sup>HFC:DOC</sup> zero  fiscal impact  appropriation no FN
- new  updated  previous
- same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chairman signature and recommendation

Committee Backup attached

[Signature] Co-Chair

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Continuing the state Board  
of Parole  
 Sponsor: Rules/Governor  
 Requestor: House Finance

Agency Affected: Corrections  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

The proposed funding for the state Board of Parole is included in the Governor's FY 90 budget request for the Department of Corrections. See attached budget detail.

Prepared by: House Finance Committee Phone: 465-3727  
 Division: Co-Chairman Ron Larson Date: 2/10/89

Approved by Commissioner: [Signature] Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Adopted

07-20-01-05-00 (0-00-50520-0695 )

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 14:14 1/03/89

AGENCY: DEPARTMENT OF CORRECTIONS  
 CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: ADMINISTRATION AND SUPPORT  
 SUB-PROGRAM: PAROLE BOARD

LEG. FIN.

----- F I S C A L Y E A R 1 9 9 0 -----

EXPENDITURES & FUNDING	(01) FY88 ACT	(02) FY89 CC	(03) COL 03	(24) FY89 ATH	(25) FY90BASE	(26) FY90ADJD	(27) FY90 AGY	(28) FY90 GOV	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	206.1	212.6		212.6	219.0	219.0	234.1	219.0					
02 TRAVEL	91.6	107.5		107.5	107.5	107.5	119.3	107.5					
03 CONTRACTUAL	82.0	72.6		72.6	72.6	72.6	82.9	72.6					
04 COMMODITIES	1.7	2.1		2.1	2.1	2.1	2.1	2.1					
05 EQUIPMENT	4.0												
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	385.4	394.8		394.8	401.2	401.2	438.4	401.2					
09 I-A TRANSFER		2.3		2.3	2.3	2.3	2.3	2.3					
1004 GEN FUND	385.4	394.8		394.8	401.2	401.2	438.4	401.2					
15 FULL TIME	4.0	4.0		4.0	4.0	4.0	4.0	4.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS	48.0	48.0		48.0	48.0	48.0	48.0	48.0					

Introduced: 1/9/89  
Referred: Health, Education &  
Social Services, Judiciary and  
Finance

go00719h

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 63

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act continuing the state board of parole; and

7

providing for an effective date."

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

9

\* Section 1. AS 44.66.010(a)(3) is amended to read:

10

(3) Board of Parole (AS 33.16.020) -- June 30, 1993 [1989];

11

\* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

STEVE COWPER  
GOVERNOR



cc  
76863

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 9, 1989

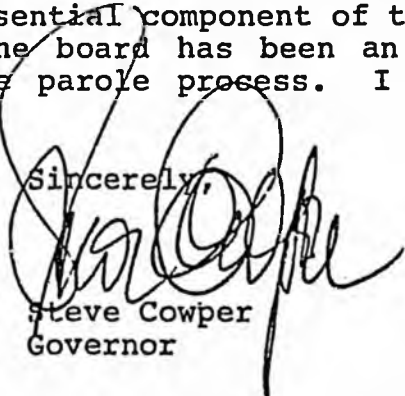
The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the board of parole for the customary four-year period (see AS 44.66.-010(c)). Under current law the board is scheduled to "sunset" June 30, 1989. Under AS 44.66.010(b), it will then go into its wind-down year.

Article III, sec. 21, of the Alaska Constitution requires a parole system to be provided by law. The state board of parole was created by ch. 81, SLA 1960, and has existed ever since. Parole remains an essential component of the state's criminal justice system. The board has been an effective vehicle in administering the parole process. I urge your support of this bill.

Sincerely,



Steve Cowper  
Governor

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# HOUSE COMMITTEE REPORT

(11)

Date Referred: January 20, 1989

FURTHER REFERRALS:

Date of Committee Action: 1/31/89

The FINANCE Committee recommends that:

HOUSE BILL NO. 64 [EXTEND OLDER ALASKANS COMMISSION]

"An Act continuing the Older Alaskans Commission; and providing for an effective date."

[ ] be replaced with \_\_\_\_\_ [ ] the same title  
[ ] a new title

[ ] have attached amendment(s)

- do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [ ] fiscal impact
- [ ] zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- [ ] fiscal note(s) published: \_\_\_\_\_
- [ ] zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

Diid Shultz SHULTZ  
Jay Brown BROWN  
Harold Barnes BARNES  
Wes Koponen KOPONEN  
Donald J. Larson LARSON  
Jim Wimer WIMER

SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend)

Kay Wallis WALLIS  
John Rieger RIEGER

Donald J. Larson  
 Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: revised 1/27/89  
Title: An act continuing the Older Alaskans Commission  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Dept. of Administration  
BRU: Older Alaskans Commission  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		-0-				
TRAVEL		-0-				
CONTRACTUAL		0				
SUPPLIES		-0-				
EQUIPMENT		-0-				
LAND & STRUCTURES		-0-				
GRANTS, CLAIMS		-0-				
MISCELLANEOUS		-0-				
TOTAL OPERATING		-0-				

CAPITAL		-0-				
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REVENUE		-0-				
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		0				

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This BRU budget includes \$5,693.7 in federal receipts; \$915.5 state general fund match; and \$2,858 state general funds.

SEE ATTACHED DETAIL INFORMATION

Prepared by: Connie J. Sipe  
Division: Connie J. Sipe

Phone: 465-3250  
Date: 1-27-89

Approved by Commissioner: John M. Andrews  
Agency: Dept. Administration

Date: 1/27/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

Adopted

OLDER ALASKANS COMMISSION  
FY 90 BUDGET REQUEST  
JULY 1, 1989 - JUNE 30, 1990

<u>Cost Categories</u>	<u>Community Services Title III Admin.</u>	<u>Senior Employment Title V Admin.</u>	<u>LTC Ombudsman</u>	<u>Comm/Svcs Title III AS 47.65 Grants</u>	<u>Senior Employment Title V Grants</u>	<u>U.S. Dept. Agriculture</u>	<u>Federal Training Grant Title IV</u>	<u>Restr. on Fed. Auth.</u>	<u>Total</u>
Personal Svcs.	566.1	158.3	55.3	0.0	0.0	0.0	0.0	27.5	793.1
Travel	41.7	8.8	8.5	0.0	0.0	0.0	0.0	0.0	59.0
Contract Svcs.	54.0	24.0	12.0	0.0	0.0	0.0	85.0	20.2	195.2
Supplies	8.2	1.7	0.6	0.0	0.0	0.0	0.0	0.0	10.5
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0	0.0	0.0	6,538.4	1,601.6	256.0	0.0	13.4	8,409.4
Total	670.0	192.8	76.4	6,538.4	1,601.6	256.0	85.0	61.1	9,481.3
Federal Funds	300.0	192.8	76.4	3,501.1	1,235.4	256.0	85.0	61.1	5,693.7
State G.F. Match	107.3	0.0	0.0	648.2	160.0	0.0	0.0	0.0	915.5
State G.F.	262.7	0.0	0.0	2,389.1	206.2	0.0	0.0	0.0	2,858.0
Staff Positions									
Full PT									16.0
Part PT									0.0
Staff Months									192.0

NOTE: Agency expects personal services to return to FY 90 Adj. Base figure of 807.2 in Governor's Revised Budget Request. Revision will also return 2 FT positions to 2 PT.

"

Introduced: 1/9/89  
Referred: State Affairs and  
Finance

go00499h

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 64

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act continuing the Older Alaskans Commission; and  
7 providing for an effective date."

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

9 \* Section 1. AS 44.66.010(a)(10) is amended to read:

10 (10) Older Alaskans Commission (AS 44.21.200) -- June 30,  
11 1993 [1989];

12 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

not adopted



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

### *Committee on Finance*

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

HOUSE FINANCE COMMITTEE  
LETTER OF INTENT  
FOR  
HOUSE BILL 64

It is the intent of the House Finance Committee that the Older Alaskans Commission comply with state and federal statutes and regulations regarding administration of the Older Americans Act.

---

Rep. Ron Larson, Co-Chair

---

Rep. Lyman Hoffman, Co-Chair



## Older Alaskans Commission

Box C  
Juneau, Alaska 99811-0209  
907/465-3250

### SUPPLEMENTAL TESTIMONY ON HB 64

The Older Alaskans Commission respectfully urges the House Finance Committee to pass out HB 64 without an accompanying letter of intent. The Commission is of course subject to compliance with all state and federal laws relevant to its operations, but the letter of intent may give a misleading impression that the OAC has somehow been out of compliance.

In preparation for the current sunset review, the Division of Legislative Audit conducted a Performance Audit of the OAC. The Audit Report did not find any OAC violations of federal or state law, and recommended the re-establishment of the Commission.

The Older Americans Act and the State OAC Act both exhort the OAC--as the State Office on Aging--to conduct many types of activities. Receipt of federal funds depends on approval by the Administration on Aging of a State Plan, wherein the OAC must demonstrate how it will comply with federal requirements. The OAC is currently operating under an approved State Plan, and is in the process of submitting a new Plan for 1989 through 1991 for federal review and approval.

The OAC recognizes that there will always be debate over just how the Commission should carry out its statutory duties, and where it should place the emphasis of its Commission and staff time and resources. The Commission is currently focusing the greatest part of its advocacy and development efforts on pulling together the fragmented services for seniors into a Home and Community-Based Care System. This effort will take time, and coordination at state, regional, and local levels.

The OAC continues its work, as mandated by AS 44.21.230(3), to ...encourage and aid the development of municipal commissions serving older Alaskans and community-oriented programs and services for the benefit of older Alaskans.

The OAC distributes its earlier published book on how to establish a local senior commission, and this year has invited the four local senior commissions to join the Commission for a weekly teleconference on legislative actions of interest to seniors.

In summary, the Older Alaskans Commission believes that it makes all best efforts to comply with all federal and state laws. A letter of intent is not needed for those efforts to continue.

However, if it is the pleasure of the Committee, the Commission does not object to the passage of the bill with the proposed letter of intent.

APPROVED BY:

*Cornelia J. A. [Signature]*  
for: Mellie Terwilliger, Chair  
Older Alaskans Commission

DATE: 2-1-89

REVIEWED BY:

*[Signature]*  
John M. Andrews, Commissioner  
Department of Administration

DATE: 2/1/89



## Older Alaskans Commission

Box C  
Juneau, Alaska 99811-0209  
907/465-3250

### HB 64 OVERVIEW OF THE COMMISSION

#### I. Federal Statutory Role of the Older Alaskans Commission (OAC)

The Older Americans Act of 1965 (amended 1987), Public Law 100-175, provides grants for programs for senior citizens (over 60) to the states, and requires that each state designate one state agency as the "sole State agency" to administer these grant programs within the state. Section 305. Since 1981, the Older Alaskans Commission has performed this function.

The Older Americans Act requires the State Unit on Aging to (1) develop a State Plan for senior programs, (2) coordinate all state activities related to the Older Americans Act, and (3) serve as an advocate for the elderly within the state, including review, comment, and technical assistance to any agency or individual.

#### II. State Statutory Role of the Older Alaskans Commission

- A. AS 44.21.200, passed in 1981, created the Older Alaskans Commission, placing it in the Department of Administration.

The Commission members include seven Alaskan citizens appointed by the Governor, and the commissioners of Administration, Health and Social Services, and Community and Regional Affairs, and the chair of the Pioneers Homes Advisory Board.

Summary of duties and responsibilities: The Older Alaskans Commission must "formulate a comprehensive statewide plan" for senior needs, make recommendations to the governor and legislature regarding issues affecting seniors, encourage local senior commissions and programs to serve seniors.

The Commission is also charged with the responsibility to administer--with the approval of the Commissioner of Administration--federal programs under the Older Americans Act, and state programs funded with state general funds under AS 47.65.010.

## Overview of Older Alaskans Commission

B. AS 47.65, passed in 1980 and amended in 1981, authorizes state funds to be awarded as grants for "Community Service Programs" for "older Alaskans," which is defined as "over 60." AS 47.65 also sets required contribution--or matching--levels for the recipient of a grant.

III. OAC program components include the following programs, with their FY 89 budget noted:

- Home and Community Services to Seniors -- Grants of state and federal funds to community organizations to provide nutrition, access, and supportive services. (\$ 6,432,329)
- Senior Job Training and Community-Service Employment-- Grants of state and federal funds to train and employ low-income persons over 55. (\$ 1,601,400)
- The Office of the Long-Term Care Ombudsman--Federal and state funding of an advocate for residents of nursing homes. (\$ 127,900)
- Training of the Senior Network--Federal (only) grant administered by OAC to train members of the aging network statewide. (\$ 90,900)
- Federal Discretionary Grant to Alaska for the Alzheimer's Disease Family Support Group Project on providing respite care to families of victims. (Grant concluded December, 1988--total funding, \$ 78,100.)
- Legal Services Development--OAC staff produce or arrange seminars and educational publications on current legal issues. (In general administrative budget)

AMOS J. ALTER

P.O. Box ~~XXX~~ 20304

JUNEAU, ALASKA 99802

My name is Amos J. - Joe - Alter and I speak in support of House Bill No. 64. I live at 303 Distin Avenue, Juneau, Alaska

As a 45 year Alaskan resident, past president of Igloo No. 6 Pioneers of Alaska, past president of American Association of Retired Persons - Mount Juneau Chapter 365, - current member of the Mountain View Advisory Board - past chairman of the Juneau Commission on Aging and currently a member of that Commission, I am deeply interested in the Older Alaskans Commission and the very important role only it can play in meeting needs of senior Alaskans.. As a member of the Pioneers' Home Advisory Board I am keenly aware of the necessity for support services such as those provided through the Older Alaskans Commission and designed to keep senior citizens independent and in their own home as long as possible. They help provide the ounces of prevention that is so much more economical than a pound of cure. To lose the valuable services provided through the Older Alaskans Commission would result in increased costs to Alaskans in care. In addition to increase costs the dignity and well being of older Alaskans would be lessened seriously.

I urge continuance of the Older Alaskans Commission effective through June 30, 1993

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 9, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to continue the Older Alaskans Commission for the customary four-year period. (See AS 44.66.010(c).) Under current law, the commission is scheduled to "sunset" June 30, 1989. It will go into its "wind-down" year (under AS 44.66.010(b)) before going out of existence.

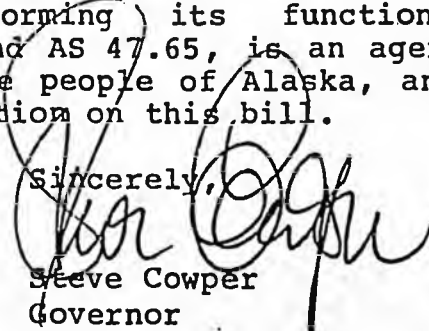
The commission serves as the state unit on aging, the single state coordinating agency for purposes of receiving federal money from the Administration on Aging. The commission administers both the federal money and the state money authorized under AS 47.65, for direct home and community-based services to senior Alaskans and for the Senior Community Service Employment Program for low-income workers over 55. In awarding grants under federal and state law, the commission strives to distribute services equitably and efficiently across the state and within communities.

The commission also serves as a statewide advocate for senior issues with the legislature and with other agencies within the judicial and executive branches. The commission engages in planning, research, and program development related to senior needs and senior services.

The commission's seven lay members, appointed by the governor, provide senior Alaskans with a strong voice in senior affairs at the local, state, and even federal levels.

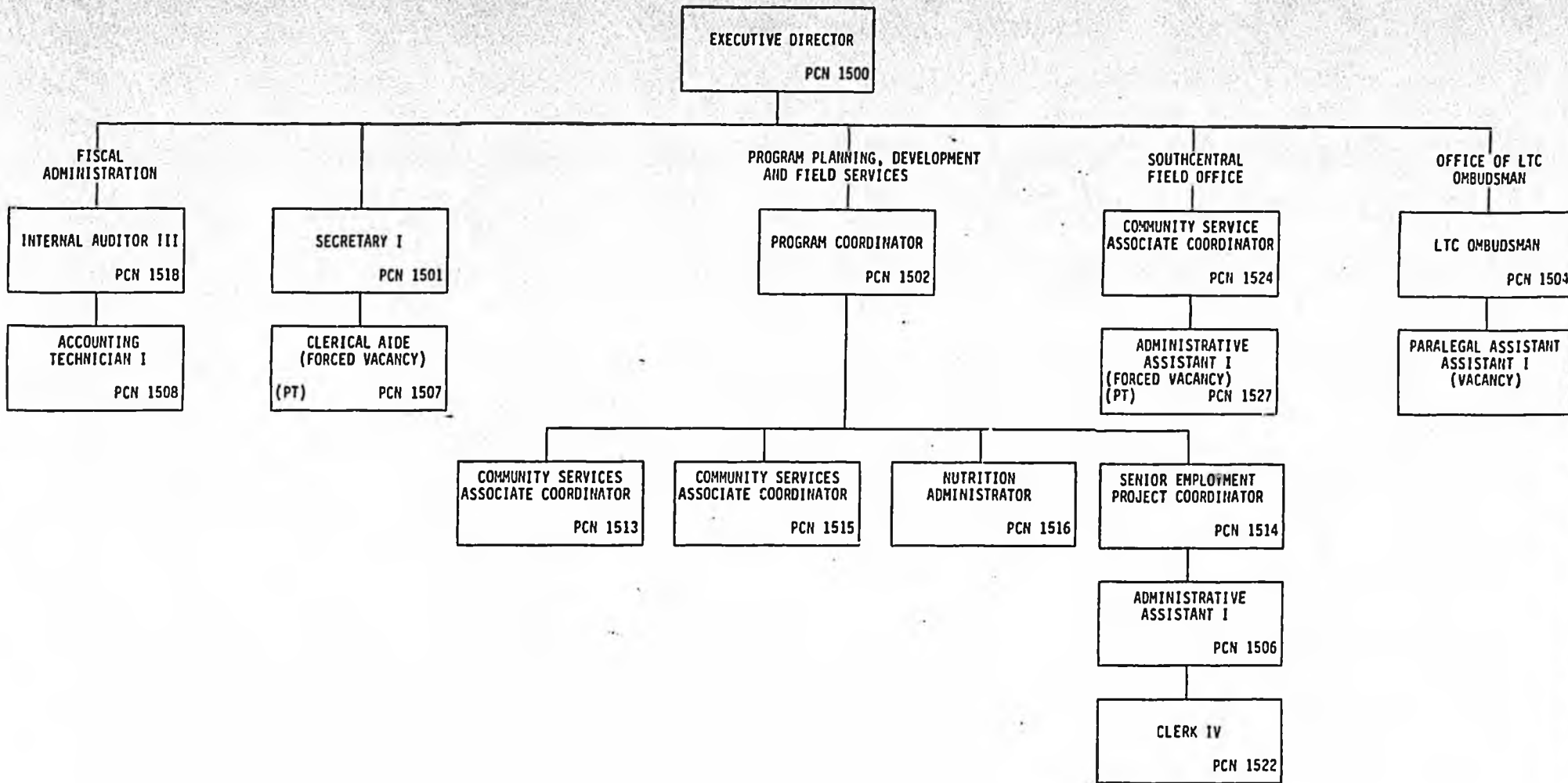
The commission, in performing its functions under AS 44.21.200 -- 44.21.240 and AS 47.65, is an agency vital to the best interests of the people of Alaska, and I urge your prompt and favorable action on this bill.

Sincerely,

  
Steve Cowper  
Governor

Item 2

cc  
14664



THE FOLLOWING DOCUMENT HAS  
NOT BEEN FILMED BUT IS  
AVAILABLE IN THE ORIGINAL  
FILE

A PERFORMANCE REPORT  
ON THE  
DEPARTMENT OF ADMINISTRATION  
OLDER ALASKANS COMMISSION

July 1, 1984 - June 30, 1988

Audit Control Number

02-1347-89-R

Commissioner, Department of  
Administration

John M. Andrews

Deputy Commissioners, Department  
of Administration

James J. Fox  
Charles Taylor

Members of the  
Older Alaskans Commission

Chairperson  
Member  
Member  
Member  
Member  
Member  
Member

Mellie Terwillinger  
Alton Ashcraft  
Bertha Adsuna  
Hazel Heath  
Dove Kull  
Peggy A. Burgin  
Robert Carpenter

# STATE OF ALASKA

**THE LEGISLATURE**  
BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
P.O. BOX W  
JUNEAU, ALASKA 99811-3300

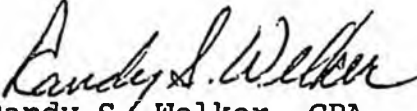
October 26, 1988

Members of the Legislative Budget  
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the Department of Administration, the Older Alaskans Commission.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Older Alaskans Commission was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.

  
Randy S. Welker, CPA  
Legislative Auditor  
Division of Legislative Audit

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
P.O. BOX WF  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

October 21, 1988

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 and 44 of the  
Alaska Statutes (sunset legislation), the attached report is  
submitted for your review.

A PERFORMANCE REPORT  
ON THE  
DEPARTMENT OF ADMINISTRATION  
OLDER ALASKANS COMMISSION

July 1, 1984 - June 30, 1988

Audit Control Number

20-1347-89-R



Mike Greany, Director  
Division of Legislative Finance

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## PURPOSE AND SCOPE OF THE REPORT

### Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Older Alaskans Commission (OAC) for the past four fiscal years to determine if the Commission has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether OAC should be reestablished. The law now specifies that the Commission will terminate June 30, 1989, and will have one year from that date to conclude its affairs.

### Scope

The major areas of our examination were program performance, administrative functions, and commission proceedings. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Tests of files and documents.
3. Interviews with program personnel.
4. Complaints filed with the Attorney General's office and the Ombudsman's Office.
5. Discussions with Commission members.
6. Minutes of Commission meetings and correspondence files.

The policy and audit approach utilized by the Division of Legislative Finance for Performance Review can best be described as "audit by exception."

This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made and little time is devoted to reviewing well-run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

## ORGANIZATION AND FUNCTION

Pursuant to Alaska Statute 44.21, the Older Alaskans Commission was created in July of 1981 and was established within the Department of Administration. The Commission consists of seven members who are selected based upon their knowledge and demonstrated interest in the concerns of older Alaskans. Commission members serve overlapping four year terms.

The Commission is authorized to administer and coordinate State programs for the elderly and to administer Federal programs provided under the Older Americans Act (42 U.S.C. 3001-3045i). Together, the provisions of Alaska Statute 44.21 and the Older Americans Act define the purpose, scope of work, and authority of the Commission. The Commission conducts four primary functions:

Allocation: To determine the appropriate distribution of state and federal funds to purchase needed programs and services for older Alaskans;

Advocacy: To advocate for the needs and interests of older Alaskans at both state and local levels;

Coordination: To increase the coordination of both state and local resources available to address the needs of older Alaskans; and

Resource and System Development: To develop or expand services to older Alaskans as well as to ensure a more systematic and thorough approach to meeting their needs.

The board scope of this legislative mandate, opens nearly all the concerns of older Alaskans to the consideration of the Commission. However, AS 44.21 further stipulates that the Commission may not investigate, review, or undertake any responsibility for the longevity bonus program or the Alaska Pioneers' Homes.

## REPORT CONCLUSION

### Policy Issues

This report contains policy and/or procedural issues raised as a result of our evaluation of various Commission practices. The final decisions affecting these practices are not within the scope of this report, but requires legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of changes can be evaluated.

### Report Conclusion

In our opinion, the Older Alaskans Commission should be reestablished. The intent of creating the Commission by the Legislature was to assure the remaining years of citizens over the age of 60 are years of good health, honor, and dignity. The Commission has implemented this mandate by:

1. Providing services in the areas of health, transportation, employment, education, home care, and housing to older Alaskans.
2. Advocating for the needs of older Alaskans in the planning and delivery of state programs.
3. Requiring the participation of senior citizens in the planning and development of programs that benefit older Alaskans.

However, the Findings and Recommendation's section, describe areas where program weaknesses were observed. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Commission.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

To determine the matching contribution of grantees participating in the State's Community Service grant program, the Older Alaskans Commission (OAC) should use current population figures and property values.

In accordance with the provisions of AS 47.65, an applicant receiving an grant under the Community Service program shall contribute to the total cost of the program or project. The contribution maybe cash or in-kind support, such as, personnel, space or supplies. The contribution requirement of each grantee is based upon population and property values in the community where the services will be provided.

The staff of OAC has utilized the population figures and property values from the report titled, Alaska Taxable. The report is published by the Department of Community and Regional Affairs, Division of Municipal and Regional Assistance and is distributed to State agencies during January of each year.

For grants awarded in FY89, grantee contribution percentages were based upon an Alaska Taxable, dated January 1987. Instead of a more current report, which was available, dated January 1988. If the current report would have been used, the matching contribution to projects would have increased by approximately \$9,000. It should be noted that for the majority of grants, the matching contribution consists of in-kind support; and most grantees contribute an amount above the required match.

Nevertheless, to stay within the intent of AS 47.65, OAC should utilize current information to determine a grantee's contribution to a program or project.

### Recommendation No. 2

OAC should review the regulations for the pilot project grants and seek the appropriate revisions where necessary.

The Older Alaskans Pilot Project Grant regulations (7 AAC 79) were promulgated July of 1981. The Department of Health and Social Services, Division of Adult and Aging Services administered the program responsibilities under the federal Older Americans Act. However, Section 14 of Chapter 79, SLA 1981 provided for the transfer of program responsibilities and personnel from the Division of Adult and Aging Services to the newly established Older Alaskans Commission. At that time, the Division of Adult and Aging Services was dissolved.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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The regulations, have never been changed to reflect the transfer of responsibility. The regulations refer to the Division of Adult and Aging Services. Additionally, there are temporary procedures within the chapter that apply toward grants initially awarded in FY81 and FY82.

Alaska Statutes 47.65 provide general provisions for OAC to administer and promulgate regulations concerning pilot projects. The Commission should review the regulations for obsolescence and propose appropriate changes where necessary.

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analyses of Commission's activities relate to the public need factors defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission, or program has operated in the public interest.
  - A. The Commission has served the public through planning, coordinating, and providing services to persons who are 60 years of age and over in areas of employment, nutrition, transportation, information and referral, housing, health care, in-home services, legal services, long-term care, advocacy, and outreach.
  - B. The Commission has held six meetings a year for the past two fiscal years.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
  - A. The Commission appointed members to a housing task force committee to make recommendations regarding the coordination and efficient delivery of housing-related services. The committee's final report containing recommendations was issued May 1985.
  - B. A newsletter titled "Healthlinks" is issued periodically to seniors. The newsletter comments on health matters and topics of general interest to seniors.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Commission supported Senate Bill 442 which related to the protection of elderly persons and established the office of long term care ombudsman. The bill was signed by the Governor and amended the statutes, effective September 1988.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Commission has solicited public input on matters affecting senior citizens. This has been demonstrated by the Commission requesting public opinion on the October 1986 State Plan.

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

OAC has advertised in newspapers and distributed notices to interested associations encouraging the public to participate in senior citizen issues.

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

Since July 1984, there have been 16 complaints filed with the Ombudsmans Office. Only one of these complaints was found to be fully justified. The complaint alleged the Commission was unfair to limit FY88 grant disbursements to only FY87 grantees. In response to the Ombudsman's findings, the Commission amended grant disbursement policies.

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

OAC does not regulate any occupations or professions.

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

The Equal Employment Opportunity Office has received no complaints related to the Commission's personnel practices.

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

Please refer to the previous section, Findings and Recommendations.

APPENDIX

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APPENDIX A

DEPARTMENT OF ADMINISTRATION  
OLDER ALASKANS COMMISSION  
Schedule of Operating Appropriations and Funded Positions  
For the Fiscal Years Ended June 30, 1987, 1988, and 1989

(Unaudited)

	(In Thousands)		
	<u>Appropriations</u>		
	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
<u>Expenditure Accounts</u>			
Personal Services	753.6	612.1	784.0
Travel	64.0	58.0	68.5
Contractual	249.6	231.5	238.8
Commodities	9.0	9.0	10.8
Grants	<u>8,476.6</u>	<u>8,072.4</u>	<u>8,418.5</u>
<u>Total Budget Allocations</u>	<u>9,552.8</u>	<u>8,983.0</u>	<u>9,520.6</u>
 <u>Appropriation Fund Sources</u>			
General Fund	4,220.5	3,695.1	3,774.1
Federal Fund	5,332.3	5,287.9	5,693.7
Interagency Receipts			52.8
<u>Total Appropriation Fund Sources</u>	<u>9,552.8</u>	<u>8,983.0</u>	<u>9,520.6</u>
 <u>Positions Funded</u>			
Full Time	14	13	15
Part Time	2	2	2

Note 1: Source of information was the Conference Committee Report for the fiscal years reported.

Note 2: FY89 includes \$106.3 to establish the Office of Long Term Care Ombudsman. Two full time positions were approved for the program.

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# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

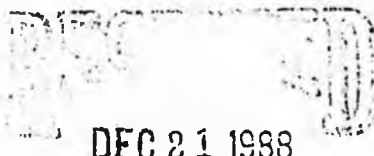
### OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

December 21, 1988

Mr. Randy Welker  
Legislative Auditor  
Legislative Audit Division  
P.O. Box W  
Juneau, AK 99811-3300



LEGISLATIVE  
AUDIT

Dear Mr. Welker:

I appreciate the effort of your staff in the performance of this audit. The following is offered in response to the findings and recommendations in your preliminary report No. 20-1347-88-R for the period July 1, 1984 - June 30, 1988.

The findings and recommendations are addressed sequentially:

#### Recommendation No. 1

To determine the matching contribution of grantees participating in the State's Community Service grant program, the Older Alaskans Commission (OAC), should use current population figures and property values.

The OAC does use the most current information available at the time that our Request for Proposals (RFPs) are issued. Generally, the Alaska Taxable report is available in mid-to-late January and we are able to use it as our source for current data. The State Assessor's office had difficulty compiling information for the 1988 Alaska Taxable and the document did not go to the printer until January 28, 1988. The printed copies of the report were not available until early March. Since the report is sent to the printer as soon as the information is compiled, it would have been extremely difficult for us to have acquired the 1988 information prior to issuing the RFP.

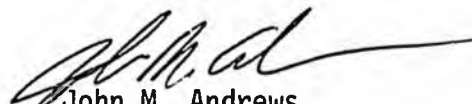
The OAC recognizes the advisability of using the most current data possible even though the actual impact of year old data is generally not significant. We have revised our RFP procedures to allow for the possibility of the late issuance of the Alaska Taxable. If the Alaska Taxable information is not available at the time we issue our RFPs, we will indicate that match information will be sent in the form of an addendum. We believe that this procedural change will assure that current information is always used in determining the match contribution requirements for grantees.

Recommendation No. 2

OAC should review the regulations for the pilot project grants and seek the appropriate revisions where necessary.

The OAC is in the process of drafting grant regulations and has incorporated the pilot project grants regulations in this new set of regulations. We intend to repeal the current pilot project grants regulations. Our timetable for the new grant regulations calls for review by the Department of Law in January.

Sincerely,

  
John M. Andrews  
Commissioner

JMA/MM/tln  
8/1D3/121605-8  
cc: Division of Administrative Services  
Department of Administration



И

В

С

Б

# HOUSE COMMITTEE REPORT

(11)-

Date Referred: March 17, 1989

FURTHER REFERRALS:

Date of Committee Action: 4/4/89

The FINANCE Committee considered:

HB 65

HOUSE BILL NO. 65

[ADULT PUBLIC ASSISTANCE]

"An Act relating to continuation of adult public assistance during mental health or other temporary institutionalization; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 65 (HESS)  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):  
(Dept)

APPROVES PREVIOUS:  
(Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note \_\_\_\_\_
- zero with analysis \_\_\_\_\_

- fiscal note(s) 1/9/89 HSS
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

[Signature] HOFFMAN  
[Signature] LARSON  
[Signature] BROWN  
[Signature] KOPONEN  
[Signature] ULMER  
[Signature] PHILLIPS  
[Signature]

	Do Not Pass	No Rec	Amend
<u>[Signature]</u> SWACKHAMMER		X	
<u>[Signature]</u> SHULTZ		X	
<u>[Signature]</u> RIEBER			

[Signature]  
 CO-Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Continuation of APA during  
temporary institutionalization  
Sponsor: \_\_\_\_\_  
Requestor: By the Rules Committee  
By Request of the Governor

Agency Affected: Health & Social Services  
BRU: Assistance Payments  
Components: Adult Public Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	12.4	12.4	12.4	12.4	12.4
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	12.4	12.4	12.4	12.4	12.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	12.4	12.4	12.4	12.4	12.4
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	12.4	12.4	12.4	12.4	12.4

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See analysis attached

Prepared by: John R. Taber, Director Phone: 465-3347  
Division: Randy Mon, acting Date: 3/31/89  
Approved by Commissioner: [Signature] Date: 3/31/89  
Agency: Health & Social Services

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

RECEIVED  
APR 4 1989

page 1 of 2

LEGISLATIVE FINANCE

Adopted

ANALYSIS:

It has been determined that approximately 13 cases might be affected by this change. The average APA supplemental grant for FY 89, based on 4% cost of living adjustment due 1/1/89, is \$317. This average payment was multiplied by the number of persons who may benefit from this change times three (maximum months paid) to determine the annual cost to the State of Alaska to provide continued benefits to this group during short term institutionalization. It was determined that 13 persons admitted to API may benefit for a total fiscal impact of \$12,400 in 1989. It is probable that no one admitted to Pioneers Homes will qualify for continued APA benefits due to the nature of placements there. Most are for long-term care, thus, no fiscal impact is anticipated for this group. Future years will be impacted based on the annual Cost of Living Adjustment (COLA).

2 of 2

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 65 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to continuation of adult public  
7 assistance during mental health or other temporary  
8 institutionalization; and providing for an effective  
9 date."

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

11 \* Section 1. AS 47.25.430(c) is amended to read:

12

(c) Payment under AS 47.25.430 - 47.25.615 may not be made to a

13

person who is a resident of a public institution (except as a patient  
14 in a public medical institution) or a person who is a patient in a  
15 public or private institution for treatment of a mental disease. For

16

purposes of this subsection, "resident" and "patient" do not include a

17

person who is institutionalized for medical services for a period of

18

less than three months if the person needs to continue to maintain and

19

provide for the expenses of a home or living arrangement to which that

20

person may return upon discharge from the institution.

21

\* Sec. 2. This Act takes effect July 1, 1989.

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

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145 65

January 9, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

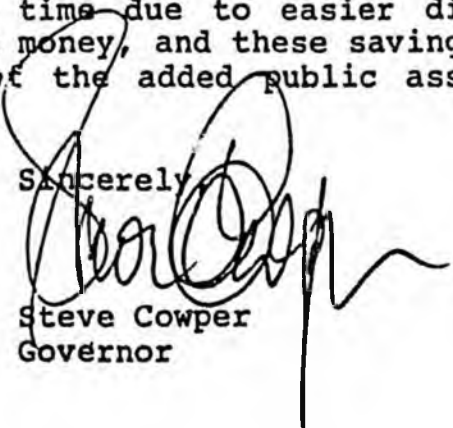
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would allow an adult public assistance recipient to continue to receive State public assistance benefits for up to three months while a patient in a public institution such as Alaska Psychiatric Institute or a Pioneers' Home, or while a patient in a private institution for treatment of a mental disease.

This change will parallel the new federal law that provides for a continuation of certain Social Security (SSI) benefits to individuals who will be institutionalized for less than three months. The continuation of these benefits will mean that persons who are temporarily institutionalized for medical services will be able to maintain their homes. Discharge planning is much more difficult if an individual has to give up his or her home due to the loss of such benefits. This results in increased institutionalization time while other accommodations are arranged.

The additional expense to the State as a result of this bill is estimated to be relatively small. At the same time, shorter institutionalization time due to easier discharge planning would save the State money, and these savings could more than offset the cost of the added public assistance benefits.

Sincerely,

  
Steve Cowper  
Governor

42 USC 1383  
note.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall become effective July 1, 1988.

**SEC. 9112. REHABILITATION SERVICES FOR BLIND SSI RECIPIENTS.**

42 USC 1383.

(a) **IN GENERAL.**—Section 1631(a)(6) of the Social Security Act is amended—

(1) by inserting "blindness (as determined under section 1614(a)(2)) or" before "disability (as determined under section 1614(a)(3))";

(2) by inserting "blindness or other" before "physical or mental impairment"; and

(3) by inserting "blindness and" before "disability benefit rolls" in subparagraph (B).

42 USC 1383  
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall become effective April 1, 1988.

**SEC. 9113. EXTENDING THE NUMBER OF MONTHS THAT AN INDIVIDUAL IN A PUBLIC EMERGENCY SHELTER CAN BE ELIGIBLE FOR SSI.**

42 USC 1382.

(a) **IN GENERAL.**—Section 1611(e)(1)(D) of the Social Security Act is amended by striking "three months in any 12-month period" and inserting "6 months in any 9-month period".

42 USC 1382  
note.

(b) **EFFECTIVE DATE.**—(1) The amendment made by subsection (a) shall become effective January 1, 1988.

(2) In the application of section 1611(e)(1)(D) of the Social Security Act on and after the effective date of such amendment, months before January 1988 in which a person was an eligible individual or eligible spouse by reason of such section shall not be taken into account.

**SEC. 9114. EXCLUSION OF UNDERPAYMENTS FROM RESOURCES.**

42 USC 1382b.

(a) **IN GENERAL.**—Section 1613(a)(7) of the Social Security Act is amended by inserting after "shall be limited to the first 6 months following the month in which such amount is received" the following: "(or to the first 9 months following such month with respect to any amount so received during the period beginning October 1, 1987, and ending September 30, 1989)".

42 USC 1382b  
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall become effective January 1, 1988.

**SEC. 9115. CONTINUATION OF FULL BENEFIT STANDARD FOR INDIVIDUALS TEMPORARILY INSTITUTIONALIZED.**

(a) **IN GENERAL.**—Section 1611(e)(1) of the Social Security Act is amended—

(1) in subparagraph (A), by striking "and (E)" and inserting "(E), and (G)";

(2) in subparagraph (B), by inserting "(subject to subparagraph (G))" after "throughout any month"; and

(3) by adding at the end the following new subparagraphs:  
"(G) A person may be an eligible individual or eligible spouse for purposes of this title, and subparagraphs (A) and (B) shall not apply, with respect to any particular month throughout which he or she is an inmate of a public institution the primary purpose of which is the provision of medical or psychiatric care, or which is a hospital, extended care facility, nursing home, or intermediate care facility receiving payments (with respect to such individual or spouse) under

a State plan approved under title XIX, if it is determined in accordance with subparagraph (H) that—

"(i) such person's stay in that institution or facility (or in that institution or facility and one or more other such institutions or facilities during a continuous period of institutionalization) is likely (as certified by a physician) not to exceed 3 months, and the particular month involved is one of the first 3 months throughout which such person is in such an institution or facility during a continuous period of institutionalization; and

"(ii) such person needs to continue to maintain and provide for the expenses of the home or living arrangement to which he or she may return upon leaving the institution or facility.

The benefit of any person under this title (including State supplementation if any) for each month to which this subparagraph applies shall be payable, without interruption of benefit payments and on the date the benefit involved is regularly due, at the rate that was applicable to such person in the month prior to the first month throughout which he or she is in the institution or facility.

"(H) The Secretary shall establish procedures for the determinations required by clauses (i) and (ii) of subparagraph (G), and may enter into agreements for making such determinations (or for providing information or assistance in connection with the making of such determinations) with appropriate State and local public and private agencies and organizations. Such procedures and agreements shall include the provision of appropriate assistance to individuals who, because of their physical or mental condition, are limited in their ability to furnish the information needed in connection with the making of such determinations."

(b) **CONFORMING AMENDMENT.**—Section 1902(l) of such Act is amended by striking "section 1611(e)(1)(E)" and inserting "subparagraph (E) or (G) of section 1611(e)(1)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall become effective July 1, 1988.

**SEC. 9116. RETENTION OF MEDICAID WHEN SSI BENEFITS ARE LOST UPON ENTITLEMENT TO EARLY WIDOW'S OR WIDOWER'S INSURANCE BENEFITS.**

(a) **IN GENERAL.**—Section 1634 of the Social Security Act is amended by adding at the end the following new subsection:

"(d) If any person—

"(1) applies for and obtains benefits under subsection (e) or (f) of section 202 (or under any other subsection of section 202 if such person is also eligible for benefits under such subsection (e) or (f) as required by section 1611(e)(2), being then at least 60 years of age but not entitled to hospital insurance benefits under part A of title XVIII, and

"(2) is determined to be ineligible (by reason of the receipt of such benefits under section 202) for supplemental security income benefits under this title or for State supplementary payments of the type described in section 1616(a),

such person shall nevertheless be deemed to be a recipient of supplemental security income benefits under this title for purposes of title XIX, so long as he or she (A) would be eligible for such supplemental security income benefits, or such State supplementary payments, in the absence of such benefits under section 202, and (B) is not entitled to hospital insurance benefits under part A of title XVIII."

TRANSMITTAL NO. 13  
SSA Pub. No. 68-0500520  
July 15, 1988

Audience: DO/BO/TSC: CR, CR INVI,  
DRI, FR, OA, OS, RR, SR, TSC-SR;  
PSC: CRTA, DMS, RECONR; IITPSC:  
CATA, FCR, FDE, RECONE

Originating Office: OSSI

PROGRAM REQUIREMENTS MANUAL SYSTEM  
Part 05 - Supplemental Security Income  
Chapter 005 - Eligibility  
Subchapter 20 - Institutionalization.

New Material	No. of Pages
Table of Contents (SI A00520.106).....	1
SI A00520.106-SI A00520.106.F.6.....	15

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ACTION NOTES

SI 00520.001--Cross-refer to SI A00520.106

SI 00520.104--Cross-refer to SI A00520.106

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Background

The purpose of this transmittal is to provide instructions on section 9115 of Public Law (P.L.) 100-203.

Section 9115 of P.L. 100-203, effective July 1, 1988, amends the Social Security Act to provide for the uninterrupted, continued payment of supplemental security income (SSI) benefits (including State supplementation) to certain persons who enter a public or Medicaid approved medical facility. This would be in lieu of determining the individual as ineligible for payment (if in a public institution not receiving substantial Medicaid payment) or eligible only for the \$30 personal needs allowance (if Medicaid is providing over 50 percent of the cost of care). This provision is intended to allow temporarily institutionalized recipients to retain SSI benefits so that they may pay the expenses necessary to maintain the place in which they intend to live when discharged.

Please note that there are a number of differences between this policy and the policy for institutionalized individuals who are eligible under section 1619 in the month of admission. Most of these differences are due to different statutory requirements. However, it may be possible to bring the two provisions into closer agreement. Any such change, though, will have to be made through promulgation of section 1619 regulations.

J  
**U.S. Department of  
Health and Human Services  
Social Security Administration  
Office of Policy**  
SSA Pub. No. 68-0500520  
I.C.N. 993401

Effective Date:: July 1, 1988

**Selective Distribution**

D39/PSC  
To adjust quantity requirements, submit  
form SSA-1296, "Request for Address or  
Distribution Change"

## Explanation of Manual Changes

### A00520.106 Continuation of Benefits for Recipients Temporarily Institutionalized

This new section provides the policy principles, operating policy, development and documentation, and guidelines for preparing manual notices for implementing the continued benefits provision. It explains that continued benefits may be made for up to 3 months where LA D or PS :02 would otherwise apply if:

- o A physician certifies (not later than 10 days after the close of the month of admission into a medical confinement) that the person's stay in that institution or facility (or one or more such institutions or facilities during a continuous period of medical confinement) is not likely to exceed 90 days; and
- o SSA receives (not later than 10 days after the close of the month of admission into the institution) evidence that the person needs to continue to maintain and provide for some or all the expenses of the home or living arrangement to which he may return; and
- o The month involved is one of the first 3 months throughout which the recipient is in such an institution(s) or facility(ies) during a continuous period of medical confinement.

It further explains that a recipient will be considered temporarily absent from his last permanent living arrangement (LA) for any month he is receiving continued benefits. This is a new temporary absence provision which applies only to this benefit provision. The person will be considered temporarily absent for purposes of determining the Federal living arrangement, in-kind support and maintenance, deeming, and State supplementary payments.

This section also provides instructions on adjudicating cases where the recipient was medically confined prior to the July 1, 1988 effective date but July 1988 is no later than the third full month of medical confinement.

Additionally, this section instructs field offices to set up contacts with appropriate institutions to facilitate protection of recipients' eligibility for continued benefits through timely notification to SSA of the admissions of SSI recipients and changes in the source of payment.

As SSA is required to report to Congress on the implementation of the continued benefits provision, this section requires FO's to maintain manual listings to assist in obtaining the information needed for the report.

A00520.000 INSTITUTIONALIZATION

Section

Continuation of Benefits for Recipients Temporarily  
Institutionalized ..... A00520.106

## A00520.106 Continuation of Benefits for Recipients Temporarily Institutionalized

Citation Social Security Act 1611(e)(1)(G)

## A. Background

## 1. LEGISLATION

Section 9115 of P.L. 100-203 amends the Social Security Act to provide for continued payment of supplemental security income (SSI) benefits (including State supplementation) based on the full Federal benefit rate (FBR) to certain persons who are admitted to a public institution, the primary purpose of which is the provision of medical or psychiatric care, or a hospital, extended care facility, nursing home, or intermediate care facility receiving payments under Medicaid. These benefits may be paid for up to 3 full months if certain conditions are met.

## 2. PURPOSE OF STATUTORY PROVISION

The purpose of the provision is to provide recipients who are temporarily institutionalized for medical care (and who otherwise would have received a reduced benefit or none at all) with uninterrupted benefits during the first 3 full months of institutionalization so that they may pay some or all of the necessary expenses to maintain their home or living arrangement to which they may return upon discharge.

## 3. EFFECTIVE DATE

This provision is effective July 1, 1988.

## B. Policy Principles

## 1. ELIGIBILITY FOR CONTINUED BENEFITS: GENERAL

An SSI cash recipient may continue to receive cash benefits (including State supplementation) based on the full FBR without interruption for any of the first 3 full months of medical confinement if he otherwise would be subject to the \$30 payment cap, or be ineligible for those months, if the remaining conditions in this subsection are met.

## 2. RECIPIENT STATUS

The individual must be eligible for an SSI payment (or a federally administered State supplement) in the month prior to the month he otherwise would be an LA D or PS N02.

## 3. INSTITUTIONALIZATION

The individual must continuously reside throughout the month in one or more public medical or psychiatric institutions and/or medical facilities in which Medicaid is paying more than 50 percent of the cost of care. (This provision does not apply to residents of penal institutions. See SI 00520.001 E.).

## B. Policy Principles (Cont)

4. PHYSICIAN'S  
CERTIFICATION

SSA must receive, no later than 10 days after the close of the month of admission, a physician's certification that the recipient is expected to be medically confined for 90 full, consecutive days or less. There is no good cause provision for failing to submit the certification on time.

NEED TO MAINTAIN  
A HOME

- a. The individual must demonstrate that he needs to pay some or all of the expenses of maintaining the home or living arrangement to which he may return. (The home or living arrangement to which he may return may or may not be his last permanent living arrangement.)
- b. Evidence required to establish this need must be provided no later than 10 days after the close of the month of admission to the institution at the beginning of a period of medical confinement. There is no good cause provision for failing to meet this timeframe.

## 6. MONTHS AFFECTED

- a. The months subject to payment of continued benefits are any of the first 3 full months of medical confinement where absent this provision or the special benefits provision for 1619 eligibles described in SI 00520.104, the recipient would be ineligible due to confinement in a public institution (PS N02) or subject to the \$30 payment limit (LA D).
- b. Examples
  - o Continued benefits apply ~~for~~ 3 full months.

Mrs. Johnson, an aged recipient, was hospitalized on July 18, 1988. Medicare covered her hospitalization. She provided SSA with a doctor's statement that he expected her to go home on or by October 17, 1988. She also provided SSA with a written statement that she had to give her roommate her share of the apartment rent of \$100. These were provided in July 1988.

## B. Policy Principles (Cont)

On July 29, 1988, Mrs. Johnson was moved to a nursing home and Medicaid began paying for her care and she stayed until November 2. The continued benefits provision applies for August, September and October, the 3 full months in which Mrs. Johnson was institutionalized as defined in B.3.

- o Continued benefits apply for less than 3 months.

Mrs. Jones, an aged SSI recipient, broke her hip and was hospitalized on July 15, 1988.

On the day of Mrs. Jones admission, the hospital sent the field office a statement from Mrs. Jones' doctor that he expected her to be released from the hospital on or by October 14. On July 20, the field representative obtained Mrs. Jones' written statement that she needs to pay her rent or she will lose her apartment.

Medicare paid for Mrs. Jones' care through September 29, 1988. On September 30, Medicaid begins paying the cost of her care. Mrs. Jones continues to be hospitalized through the month of October and November.

Continued benefits apply for the month of October only since it is within the first 3 full months of medical confinement and it is the only one of those months for which LA-D or N02 would otherwise apply.

- o Continued benefits do not apply.  
(Not institutionalized per B.3. above.)

Mr. Smith, a disabled recipient, suffered a stroke and entered a hospital on July 15, 1988. His brother contacted the FO on July 19, and advised them of Mr. Smith's medical confinement. On July 21, the field representative obtained a certification from Mr. Smith's doctor that he expected Mr. Smith to be discharged on or by October 14 and a written statement that Mr. Smith was responsible for his mortgage

## B. Policy Principles (Cont)

payment while he was in the hospital. Mr. Smith's private insurance paid for his hospitalization until January 10, 1989, when he returned home.

Mr. Smith is ineligible for continued benefits under this section since he is not subject to the \$30 payment limit and is not ineligible due to residence in a public institution.

- o Continued benefits do not apply-- Institutionalization per B.3. above begins after 3rd full month of medical confinement.

The same facts in the example above apply except that Mr. Smith does not leave the hospital. On January 11, 1989, Medicaid begins paying the cost of his care and February 1989 is the first month LA D applies. Since February is the seventh full consecutive month of medical confinement, the continued benefits provision does not apply.

7. TEMPORARY ABSENCE  
FOR CONTINUED  
BENEFITS PURPOSES

## a. Definition

A recipient will be considered temporarily absent from his last permanent living arrangement for any months he is receiving continued benefits. (His last permanent living arrangement refers to the living arrangement used to determine benefits for the month before the month for which LA D or PS N02 would otherwise apply.) All Federal living arrangement (FLA), in-kind support and maintenance (ISM), and deeming provisions, as currently applied, will continue to apply as if he were physically residing in that living arrangement.

## b. Examples

- o In the Mrs. Johnson example under B.6.b. above, the permanent living arrangement from which she is absent is the household she shares with her roommate.
- o In the Mrs. Jones example under B.6.b. above, the permanent living arrangement from which she is temporarily absent is the hospital.

## B. Policy Principles (Cont)

8. PAYMENTS                      Payments to recipients eligible for the continued full benefits are based on the full FBR.
9. PERIOD OF INSTITUTIONALIZATION EXCEEDS EXPECTED 90 DAYS              Payments made under the continued benefits provision are not overpayments if the recipient's actual stay exceeds the expected stay of 90 days or less. Overpayments may occur if it is later learned that some other requirement for the receipt of continued benefits was not met or the recipient was paid incorrectly for another payment/eligibility reason.
10. STATE SUPPLEMENTATION              For federally-administered State supplementary payments, the State supplement payable for the months of continued benefits will be the same as that which would be payable if the recipient were physically residing in his last permanent living arrangement.
11. ASSISTANCE TO INDIVIDUALS              SSA will make a concerted effort to make individuals aware of the need to act in a timely way to establish eligibility for these continued benefits.

## C. Related Policy

1. ELIGIBILITY AND PAYMENT--MEDICAL INSTITUTIONS              For rules that apply to residents of institutions, see SI 00520.030 and SI 00520.040.
2. SPECIAL INSTITUTIONALIZATION BENEFITS              Two months of benefits based on the full FBR are available in some cases for individuals who:
- a. are 1619 eligible; and
  - b. enter a public medical or psychiatric institution or a medical facility when Medicaid is paying more than 50 percent of the cost of care.

See SI 00520.104.

NOTE: A 1619(a) recipient could be eligible for special institutionalization benefits for the first 2 months of institutionalization and be eligible (if all applicable conditions are met) for continued benefits for the same 2 months as well as the third month. For the first 2 months, apply whichever provision is more advantageous for the recipient.

## C. Related Policy (Cont.)

3. RESOURCES  
EXCLUSION---  
THE HOME

For rules on applying the resource exclusion for a home as a principal place of residence, see SI 01130.400 ff.

NOTE: Application of the continuation of benefits provision does not alter the factors used in determining whether a home could be excluded from resources.

## 4. OVERPAYMENTS

For rules on recovering overpayments, see GN 02220.065.

5. TENTH DAY FALLS  
ON NONWORKDAY

Workdays do not include Saturdays, Sundays, and Federal holidays. If the tenth day falls on a nonworkday, the recipient will have until the next workday to submit the physician's certification and statement of need.

## D. Operating Policy

1. TEMPORARY ABSENCE  
FOR CONTINUED  
BENEFITS PURPOSES

For purposes of determining the living arrangement from which the recipient is temporarily absent (see B.7. above), use the permanent living arrangement as of the first moment of the month before the month in which institutionalization as defined in B.3. above began.

The circumstances that exist in that living arrangement for a particular month are the circumstances to use in determinations of FLA, ISM, deeming, and State supplementary payments for that month.

EXAMPLE: A recipient lives with his ineligible spouse in their daughter's home. On August 15, he went to visit his brother. On August 29, he was admitted to a Medicaid facility and was determined to be eligible for continued benefits for the months of September, October, and November. His daughter's home was his permanent living arrangement on August 1; therefore, we would continue deeming from his ineligible spouse and we would continue to count any ISM he would have received as if he were physically residing in his daughter's home.

## D. Operating Policy (Cont)

## 2. TRANSITION CASES

For a recipient who was in a medical confinement prior to July 1, 1988 and July 1988 is no later than the third full month of medical confinement, we must receive the physician's certification and establish need to maintain the home not later than July 10, 1988 to pay continued benefits for July, August, and/or September. Under no circumstances do continued benefits apply to any month prior to July 1988.

E. Operating Procedure—  
Case Processing

## 1. CASE DEVELOPMENT

When you learn that a recipient has entered into a medical confinement if 10 days after the close of the month of admission have not passed, immediately request a physician's certification and a statement of need to maintain the home or living arrangement.

2. PHYSICIAN'S  
CERTIFICATION

The physician's certification must state whether the recipient is expected to be discharged from the facility (or a similar medical facility) by the 91st day; i.e., the period of medical confinement is not likely to exceed 90 full, consecutive days, beginning the day after the day of admission. (For example, if the recipient was first admitted to a medical facility on August 1, the certification must establish that the recipient is expected to be discharged October 31 or earlier--the 90 full consecutive days would be August 2 through October 30.)

To fulfill the requirement for a physician's certification of a 90 day or less stay:

- a. accept the physician's written statement, or
- b. use the facility's admissions or other records which reflect a physician's written statement, or
- c. use information from the attending physician's written records.

3. NEED TO MAINTAIN  
THE HOME

Ask the recipient whether he needs to pay some or all of the expenses of maintaining the home or living arrangement to which he may return.

In determining the individual's need to maintain a home or living arrangement:

E. Operating Procedure--  
Case Processing (Cont)

- a. Accept, absent evidence to the contrary, a written statement from the recipient (or from a person knowledgeable about his expenses and permanent living arrangement) that he needs to maintain and provide for some or all of the expenses of the home or living arrangement to which he may return.
- b. Consider the following (not all-inclusive) examples as contrary evidence:
  - o an indication that the recipient was homeless, or
  - o a statement from a knowledgeable person that the recipient is not required to pay any of the expenses of the home or living arrangement to which he intends to return, or
  - o an indication that the recipient is returning to a domiciliary or congregate care facility and is not required to continue to pay the facility to "hold the bed."
- c. Do not consider the fact that a recipient was subject to the value of the one-third reduction (VTR) in the month of entry into the institution as evidence to the contrary. (He may be paying something less than his pro rata share; or he may be paying some expense which was not considered to be a household operating expense for purposes of the ISM determination.)
- d. If evidence to the contrary exists, undertake whatever development is needed to determine whether the recipient needs to maintain and provide for some or all of the expenses of the home or living arrangement to which he may return. Any additional evidence which is requested to resolve the issue of need, of course, should be accepted without regard to the timeframe described in B.5. above.

4. CONTACTS WITH  
INSTITUTIONS

The parallel field office (FO) should contact appropriate institutions to:

- a. establish a mechanism to assure that institutions alert SSA on a timely basis to admissions of SSI recipients; and

E. Operating Procedure--  
Case Processing (Cont)

- b. determine the feasibility of obtaining information from the facility to meet the physician certification requirement.

5. DOCUMENTATION--  
CONTINUED BENEFITS  
APPLY

Document the file with:

- o A report of contact reflecting the physician's statement or the actual certification that the individual is expected to be institutionalized for no more than ~~90~~ full, consecutive days (see E.2.), and
- o Your determination of the recipient's need to maintain the home or living arrangement to which he intends to return. (The individual's statement is sufficient documentation when evidence to the contrary does not exist.)
- o A copy of the notice required in F.3., below.

6. DOCUMENTATION--  
CONTINUED BENEFITS  
DO NOT APPLY

- a. Document the file to show why the provision does not apply; and
- b. Include in the file a copy of the notice required in F.6., below.

7. SYSTEMS INPUT

- a. Upon notification that a recipient is in a medical or psychiatric facility where (absent the continued benefits provision or the special benefits provision for 1619 eligibles) he would be in LA D or PS N02, make no systems input until you determine whether the continued benefits provision applies.
- b. If the continued benefits provision applies, assure that the system reflects the individual's permanent living arrangement as of the first moment of the month before the month in which institutionalization (as defined in B.3.) applies. Diary the case for review at the beginning of the third month for which continued benefits could apply. (See notice requirement in F.4., below.)
- c. If the continued benefits provision does not apply, but the special benefits provision for 1619 eligibles applies, see SI 00520.104.
- d. If neither the continued benefits provision nor the special benefits provision for 1619 eligibles applies, transmit LA D or PS N02, as applicable. Suppress system-generated notices and see F. for notices requirements.

E. Operating Procedure--  
Case Processing (Cont)

8. MANUAL LISTINGS

SSA is required to report to Congress on the implementation of the continued benefits provision. Maintain the following manual listings:

- o For each month, July 1988 or later, a listing of all recipients (names and social security numbers (SSN's)) who are receiving continued benefits. Send this listing, monthly, to: OSSI, DPMA, Attn: LDK, 3-S-1 Operations Building, Baltimore, Maryland 21235.
- o For each month, July 1988 or later, a listing of all recipients (names and SSN's) who go into PS N02 or LA D, who are in medical or psychiatric facilities, and who did not receive continued benefits in the month prior to the first month of LA D or PS N02. Retain these listings pending further instructions.

F. Operating Procedure--  
Manual Notices

1. GENERAL NOTICE  
REQUIREMENTS

Until receipt of approved notice language, follow the instructions below for issuing manual notices:

- a. See CN 00804.100 ff. for the appropriate standard notice paragraphs;
- b. Address all pertinent issues (see 3 through 5 below); and
- c. Send a copy of the notice to the appropriate State agency if the State has a State administered State supplement program.

2. FORMS TO USE

Use the following forms:

- a. No change in payment amount--SSA-L8166-U2.
- b. Reduction of payment amount, suspension, or denial--SSA-L8155-U2.

3. ELIGIBILITY  
NOTICES

Once all development has been completed and the recipient is eligible for continued payment, send a notice regardless of whether payment is changing. Include the following information:

F. Operating Procedure--  
Manual Notices (Cont.)

- a. Prior to the enactment of this law, the recipient would have received a reduced SSI payment or would have received no payment because of the type of facility in which he is staying.
- b. Because of this law, we can pay the recipient up to 3 months of SSI money.
- c. The recipient can receive this money because:
  - o the doctor expects the recipient to leave the facility by the 91st day after the date of admission, and
  - o the recipient has to pay expenses to maintain a home.
- d. For recipients who would otherwise be in LA D include the fact that the institution is not permitted to ask them to use these benefits to pay for the cost of their care.

4. PAYMENT REDUCTION

If the recipient is in a facility when the Goldberg/Kelly cutoff date approaches for stopping the check for the fourth month, suppress the systems-generated notice and send a manual Notice of Planned Action (SSA-L8155-U2), following SI 02301.601 ff.

Tell the recipient that the SSI check for the fourth month must be reduced or stopped if the recipient has not left the facility. (If the Goldberg/Kelly cutoff date for the fourth month is missed, add paragraph 2021 found in CN 00804.225.)

5. COMBINED ELIGIBILITY AND PAYMENT REDUCTION OR SUSPENSION

There may be cases where the following are true:

- o The notice described in 3. above has not yet been sent, and
- o A Notice of Planned Action is required concerning payment reduction or suspension in the 4th month.

In these cases, combine the messages in 3. and 4. above in the Notice of Planned Action (SSA-L8155-U2).

F. Operating Procedure—  
Manual Notices (Cont)

6. DENIAL NOTICES

At the time that LA D or N02 is input, suppress the systems-generated notice. Send a manual SSA-L8155 and use the appropriate paragraphs in CN 00804.155 or CN 00804.165. Also, tell the recipient that after developing for receipt of continued benefits, he was found ineligible. Give the reason(s) shown below that apply:

- a. the recipient's doctor expects the stay in the facility to last longer than 90 days,
- b. the recipient did not have any home expenses,
- c. the physician's certification was not received or was received later than 10 days after the close of the month of admission,
- d. the need to maintain expenses of the home was not established or was established later than 10 days after the close of the month of admission,
- e. the recipient was not eligible for payment in the month of admission,
- f. the month involved is not one of the first 3 months of a continuous period of medical confinement.

Н

В

С

Б

SENATE COMMITTEE REPORT

FURTHER

5/5/89

DATE TURNED INTO OFFICE 5/7/89

Mr. President:

FINANCE Committee considered CSHB 65 (HESS)

continuation of adult public assistance during mental health or other temporary institutionalization;efd.

and recommended

- replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title
- attached amendment(s) and  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

~~do pass~~

do not pass

no recommendation


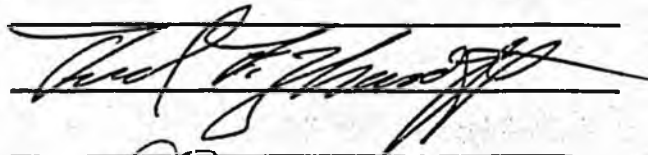
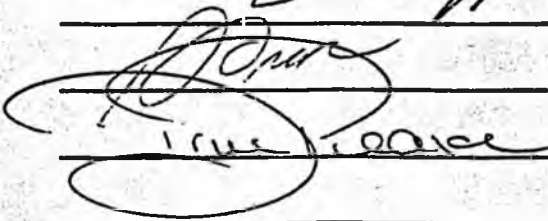
individual recommendations

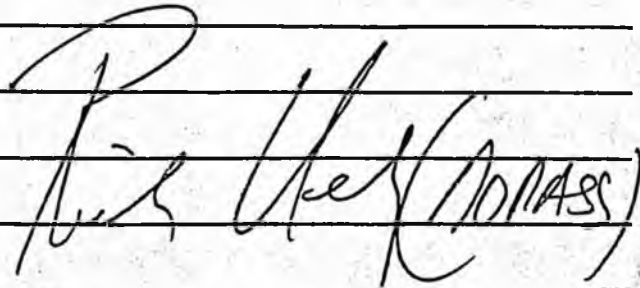
further referral to \_\_\_\_\_

FISCAL NOTE(S)  zero  fiscal impact  appropriation no FN  
 new  updated  previous DH 43512-4  
 same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

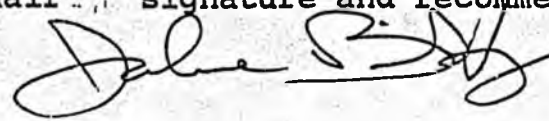
OTHER RECOMMENDATIONS

  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
  
 \_\_\_\_\_

Chair: signature and recommendation

Committee Backup attached

 DO-PASS  
 CO-CHAIR

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Continuation of APA during  
temporary institutionalization  
 Sponsor: Rules Committee  
 Requestor: Governor

Agency Affected: Health & Social Services  
 BRU: Assistance Payments  
 Components: Adult Public Assistance

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	12.4	12.4	12.4	12.4	12.4
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	12.4	12.4	12.4	12.4	12.4

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	12.4	12.4	12.4	12.4	12.4
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	12.4	12.4	12.4	12.4	12.4

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

See analysis attached.

Prepared by: John R. Taber, Director Phone: 465-3347  
 Division: Public Assistance Date: 11/1/88  
 Approved by Commissioner: Myra B. Munson Date: 11-14-88  
 Agency: Health and Social Services

**Distribution (by preparer):**

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

Adopted

ANALYSIS:

It has been determined that approximately 13 cases might be affected by this change. The average APA supplemental grant for FY 89, based on 4% cost of living adjustment due 1/1/89, is \$317. This average payment was multiplied by the number of persons who may benefit from this change times three (maximum months paid) to determine the annual cost to the State of Alaska to provide continued benefits to this group during short term institutionalization. It was determined that 13 persons admitted to API may benefit for a total fiscal impact of \$12,400 in 1989. It is probable that no one admitted to Pioneers Homes will qualify for continued APA benefits due to the nature of placements there. Most are for long-term care, thus, no fiscal impact is anticipated for this group. Future years will be impacted based on the annual Cost of Living Adjustment (COLA).

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 65 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to continuation of adult public  
7 assistance during mental health or other temporary  
8 institutionalization; and providing for an effective  
9 date."

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

11 \* Section 1. AS 47.25.430(c) is amended to read:

12 (c) Payment under AS 47.25.430 - 47.25.615 may not be made to a  
13 person who is a resident of a public institution (except as a patient  
14 in a public medical institution) or a person who is a patient in a  
15 public or private institution for treatment of a mental disease. For  
16 purposes of this subsection, "resident" and "patient" do not include a  
17 person who is institutionalized for medical services for a period of  
18 less than three months if the person needs to continue to maintain and  
19 provide for the expenses of a home or living arrangement to which that  
20 person may return upon discharge from the institution.

21 \* Sec. 2. This Act takes effect July 1, 1989.

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

cc  
HB 65

January 9, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

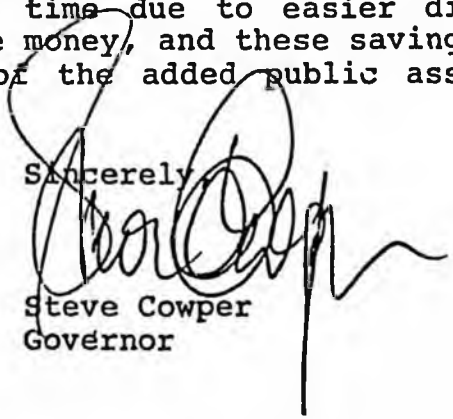
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would allow an adult public assistance recipient to continue to receive State public assistance benefits for up to three months while a patient in a public institution such as Alaska Psychiatric Institute or a Pioneers' Home, or while a patient in a private institution for treatment of a mental disease.

This change will parallel the new federal law that provides for a continuation of certain Social Security (SSI) benefits to individuals who will be institutionalized for less than three months. The continuation of these benefits will mean that persons who are temporarily institutionalized for medical services will be able to maintain their homes. Discharge planning is much more difficult if an individual has to give up his or her home due to the loss of such benefits. This results in increased institutionalization time while other accommodations are arranged.

The additional expense to the State as a result of this bill is estimated to be relatively small. At the same time, shorter institutionalization time due to easier discharge planning would save the State money, and these savings could more than offset the cost of the added public assistance benefits.

Sincerely,

  
Steve Cowper  
Governor