

ALASKA LEGISLATURE

935

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

HB

3

HFIN

FILE

HOUSE COMMITTEE REPORT

(1')

Date Referred: March 24, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/5/93

The FINANCE Committee considered:

HB 3

HOUSE BILL NO. 3

REGULATION OF HOME CARE PROVIDERS

"An Act relating to public home care providers; and providing for an effective date."

RECOMMENDATIONS:

the same title

be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

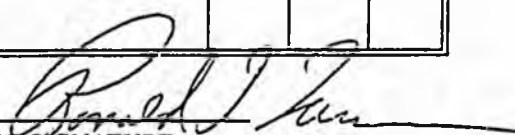
fiscal impact HSS

fiscal note(s) _____

zero fiscal note HSS

zero fiscal note(s) Admin 3/10/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Donald J. Lardon</i> Lardon	X				
<i>Sean R. Farrell</i> Farrell	X	<i>Mark J. Hanley</i> Hanley		X	
<i>Ben Grossendorfer</i> Grossendorfer	X	<i>Larry Martin</i> Martin		X	
<i>Lynn Hoffman</i> Hoffman	X	<i>Gene Therriault</i> Therriault		X	
<i>Lyn Brown</i> Brown	X				
<i>Richard Stone</i> Stone	X				
<i>Mike Swane</i> Swane	X				


 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 3

Revision Date: March 31, 1993 Dept. Affected: Health and Social Services
 Title: "An act relating to Public Home Providers" BRU: Family and Youth Services
 Component: Central Office
 Sponsor: Representative Mackie, Ulmer
 Requestor: Representative Mackie COMPONENT SERIAL NO. 259

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	15.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE						

FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	15.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	15.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary)
 Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights and due process for such an individual. Section 9 requires that the regulations be adopted by March 15, 1994. The department had frequently been given legislative responsibility for promulgating regulations without funding to accomplish the task. DFYS within the department has received criticism during this session for taking too much time to write or update regulations. There are several critical regulatory projects ahead of this one. For this reason a moderate fiscal note is required to implement the provisions of this bill. A contract will be obtained to draft, conduct public hearings on, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services staff manuals to implement the changes and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191
 Division: Department of Health & Social Services Date: 03/31/93
 Approved by Commissioner: HA / Theodore A. Mala, MD, MPH *Theodore A. Mala* Date: 4/1/93
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 03

Revision Date: March 30, 1993 Dept. Affected: Health and Social Services
 Title: An act relating to public home care providers BRU: State Health Services
 Sponsor: Mackie, Ulm Component: Nursing
 Requestor: House HES COMPONENT SERIAL NO. #288

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE	GF	GF	GF	GF	GF	GF

FUNDING: (Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Cost of the security clearance for Personal Care Attendants will be covered within the grant awards to home care agencies.

Prepared by: Peter M. Nakamura, MD, MPH
 Division: Public Health
 Approved by Commissioner: [Signature]
 Agency: Department of Health and Social Services

Phone: (907) 465-3090
 Date: 4/1/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 3

Revision Date: _____
 Title: "An Act relating to public home care providers: and providing for an effective date."
 Sponsor: Representative Mackie
 Requestor: _____

Department Affected: Administration
 BRU: Older Alaskans Commission
 Component: Older Alaskans Commission
 COMPONENT SERIAL NO. 36

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Connie J. Sice, Director
 Division: Older Alaskans Commission

Phone: 465-3250
 Date: January 21, 1993

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 1/25/93

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Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



House of Representatives

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

P.O. BOX 795
CRAIG, ALASKA 99921
(907) 926-3008 OFFICE
(907) 826-2930 HOME

SPONSOR STATEMENT FOR HB 3

HB 3, An Act relating to public home care providers, restricts the ability of a home care provider to assume power of attorney and requires criminal background checks on any individual providing home care services paid for by public funds for an elderly or disabled person.

This bill will provide some protection to elderly and disabled persons from those responsible for their care; these groups are particularly vulnerable to abuse because of age, illness, disability and the isolation of being alone in their home with a caregiver.

It is important to take these steps now, while Alaska is on the brink of an explosion in home care services. Our senior citizen population is rapidly expanding and the state has just received approval for a Medicaid Waiver to provide home and community based services as an alternative to institutionalization. Once the Medicaid Waiver is effective, and there is a payment system available for expanded home based services, the home care services industry will see rapid growth - as it has in other states. This bill also requires background checks on home care providers paid through Older Alaskans Commission grants, and respite care providers paid through the Division of Family and Youth Services.

An important aspect of this bill is that the Department of Health and Social Services is required to implement regulations identifying actions to be taken upon reports of harm by a home care provider; it also protects the due process rights of the provider. My companion bill, HB 4, provides that conviction of a person licensed, certified or regulated by a board or the Department of Commerce, for abuse of an elderly or disabled person may be considered ground for disciplinary proceedings or sanctions.

I think this bill is both important and timely and urge your support.

Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



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House of Representatives

SECTIONAL ANALYSIS - HB 3

"AN ACT RELATING TO PUBLIC HOME CARE PROVIDERS; EFD"

- Section 1 Title 13, Chapter 26 (Protection of persons under disability and their property) is amended by adding a new section which provides that a public home care provider may not accept a designation of attorney in fact or power of attorney for a person to whom they provide services unless that power is shared with another person who is not a home care provider.
- Section 2 Amends Chapter 47, Title 5, which relates to the powers and duties of the Department of Health and Social Services, by adding a new section which: 1) provides that state funds may not be used to pay for the services of a home care provider unless a criminal background check is completed under AS 12.62.035(a) and reviewed within 5 days of receipt; 2) requires the department to require these background checks by home care provider contractors and grantees; 3) requires the department to implement regulations on actions subsequent to reports of harm by a home care provider and protection of due process rights of providers subject to reports of harm; and defines home care provider in this section.
- Section 3 Adds a new subsection to AS 47.10.230, powers and duties of the department over care of children, which provides that the department may not pay for respite care services unless a criminal background check has been requested and reviewed.
- Section 4 Amends AS 47.24.050(b) to allow the department to disclose the number of verified reports of harm to the elderly by home care providers.
- Section 5 Defines home care provider under Chapter 24.
- Section 6 Adds a new subsection to AS 47.65.050 which provides that payments to a sponsor for respite or home care

Sectional Analysis - HB 3

Page 2

services under the programs of the Older Alaskans Commission may not be made unless the sponsor agrees to request a criminal background check on the person providing services.

- Section 7 Adds a new subsection to AS 47.65.100 which provides that the Older Alaskans Commission may not award a grant for day care and respite services unless the grantee agrees to request criminal background checks on individuals providing service.
- Section 8 Adds a new section to AS 47.65.100 which defines home care services under the Older Alaskans Commission statutes.
- Section 9 Requires the Department of Health and Social Services to adopt home care provider regulations by March 15, 1994 and issue a report to the legislature on the status of the regulation process by February 1, 1994.
- Section 10 Provides for an immediate effective date.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

March 4, 1992

Honorable Jerry Mackie
Alaska State House of Representatives
State Capitol
Juneau, AK 99811

Dear Representative Mackie:

Thank you for your February 20 memo regarding home health care services for the elderly and disabled. Following are the answers to the questions you set out:

1. How many disabled adults and elderly persons were receiving services under home health care services programs throughout all the divisions of H&SS for FY87 - FY91?

ANSWER: The Division of Public Health, through the section of Nursing, has only been overseeing the Adult Homemaker Services contract (AMTECH) since FY90. Prior to that time the Homemaker Services were administered by DFYS.

In FY91 there were:

492 age 68-80

214 over age 80

706 total clients over age 65

The total number of all clients served by AMTECH in FY91 was 1,122.

The above FY90 information was requested of the contractor for the purpose of this report; AMTECH was unable to provide information at this time.

The section of Nursing provides home health to a limited number of clients each year in a small number of communities, using State

Honorable Jerry Mackie
March 4, 1992
Page 2

general funds. Home Health Aide services are, or have been, available in the following communities:

Mat-Su/Palmer/Wasilla/Talkeetna
Fairbanks/North Star Borough
Juneau
Sitka
Seward/Kenai
Soldotna/Homer
Ketchikan
Wrangell
Petersburg
Bethel

In three locations (Fairbanks, Ketchikan, Juneau) skilled (Registered Nurse) services are available through a pilot project (which began in 1981) with services provided by state employees (PHN II's and Nurse II's).

The following chart shows the number of clients served through the Home Health Aide and Home Health Skilled Nursing programs:

FY	Number of Clients/Patients
91	376 (330 are over age 65)
90	358 (311 are over age 65)
89	349 (341 are over age 65)
88	363 (315 are over age 65)
87	359 (319 are over age 65)

The data system does not break-out the number of disabled children or adults, although only those clients with moderate to severe needs are provided services. Most clients are not Medicaid eligible due to income level that places them slightly above the financial criteria and do not have third-party insurance that will reimburse for homecare for health aide services.

2. How much money was spent on salaries for public home health care providers throughout all the divisions of H&SS from FY87 - FY91?

Honorable Jerry Mackie
March 4, 1992
Page 3

ANSWER: The following is cost of personal services to provide skilled, home health nursing in the communities of Fairbanks, Juneau, and Ketchikan:

	FY88	FY89	FY90	FY91
PERSONAL SERVICES	348,018	385,174	448,501	384,579

Note that cost of personal services were lower in FY91. This was due to a turnover in home health staff at the Fairbanks Health Center. Senior employees at advanced salary steps were replaced by employees at lower salary steps.

How many individuals were employed as public home health care providers in these same fiscal years?

Since its beginning, the staffing pattern for the Home Health Program has remained the same with one exception. In FY91 the Juneau Health Center Clerk Typist III position was transferred out of the Home Health program (*).

Program Nurse Consultant	Central Office
Public Health Nurse II	Juneau Health Center
Nurse II	Juneau Health Center
*Clerk Typist III	Juneau Health Center
Community Health Aide	Ketchikan Health Center
Clerk Typist III	Ketchikan Health Center
Public Health Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Clerk Typist III	Fairbanks Health Center

3. How much money was spent on contracts with private home health care services agencies?

The Section of Nursing has approximately 65 -- 75 active Home Health Aides working under agreements. Due to turnover of the Home Health Aides, there may be as many as 100 individuals who have agreements (active or inactive) with the Department during the fiscal year. An additional 8 -- 10 Registered Nurses are working under professional services contracts to provide home health services.

Honorable Jerry Mackie
 March 4, 1992
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CONTRACTED SERVICES	FY88	FY89	FY90	FY91
SKILLED NURSING (N'S)	\$ 82,882	\$ 84,166	\$103,001	\$ 83,845
Total number of hours (paid at \$18 PerHour)	(4,604)	(4,675)	(5,722)	(4,658)
HOME HEALTH AIDES (HHA)	\$222,868	\$264,000	\$264,000	\$264,000
Total number of hours (paid at \$12 PerHour)	(18,572)	(22,000)	(22,000)	(22,000)
PROVIDENCE	\$229,612	\$238,000	\$238,000	\$238,000
Total number of visits (paid at \$39. Per HA visit)	(5,259)	(5,685)	(5,471)	(5,471)
(paid at \$80. Per RN visit)	(385)	(368)	(370)	(370)
AMTECH			\$1,455,775	\$1,488,600
Training Funds			<\$42,689>	<\$32,865>
Total number of hours paid at \$20.34 per hr			(71,568)	
paid at \$21.72 per hr				(68,535)

Is there breakout information available as to amounts spent for services provided to children, disabled adults and elderly adults?

This is information for the Home Health skilled nursing contract with Home Health Care/Providence Hospital

FY	Total No. Clients	HHA Visits	RN Visits	Over 60	disabled	cost
91	127	5,471	370	107 (84%)	11 (5%)	\$238,000
90	125	5,471	370	102 (82%)	14 (11%)	\$238,000
89	137	5,685	368	115 (89%)	12 (9%)	\$238,000
88	116	5,259	385	99 (86%)	12 (10%)	\$229,612
87	107	5,920	358	86 (80%)	15 (14%)	\$249,107

The existing data system and reports have no simplified means of extracting the information pertinent to the number of disabled children and adults, so the percentages listed above are an estimate of the total number of clients from reports submitted.

4. Can you provide an update as to the status of the Medicaid Waiver Application of the State of Alaska?

Honorable Jerry Mackie

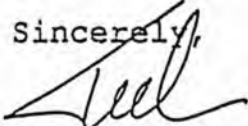
March 4, 1992

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Answer: We will be applying for our package of waivers in the very near future. The applications are first filed with the federal Department of Health and Human Services, Region X. We anticipate that we will have approval and be fully operational by July 1993.

If you need further information on these or any other Department programs, please contact me.

Sincerely,



Theodore A. Mala, MD, MPH
Commissioner

TAM:TB:AW

bcc: Peter Nakamura, Director
Dwayne Peeples, Health Program Specialist
Alice Walters, Health Program Nurse Consultant

AK
statutes



tory, the person may in writing request review by the commission within 60 days of the decision of the agency. The commission, its representative or agent shall, in a case in which it finds a basis for complaint, conduct a hearing at which the person may appear with counsel, present evidence, and examine and cross-examine witnesses. Written findings and conclusions shall be issued. If the record in question is found to be inaccurate, incomplete, or misleading, the commission shall order it to be appropriately purged, modified, or supplemented by an explanatory notation. An agency or person in the state with custody, possession, or control of the record shall promptly have every copy of the record altered in accordance with the commission's order. Notification of a deletion, amendment, and supplementary notation shall be promptly disseminated by the commission to persons or agencies to which records in question have been communicated, as well as to the person whose records have been altered.

(d) An agency holding or receiving criminal justice information shall maintain, for a period determined by the commission to be appropriate, a listing of the agencies to which it has released or communicated the information. These listings shall be reviewed from time to time by the commission or staff members of the commission to determine whether the provisions of this chapter or any applicable regulations have been violated.

(e) Reasonable hours and places of inspection, and any additional restrictions, including fingerprinting, that are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them may be prescribed by published rules. Fingerprints taken under this subsection may not be transferred to another agency or used for any other purpose.

(f) A person or agency aggrieved by an order or decision of the commission under (c) of this section may appeal the order or decision to the superior court. The court shall in each case conduct a de novo hearing and may order the relief it determines to be necessary. If a person about whom information is maintained by an agency challenges that information in an action under this subsection as being inaccurate, incomplete, or misleading, the burden is on the agency to prove that the information is not inaccurate, incomplete, or misleading. (§ 1 ch 161 SLA 1972; am § 1 ch 66 SLA 1933)

HP 3 SECTION 2

Sec. 12.62.035. Access to certain crime information. (a) An interested person may request from the Department of Public Safety records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving any sex crimes of a person who holds or applies for a position of employment in which the person has or would have supervisory or disciplinary power over a minor or dependent adult. The Department of Public Safety shall disclose the information to the requesting interested person and shall

provide a copy of the information to the person who is the subject of the request.

(b) A request for records under (a) of this section must include within it the fingerprints of the person who is the subject of the request and any other data specified in regulations adopted by the commission. The request must be on a form approved by the commission, and the commission may charge a fee to be paid by the requesting interested person for the actual cost of processing the request. The commission shall destroy an application within six months after the requested information is sent to the requesting interested person and the person who is the subject of the request.

(c) The commission shall adopt regulations to implement the provisions of this section.

(d) If an individual is denied employment as a result of the disclosure of inaccurate or incomplete records under this section, an action may be brought against the state. No other action may be brought against the state, or an agency or employee of the state, as a result of disclosing or failing to disclose criminal justice information.

(e) The Department of Education shall request and receive records under (a) of this section for a person seeking initial certification as a teacher or administrator.

(f) In this section

(1) "contributing to the delinquency of a minor" means a conviction for a violation or attempted violations of AS 11.51.130(a)(1), (3), or (5); former AS 11.40.130; or the laws of another jurisdiction if the offense would have been a crime in this state under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if committed in the state;

(2) "dependent adult" means an adult with a physical or mental disability who requires assistance or supervision with the activities of daily living;

(3) "interested person" means a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person, that employs or solicits the employment of a person to serve with or without compensation in a position in which the person has or would have supervisory or disciplinary power over a minor or dependent adult;

(4) "sex crime" means a conviction for a violation or attempted violation of AS 11.41.410 — 11.41.470, AS 11.61.110(a)(7), or AS 11.66.100 — 11.66.130; former AS 11.15.120, 11.15.134, or 11.15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 — 11.40.420; or the laws of another jurisdiction if the offense would have been a crime in this state under one of the sections listed in this paragraph if committed in the state. (§ 2 ch 66 SLA 1983; am § 44 ch 6 SLA 1984; am §§ 1 — 3 ch 7 SLA 1990)

§ 47.10.220

commitment. A juvenile
evidence of having
conditions and regu-
appears to the satis-
fiable probability that
the law. (§ 10 art

the requirement in Chil-
of a disposition hearing
ordered revocation of a
parent's administratively
L.C. v. State, 625 P.2d
).

connection with a juve-
probation revocation
than merely determining
probation conditions
v. State, 625 P.2d 839

ment may employ
the duties of pro-
visions for the
other duties in the
with the intent of
a peace officer with
interests of minors who
orders of the court
assist and advise the
of minors under
(1957)

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§ 47.10.230 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.10.230

HD 3-SECTION 3

Sec. 47.10.230. Powers and duties of department over care of
child. (a) Subject to (e) and (f) of this section, the department shall
arrange for the care of every child committed to its custody by placing
the child in a foster home or in the care of an agency or institution
providing care for children inside or outside the state. The department
may place a child in a suitable family home, with or without compen-
sation, and may place a child released to it, in writing verified by the
parent, or guardian or other person having legal custody, for adoptive
purposes, in a home for adoption in accordance with existing law.

(b) The department may pay the costs of maintenance that are nec-
essary to assure adequate care of the child, and may accept funds from
the federal government that are granted to assist in carrying out the
purposes of this chapter, or that are paid under contract entered into
with a federal department or agency. A child under the care of the
department may not be placed in a family home or institution that
does not maintain adequate standards of care.

(c) The department may receive, care for, and make appropriate
placement of minors accepted for care for a period of up to six months
on the basis of an individual voluntary written agreement between
the minor's parent, legal guardian, or other person having legal cus-
tody and the department. The agreement must include provisions for
payment of fees under AS 44.29.022 to the department for the minor's
care and treatment. The agreement entered into may not prohibit a
minor's parent, legal guardian, or other person who had legal custody
from regaining care of the minor at any time.

(d) In addition to money paid for the maintenance of foster children
under (b) of this section, the department

(1) shall pay the costs of caring for physically or mentally handi-
capped foster children, including the additional costs of medical care,
habilitative and rehabilitative treatment, services and equipment,
special clothing, and the indirect costs of medical care, including child
care and transportation expenses;

(2) may pay for respite care; in this paragraph "respite care" means
child care for the purpose of providing

(A) temporary relief from the stresses of caring for a foster child
who has a physical or mental disability or a physical or mental im-
pairment; in this subparagraph

(i) "physical or mental disability" has the meaning given in AS
18.80.300(12)(A), (B), and (D); and

(ii) "physical or mental impairment" has the meaning given in AS
18.80.300; and

(B) protection for the child when the foster parent is

(i) away from the home because of an emergency and other care is
not available for the child; or

(ii) on vacation and the child, because of age or infirmity, cannot be
placed in any other type of temporary care facility; and

(3) may pay a subsidized guardianship payment under AS 25.23.210 when a foster child's foster parents or other persons approved by the department become court-appointed legal guardians of the child.

(e) A child may not be placed in a foster home or in the care of an agency or institution providing care for children if a blood relative exists who requests custody of the child. However, the department may retain custody of the child and provide for its placement in the same manner as for other children if it makes a determination, supported by clear and convincing evidence, that the custody of the child by the blood relative will result in physical or emotional damage. In making that determination, poverty, including inadequate or crowded housing, on the part of the blood relative, is not considered prima facie evidence that physical or emotional damage to the child will occur. This determination may be appealed to the superior court to hear the matter de novo.

(f) If a blood relative of the child specified under (e) of this section exists and agrees that the child should be placed elsewhere, before placement elsewhere the department shall fully communicate the nature of the placement proceedings to the relative. Communication under this subsection shall be made in the relative's native language, if necessary. Nothing in this subsection or in (e) of this section applies to child placement for adoptive purposes.

(g) The department may enter into agreements with Alaska Native villages or Native organizations under 25 U.S.C. 1919 (Indian Child Welfare Act of 1978) respecting the care and custody of Native children and jurisdiction of Native child custody proceedings. (§ 1 art III ch 145 SLA 1957; am § 5 ch 100 SLA 1971; am § 6 ch 104 SLA 1971; am § 1 ch 76 SLA 1976; am §§ 36, 37 ch 126 SLA 1977; am § 132 ch 6 SLA 1984; am § 1 ch 127 SLA 1986; am § 90 ch 138 SLA 1986; am § 1 ch 48 SLA 1988; am § 6 ch 204 SLA 1990)

Cross references. — For legislative intent in enacting (e) and (f) of this section, see § 35, ch. 126, SLA 1977 in the Temporary and Special Acts. For duties of custody review panels in connection with custody decisions made under (c) of this section, see AS 47.10.440.

Effect of amendments. — The first 1986 amendment added subsection (g).

The second 1986 amendment in subsection (c), substituted "must include provisions for payment of fees under AS 44.29.022" for "may include provisions for payment, in whole or in part" in the second sentence and substituted "may not prohibit" for "shall not operate to prohibit" in the third sentence.

The 1988 amendment, in subsection (d),

divided the formerly undivided language into an introductory paragraph and paragraphs (1) and (2). The amendment also substituted "and transportation expenses; and" for "transportation expenses, and" in paragraph (d)(1); and, in paragraph (d)(2), divided the formerly undivided language into an introductory paragraph and subparagraph (B), rewrote the introductory paragraph, inserted item (A), divided the formerly undivided language in subparagraph (B) into an introductory paragraph and items (i) and (ii), deleted "not to exceed 12 hours in any 30-day period; it also means child care for a period not to exceed seven days in a year for the purpose of providing emergency" at the beginning of the introductory paragraph of subpara-

§ 47.21.020

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§ 47.24.010 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.24.010

Article 1. Protection of the Elderly.

Section

- 10. Reports of harm
- 20. Action on reports
- 30. Protective services
- 40. Review and referral
- 50. Confidentiality of reports

Section

- 60. Authority of the department
- 70. Regulations
- 75. Quarterly report
- 100. Definitions

Cross references. — For statement of legislative purpose in enacting AS 47.24.010 — 47.24.100, see § 1, ch. 36, SLA 1983, in the Temporary and Special Acts.

Sec. 47.24.010. Reports of harm. (a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that an elderly person has suffered harm shall, not later than 24 hours after first having cause for the belief, report the harm to the Department of Health and Social Services:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915(11);
- (3) a pharmacist;
- (4) an administrator of a nursing home, residential care or health care facility;
- (5) a guardian or conservator;
- (6) a police officer;
- (7) a village public safety officer;
- (8) a village health aide;
- (9) a social worker;
- (10) a member of the clergy;
- (11) a staff employee of a project funded by the Older Alaskans Commission;
- (12) an employee of a homemaker program or home health aide program;
- (13) an emergency medical technician or a paramedic in the mobile intensive care program.

(b) A report of harm made under this section may include the name and address of the person reporting the harm and shall include

- (1) the name and address of the elderly person;
- (2) information relating to the nature and extent of the harm;
- (3) other information that the person reporting the harm believes might be helpful in an investigation of the case or in providing protection for the elderly person.

(c) A person who fails to comply with this section is guilty of a violation as defined in AS 11.81.900(b).

(d) This section does not prohibit a person listed in (a) of this section from reporting cases of economic or physical harm to an elderly person that have come to the person's attention in a nonprofessional capacity. This section does not prohibit any other person from reporting economic harm to an elderly person that the person has reasonable cause to believe is a result of theft, fraud, or coercion by a caretaker of the elderly person, or physical harm to an elderly person that the person has reasonable cause to believe is a result of abuse, neglect, or abandonment.

(e) If immediate action is necessary to protect the elderly person from imminent harm, the person shall make the report of harm to a police officer or a village public safety officer. The police officer or village public safety officer shall take immediate action to protect the elderly person and shall, at the earliest opportunity, notify the department.

(f) A person who, in good faith makes a report of economic or physical harm to an elderly person under AS 47.24.010 — 47.24.100, or who participates in judicial proceedings related to the submission of reports under AS 47.24.010 — 47.24.100, is immune from any civil or criminal liability that might otherwise be incurred or imposed.

(g) Failure to make a report under subsections (a) and (d) of this section is not the basis of civil liability unless otherwise provided by law.

(h) If a person makes a good faith report of harm under this section, an employer or supervisor of the person, or a public or private agency or entity that provides benefits, services, or housing to the person, may not discharge, demote, transfer, reduce the pay or benefits or work privileges of, prepare a negative work performance evaluation of, deny or withhold benefits or services, evict, or take other detrimental action against the person because of the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer, supervisor, agency, or entity that violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action was retaliatory if it was taken within 90 days after the report of harm was made. (§ 2 ch 36 SLA 1983; am § 4 ch 108 SLA 1988)

Effect of amendments. — The 1988 amendment added subsection (h).

Sec. 47.24.020. Action on reports. (a) Upon receiving a report of harm, the department shall promptly initiate an investigation to determine the economic or physical condition of the elderly person named in the report and whether action or services are needed for the protection of the elderly person. The department shall personally interview the elderly person during the investigation unless the elderly

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person is unconscious or otherwise physically or mentally impaired to such an extent as to be unable to respond to questions.

(b) The department shall prepare a written report of the investigation, including findings, recommendations, and a determination of whether and what kind of protective services are to be offered to the elderly person. Upon request, the person who reported harm to the elderly person shall be notified of the status of the investigation. The department shall provide to the Department of Law a copy of each report of an investigation of harm to an elderly person if the report of harm is confirmed to be true.

(c) The department shall immediately terminate an investigation under this section upon the request of an elderly person who is the subject of a report of harm. However, if the department has reasonable cause to believe that the elderly person is incapacitated, the department may petition the superior court under AS 13.26 for appointment of a guardian or temporary guardian for the elderly person for the purpose of obtaining consent to continue the investigation. (§ 2 ch 36 SLA 1983)

Sec. 47.24.030. Protective services. (a) The department shall provide available protective services to a harmed elderly person if and to the extent to which the elderly person consents. If the department has reasonable cause to believe that the elderly person lacks the capacity to consent to receiving protective services, it may petition the superior court under AS 13.26 for appointment of a guardian or temporary guardian for the elderly person for the purpose of obtaining consent.

(b) If an elderly person who has consented to receiving protective services is prevented by a caretaker from receiving the services, the department may assist the elderly person to petition the superior court for an injunction restraining the caretaker from interfering with the provision of protective services to the elderly person. (§ 2 ch 36 SLA 1983)

Sec. 47.24.040. Review and referral. The department shall, not later than 90 days after initiating the provision of protective services to an elderly person, initiate a review of the case to determine whether continuation or modification of protective services that are being provided is warranted. The department shall reevaluate the case every 90 days thereafter until the case is closed. (§ 2 ch 36 SLA 1983)

HB 3 SECTION 4.

Sec. 47.24.050. Confidentiality of reports. (a) Investigation reports and reports of harm filed under AS 47.24.010 — 47.24.100 are confidential and are not subject to public inspection and copying under AS 09.25.110 — 09.25.125. However, in accordance with AS 47.24.010 — 47.24.100 and regulations adopted under AS 47.24.010 — 47.24.100, investigation reports may be used by appropriate governmental agencies inside and outside the state, in connection with investigations or judicial proceedings involving harm to an elderly person.

(b) The department shall disclose a report of harm if the elderly person who is the subject of the report consents in writing. The department shall, upon request, disclose the number of verified reports of harm that occurred at an institution for care of the elderly. (§ 2 ch 36 SLA 1983)

Sec. 47.24.060. Authority of the department. In performing its duties under AS 47.24.010 — 47.24.100, the department may, subject to the elderly person's consent, initiate actions necessary to assure the health, safety and welfare of an elderly person, including the transfer of the elderly person from a nursing home, residential care or health care facility. (§ 2 ch 36 SLA 1983)

Sec. 47.24.070. Regulations. Regulations to implement AS 47.24.010 — 47.24.100 shall be approved by the Older Alaskans Commission (AS 44.21.200) before adoption by the department. (§ 2 ch 36 SLA 1983)

Sec. 47.24.075. Quarterly report. The department shall submit to the Older Alaskans Commission each quarter a statistical report of the department's activities related to the protection of elderly persons in the state. The report may not disclose the identity of victims or perpetrators of the harm. (§ 2 ch 36 SLA 1983)

HB 3 SECTION 5

Sec. 47.24.100. Definitions. In AS 47.24.010 — 47.24.100

(1) "abandonment" means desertion of an elderly person by a caretaker;

(2) "abuse" means the infliction of physical pain or injury, the infliction of mental anguish that requires medical attention, or the deprivation by a caretaker of services that are necessary to maintain the physical and mental health of an elderly person;

(3) "caretaker" means a person who is responsible for the care of an elderly person as a result of a family relationship, or who has assumed responsibility for the care of an elderly person voluntarily, by contract, or by court order;

(4) "department" means the Department of Health and Social Services;

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(5) "economic harm" means intentional economic exploitation of an elderly person resulting from theft, fraud, or coercion by a caretaker of the elderly person;

(6) "elderly person" means a resident of Alaska who is 65 years of age or older;

(7) "harm" means physical harm or economic harm;

(8) "incapacitated" means a person's ability to receive and evaluate information or to communicate decisions is impaired for reasons other than minority to the extent that the person lacks the ability to obtain the essential requirements for physical health or safety without court-ordered assistance;

(9) "neglect" means the failure by the caretaker of an elderly person to provide services necessary to maintain the physical and mental health of the elderly person;

(10) "physical harm" means injury to the person of an elderly person resulting from abuse, neglect or abandonment;

(11) "police officer" has the meaning given in AS 18.65.290;

(12) "protective services" means services intended to prevent or alleviate harm resulting from abuse, neglect, exploitation, or abandonment. (§ 2 ch 36 SLA 1983)

Article 2. Protection of Disabled Adults.

Section

110. Reports of physical or sexual assault

120. Immunity from liability; retaliation prohibited

Sec. 47.24.110. Reports of physical or sexual assault. (a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 — 11.41.230 or sexual assault under AS 11.41.410 — 11.41.420, and that the disabled adult is unable to report the crime, shall promptly report the crime to the nearest law enforcement agency:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915;
- (3) a pharmacist;
- (4) an administrator or employee of a nursing home, residential care, or health care facility;
- (5) a caretaker of the disabled adult;
- (6) a guardian or conservator of the disabled adult;
- (7) a police officer as defined in AS 18.65.290;
- (8) a village public safety officer;
- (9) a village health aide;
- (10) a social worker;
- (11) a member of the clergy;

(12) a staff employee of a program or project serving disabled adults;

(13) a licensed foster care provider;

(14) a paid employee of a domestic violence and sexual assault program or a crisis intervention and prevention program as defined in AS 18.66.900;

(15) an employee of a homemaker program or home health aide program;

(16) an emergency medical technician or paramedic in the mobile intensive care program.

(b) A person who knowingly fails or refuses to make a report required under (a) of this section is guilty of a class B misdemeanor.

(c) In this section, "disabled adult" means a person 18 years of age or older who has a physical or mental disability, or physical or mental impairment, as defined in AS 18.80.300. (§ 3 ch 42 SLA 1988)

Sec. 47.24.120. Immunity from liability; retaliation prohibited. (a) A person who in good faith makes a report under AS 47.24.110, regardless of whether the person is required to do so, is immune from civil or criminal liability that might otherwise be incurred or imposed for making the report.

(b) An employer or supervisor of a person who in good faith makes a report under AS 47.24.110 may not discharge, demote, transfer, reduce pay or benefits or work privileges of, prepare a negative work performance evaluation of, or take other detrimental action against the person because the person made the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer or supervisor who violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action by the employer or supervisor was retaliatory if it was taken within 90 days after the report was made. (§ 3 ch 42 SLA 1988)

Chapter 25. Public Assistance.

Article

1. General Relief Assistance (§§ 47.25.120 — 47.25.300)
2. Aid to Families with Dependent Children Act (§§ 47.25.310 — 47.25.420)
3. Job Opportunity and Basic Skills Program (JOBS) (§§ 47.25.421 — 47.25.429)
4. Adult Public Assistance (§§ 47.25.430 — 47.25.615)
5. Food Stamp Program (§§ 47.25.975 — 47.25.990)

the Attorney General at 1980 Senate Journal page 1764 and 1980 House Journal page 2221.

Article 1. Service Programs for Older Alaskans.

<p>Section 10. Older Alaskans service programs account 20. Grants for community service programs</p>	<p>Section 30. Pilot project grants 40 Required contribution by sponsor 50. Administrative requirements</p>
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Sec. 47.65.010. Older Alaskans service programs account. The older Alaskans service programs account is established in the Department of Administration. An amount to carry out the provisions of AS 47.65.010 — 47.65.050 may be appropriated annually by the legislature to the account. The amount appropriated to the account shall be fully distributed by the Older Alaskans Commission to sponsors of older Alaskans service programs in accordance with the provisions of AS 47.65.010 — 47.65.050. (§ 1 ch 152 SLA 1980; am § 5 ch 79 SLA 1981; am § 1 ch 37 SLA 1990)

Effect of amendments. — The 1990 amendment substituted "AS 47.65.010 — 47.65.050" for "this chapter" in the first and second sentences.

Sec. 47.65.020. Grants for community service programs. Not less than 60 percent of the amount appropriated by the legislature to the account established in AS 47.65.010 shall be allocated annually by the commission as community program grants to sponsors of older Alaskans service programs. Payments shall be made on the basis of applications submitted to the commission by sponsors of community programs. (§ 1 ch 152 SLA 1980; am § 6 ch 79 SLA 1981)

Sec. 47.65.030. Pilot project grants. (a) The balance of the amount appropriated to the account established in AS 47.65.010 not allocated under AS 47.65.020 shall be allocated annually by the commission as grants to support pilot projects for the benefit of older Alaskans under this section.

(b) The commission shall adopt standards for pilot project grants and, after adoption of the standards as regulations, in accordance with the Administrative Procedure Act (AS 44.62), shall apply the standards to determine eligibility of applicants for pilot project grants. In awarding pilot project grants, the commission shall

(1) enter into agreements with the project sponsor to operate one or more of the selected pilot projects consistent with the standards adopted;

§ 47.65.030

§ 47.65.040 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.65.040

(2) monitor and evaluate, in a written report, each pilot project; the report must include

(A) a description of the project and of the persons served by it;
(B) the problems presented by the persons served by the project;
(C) a description of the problems most effectively handled by the project; and

(D) an estimate of projected cost of operation of the project for the next three succeeding years. (§ 1 ch 152 SLA 1980; am § 7 ch 79 SLA 1981)

Sec. 47.65.040. Required contribution by sponsor. (a) A sponsor receiving a grant under AS 47.65.010 — 47.65.050 shall contribute to the total cost of the program or project. The contribution may be in cash or in-kind services. The amount of the sponsor's required contribution is determined by the application of the following formula: average per capita full and true value of all property in the municipality or community in which the project or program takes place divided by the average per capita full and true value of all property in the state, and then multiplied by the contribution percentage to the estimated total program or project cost as determined by the commission at the time of approval of a grant application. However, the amount of the sponsor's contribution may not amount to more than 10 percent of the total program or project cost.

(b) For purposes of this section

(1) the contribution percentage for

(A) a program or project in a municipality or community having a population of 5,000 or less is 10 percent of the total program or project cost;

(B) a program or project in a municipality or community having a population of 5,001 to 10,000 is 20 percent of the total program or project cost; and

(C) a program or project in a municipality or community having a population of more than 10,000 is 30 percent of the total program or project cost.

(c) If an application is submitted for a program or project in a municipality or community for which no average per capita full and true property value determination has been made,

(1) if the population of the municipality or community is 750 or more, the commission shall request the state assessor to compute the average per capita full and true property value of that municipality or community and report it;

(2) if the population is less than 750, the commission may substitute for the average per capita full and true value of property in the municipality or community an amount equal to the average per capita full and true value of property in the smallest municipality for which that amount has been determined by the state assessor.

(d) The required contribution rate of the sponsor may not exceed the contribution percentage established in (b) of this section;

(e) The grant awarded by the commission may not exceed the estimated total program or project cost as determined by the commission less the contribution by the sponsor determined in accordance with this section. (§ 1 ch 152 SLA 1980; am § 8 ch 79 SLA 1981; am § 2 ch 37 SLA 1990)

Revisor's notes. — In 1984, subsection amendment made a minor stylistic designations were added to this section. change in subsection (a).
Effect of amendments. — The 1990

~~HB 3 SECTION 61~~

Sec. 47.65.050. Administrative requirements. Payments received by a sponsor under AS 47.65.010 — 47.65.050 may be used only to meet costs of services which the commission has determined directly benefit older Alaskans. A payment may not be made by the commission under this section unless the commission determines that the sponsor

(1) meets accepted standards of fiscal accountability for public funds;

(2) can demonstrate, when requested, the actual cost of services that it is providing for the benefit of older Alaskans; and

(3) agrees to make available, upon request, all fiscal information relating to service for which payments are provided under AS 47.65.010 — 47.65.050. (§ 1 ch 152 SLA 1980; am § 9 ch 79 SLA 1981; am § 3 ch 37 SLA 1990)

Effect of amendments. — The 1990 amendment made minor stylistic changes.

Article 2. Adult Day Care and Family Respite Care.

Section
100. Adult day care and family respite care

~~HB 3 SECTION 71~~

Sec. 47.65.100. Adult day care and family respite care. (a) In addition to administering grants for adult day care programs and family respite care services for older Alaskans under AS 47.65.010 — 47.65.050, the commission may make grants under this section from funds otherwise available to it for adult day care programs and family respite care services for frail older persons and other similarly disabled adults.

(b) In order to fund grants under this section, the commission and the Department of Administration may seek and enter into contracts or grants with any party, including reimbursable service agreements with other state agencies.

§ 47.65.290 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.65.290

(c) The commission shall, by regulation, set fees for services provided under this section. The fees must be based on a sliding scale formula that takes into account the client's income.

(d) Fees established under (c) of this section may not exceed the cost of the service. A person may not be denied service based solely on inability to pay a fee established under this section.

(e) In this section

(1) "frail older person" means a state resident who is at risk of institutional placement and

(A) is age 55 or older; or

(B) has Alzheimer's disease or a related disorder;

(2) "similarly disabled adult" means a state resident who is 18 years of age or older who is at risk of institutional placement but who is not a frail older person or an older Alaskan. (§ 4 ch 37 SLA 1990)

Revisor's notes. — Enacted as AS 47.65.055. Renumbered in 1990.

Article 3. General Provisions.

Section
290. Definitions

HAS SECTION 81

Sec. 47.65.290. Definitions. In this chapter,

(1) "adult day care" means nonresidential care for a group of persons that offers supervision, custodial care, and other appropriate social, indoor and outdoor recreational, physical, medical, or psychological services for persons at risk of institutional placement;

(2) "at risk of institutional placement" means that a person is either already a resident of an adult foster home or is likely to need placement in a 24-hour care residential or nursing facility, not including a mental health hospital;

(3) "commission" means the Older Alaskans Commission established in AS 44.21.200;

(4) "family respite care" means intermittent and substitute care that provides relief for a family caregiver or adult foster home provider by providing intermittent care in the form of companionship, temporary supervision, and minor personal care to a person who is at risk of institutional placement; the service may be provided either in the home of the client or the caregiver, including in an adult foster care home if that is the client's residence.

(5) "older Alaskan" means a resident of Alaska who is 60 years of age and older;

(6) "service program" means the following general categories of services to older Alaskans, including reasonable costs of administration:

(A) nutritional programs;

(B) volunteer programs;

- (C) adult day care programs and family respite care services;
 - (D) health services;
 - (E) housing services;
 - (F) legal services and assistance;
 - (G) home health and homemaker services;
 - (H) counseling;
 - (I) information and referral services;
 - (J) programs which train persons to work with or assist older Alaskans;
 - (K) transportation services;
 - (L) educational activities; and
 - (M) employment services;
- (7) "sponsor" means the provider of one or more service programs or pilot projects for the benefit of older Alaskans, including
- (A) a municipality of the state;
 - (B) a nonprofit corporation organized under the laws of the state; and
 - (C) an educational institution. (§ 1 ch 152 SLA 1980; am §§ 10-12 ch 79 SLA 1981; §§ 5, 6 ch 37 SLA 1990)

Revisor's notes. — Formerly AS 47.65.060. Renumbered in 1990. Reorganized in 1984 and 1990 to alphabetize the terms defined.

Effect of amendments. — The 1990 amendment rewrote present subparagraph (6)(C) and added present paragraphs (1), (2) and (4).

Chapter 70. Interstate Compact on the Placement of Children.

Section

- 10. Compact enacted
- 20. Financial responsibility
- 30. Designation of authority
- 40. Agreements

Section

- 50. Delegation by agreement
- 60. Executive head
- 70. Violations of compact
- 80. Short title

Sec. 47.70.010. Compact enacted. The Interstate Compact on the Placement of Children as contained in this section is enacted into law and entered into on behalf of the state with any and all other states legally joining in it in a form substantially as follows:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

- (a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or

position
paper



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Older Alaskans Commission

POSITION PAPER ON HOUSE BILL 3

"An Act Relating to public home care workers"

The Older Alaskans Commission supports passage of House Bill 3.

This bill adds several new protections for seniors and other disabled persons who use the services of public home care providers.

Section 1 states that any type of publicly paid for home care provider may not accept a designation to hold a power of attorney for a home care client unless the power of attorney is held jointly (possible under the law) with someone else who is not employed as a home care worker.

Older Alaskans Commission recommends an amendment that strengthens Section 1 to forbid any situation where a power of attorney is held by a publicly paid home care worker for a client, unless there is some protection and oversight, such as a court order or a waiver based upon particular facts given by the state agency which is paying for the home care. Alternatively, the person with whom the home care worker jointly holds the power of attorney should be required to be a person who has no personal or financial relationship with the home care worker.

Section 2 is added to the general duties of the Department of Health and Social Services. This section mandates that state funds may not be used for payment to a home care provider unless the contractor or grantee which hires the home care workers agrees to file a request, within 10 days after hiring each individual worker, for that worker's state criminal records, as such a request is provided for in existing law at AS 12.62.035. The employer must also promptly review the criminal records once received.

This section instructs DH&SS to adopt regulations about how it will take action when a report of harm is filed under either the child or the elder abuse reporting statutes, when the allegation is that the harm was caused by a public home care provider. Specifically, the regulations must include procedures for when and how the department will require the contractor or grantee employer to reassign, suspend or terminate the alleged abuser, including procedural safeguards of the individual home care worker's due process rights in such a case.

Finally, this section defines "public home care provider" as any worker under a state contract or grant who provides any of the following types of service: homemaker, chore, personal care, home health, or similar services in or around a client's personal residence; or respite care service whether provided in the client's home or the provider's home or facility.

Section 3 states that DH&SS may not pay for any respite care unless the same procedures for requiring criminal background checks are put into the contracts or grants.

Section 4 broadens the mandate that DH&SS must, upon request, release the number of verified reports of harm to elderly persons at an institution to also require the same disclosure about a publicly paid home care provider.

Section 5 adds a definition of "public home care provider," basically anyone paid by the state under contract or grant to provide homemaker services at an institution to also require the same disclosure about a publicly paid home care provider.

Section 6 states that the Older Alaskans Commission must also require the same types of criminal background checks for any home care workers under OAC grants for family respite or home care services.

Section 7 states that the OAC must require the same types of criminal background checks for any home care workers under grants for family respite care or for adult day care services.

Section 8 adds a new definition of "home care services" to the services to Older Alaskans act, which puts all homemaker, chore, personal care, home health or similar services in or around a client's residence in this category.

Section 9 sets a time deadline when the Department of Health & Social Services must adopt the new regulations required by Section 2 of this act, specifically by March 15, 1994. A status report is due to the legislature by February 1, 1994.

Section 10 gives the act an immediate effective date.

This bill, by requiring criminal background checks, may slightly increase the costs of providing publicly paid for in-home care services for some agencies which are not already doing these checks. This higher cost may result in slightly reduced hours of service available for clients. However, even if hours of services were slightly decreased, this would be a worthwhile trade-off in order to give greater assurance of physical and financial security to the vulnerable home care clients.

The Older Alaskans Commission believes that abuse of elders and disabled adults is a grievous problem that Alaska must better address.

The Commission urges passage of House Bill 3.

Donald M. Hoover

Donald M. Hoover, Chairman
Older Alaskans Commission

Dated: 3/29, 1993

HB

3

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/18/94

FURTHER:

DATE TURNED INTO OFFICE: 3-17-94

The Finance Committee considered HOUSE BILL NO. 3

"An Act relating to public home care providers; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous S CS HB 3 (TVD)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DHSS #0259	3/23/94		15.0
DCS #1190	2/17/94	✓	
Admin #1981	3/17/94	✓	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DHSS #1629	2/2/94	✓	

Appropriation No Fiscal Note

DO PASS.

Steve Hein
Keith ...
Greg ...

OTHER RECOMMENDATIONS:

1. *Shank Do Pass*
 Co-Chair: Signature/Recommendation

2. *True ... 10/200*
 Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 6
 Bill Version: SCS HB 3 (JWD)
 (S) Effective Date: 2-18-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 28, 1994 Dept. Affected: Health and Social Services
 Title: An act relating to public home care providers BRU: State Health Services
 Component: Home Health Services
 Sponsor: Mackie, Ulmer
 Requestor: Senate Judiciary COMPONENT SERIAL NO. #1629

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

Cost of the security clearance for Personal Care Attendants is covered as administrative costs in the current grant awards as part of the deliverables of the grantee.

Prepared by: Peter M. Nakamura, MD, MPH *P.M.N.*
 Division: Public Health

Phone: (907) 465-3090
 Date: 01/28/94

Approved by Commissioner: Margaret R. Lowe
 Agency: Department of Health & Social Services

Date: 2-2-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SCS HB 3(JUD)

Revision Date: _____
 Title: An Act relating to public home care providers
and providing for an effective date.
 Sponsor: Rep. Mackie
 Requestor: Rep. Mackie

Department Affected: Administration
 BRU: Senior Services
 Component: Senior Services Administration
 COMPONENT SERIAL NO. 1981

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

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.)

Prepared by: Connie J. Sipe, Director *CJSipe*
 Division: Senior Services

Phone: 465-3250
 Date: _____

Approved by Commissioner: Madon Bear Usura
 Agency: Department of Administration

Date: 3/17/94

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Replaces #7

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SCS CS HB 3 (JUD)

Revision Date: 03/23/94 Dept. Affected: Health and Social Services
 Title: An Act Relating to Public Home Providers BRU: Family & Youth Services
 Component: Central Office
 Sponsor: Representative(s) Mackie & Ulmer
 Requestor: S (FIN) COMPONENT SERIAL NO. 0259

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	15.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Reclots						
1003 GF Match						
1004 GF	15.0					
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	15.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights for such an individual. Section 9 requires that the regulations be adopted by March 15, 1995. There are several critical regulatory projects ahead of this one. For this reason, a moderate fiscal note is required to implement the provisions of this bill. A contract will be obtained to draft, conduct public hearings on, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services procedural manuals to implement the changes and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill. If the protection of the Vulnerable Adults bill passes, the department will collaborate with the Division of Senior Services.

Prepared by: Deborah R. Wing, Director
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 03/23/94
 Date: 3-23-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: HB 3

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to public home care BRU: STATEWIDE
providers; and providing for an effective date Component: Alaska Criminal Records and Ident.
 Sponsor: MACKIE
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 1190

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

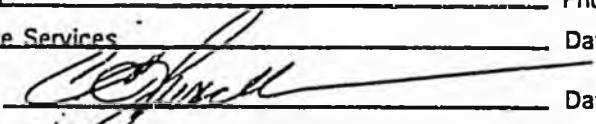
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) impact: \$ 0

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.)
 The Department of Public Safety performs applicant checks currently and has existing program receipt authority to receive and expend funds to provide these services. If additional program receipt authority becomes necessary, the Department will submit a request to Legislative Budget and Audit as a revised program or during a legislative session as part of the department's operating budget request.

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: February 17, 1994
 Approved by Commissioner:  Date: _____
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

No. 5
 Bill Version: HB 3
 (H) Publish Date: 4/5/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: March 30, 1993 Dept. Affected: Health and Social Services
 Title: An act relating to public home care providers BRU: State Health Services
 Component: Nursing
 Sponsor: Mackie, Ulmer
 Requestor: House HES COMPONENT SERIAL NO. #288

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE	GF	GF	GF	GF	GF	GF

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year (FY93) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Cost of the security clearance for Personal Care Attendants will be covered within the grant awards to home care agencies.

Prepared by: Peter M. Nakamura, MD, MPH
 Division: Public Health
 Approved by Commissioner: [Signature]
 Agency: Department of Health and Social Services

Phone: (907) 465-3090
 Date: _____
 Date: 4/1/93

FISCAL NOTE

No. 4
 Version: HB 3
 (H) Publish Date: 4/5/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: March 31, 1993 Dept. Affected: Health and Social Services
 Title: "An act relating to Public Home Providers" BRU: Family and Youth Services
 Component: Central Office
 Sponsor: Representative Mackie, Ulmer
 Requestor: Representative Mackie COMPONENT SERIAL NO. 259

Expenditures/Revenues: (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	15.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	15.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	15.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary)
 Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights and due process for such an individual. Section 9 requires that the regulations be adopted by March 15, 1994. The department had frequently been given legislative responsibility for promulgating regulations without funding to accomplish the task. DFYS within the department has received criticism during this session for taking too much time to write or update regulations. There are several critical regulatory projects ahead of this one. For this reason a moderate fiscal note is required to implement the provisions of this bill. A contract will be obtained to draft, conduct public hearings on, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services staff manuals to implement the changes and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191
 Division: Department of Health & Social Services Date: 03/31/93
 Approved by Commissioner: Theodore A. Mala, MD, MPH *Theodore A. Mala* Date: 4/1/93
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 3
Bill Version: HB 3
(H) Publish Date: 3/10/93

Revision Date: _____
Title: "An Act relating to public home care providers; and providing for an effective date."
Sponsor: Representative Mackie
Requestor: _____

Department Affected: Administration
BRU: Older Alaskans Commission
Component: Older Alaskans Commission
COMPONENT SERIAL NO. 36

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Connie J. Sipe, Director
Division: Older Alaskans Commission

Phone: 465-3250
Date: January 21, 1993

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 1/25/93

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Alaska State Legislature



REPRESENTATIVE
JERRY MACKIE

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

P.O. BOX 795
CRAIG, ALASKA 99921
(907) 925-3008 OFFICE
(907) 925-2930 HOME

House of Representatives

SPONSOR STATEMENT FOR HB 3

HB 3, An Act relating to public home care providers, restricts the ability of a home care provider to assume power of attorney and requires criminal background checks on any individual providing home care services paid for by public funds for an elderly or disabled person.

This bill will provide some protection to elderly and disabled persons from those responsible for their care; these groups are particularly vulnerable to abuse because of age, illness, disability and the isolation of being alone in their home with a caregiver.

It is important to take these steps now, while Alaska is on the brink of an explosion in home care services. Our senior citizen population is rapidly expanding and the state has just received approval for a Medicaid Waiver to provide home and community based services as an alternative to institutionalization. Once the Medicaid Waiver is effective, and there is a payment system available for expanded home based services, the home care services industry will see rapid growth - as it has in other states. This bill also requires background checks on home care providers paid through Older Alaskans Commission grants, and respite care providers paid through the Division of Family and Youth Services.

An important aspect of this bill is that the Department of Health and Social Services is required to implement regulations identifying actions to be taken upon reports of harm by a home care provider; it also protects the due process rights of the provider. My companion bill, HB 4, provides that conviction of a person licensed, certified or regulated by a board or the Department of Commerce, for abuse of an elderly or disabled person may be considered ground for disciplinary proceedings or sanctions.

I think this bill is both important and timely and urge your support.

Alaska State Legislature



REPRESENTATIVE
JERRY MACKIE

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-0182
(907) 463-4925

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(907) 325-1950 HOME

House of Representatives

SECTIONAL ANALYSIS - HB 3

"AN ACT RELATING TO PUBLIC HOME CARE PROVIDERS; EFD"

- Section 1 Title 13, Chapter 26 (Protection of persons under disability and their property) is amended by adding a new section which provides that a public home care provider may not accept a designation of attorney in fact or power of attorney for a person to whom they provide services unless that power is shared with another person who is not a home care provider.
- Section 2 Amends Chapter 47, Title 5, which relates to the powers and duties of the Department of Health and Social Services, by adding a new section which: 1) provides that state funds may not be used to pay for the services of a home care provider unless a criminal background check is completed under AS 12.62.035(a) and reviewed within 5 days of receipt; 2) requires the department to require these background checks by home care provider contractors and grantees; 3) requires the department to implement regulations on actions subsequent to reports of harm by a home care provider and protection of due process rights of providers subject to reports of harm; and defines home care provider in this section.
- Section 3 Adds a new subsection to AS 47.10.230, powers and duties of the department over care of children, which provides that the department may not pay for respite care services unless a criminal background check has been requested and reviewed.
- Section 4 Amends AS 47.24.050(b) to allow the department to disclose the number of verified reports of harm to the elderly by home care providers.
- Section 5 Defines home care provider under Chapter 24.
- Section 6 Adds a new subsection to AS 47.65.050 which provides that payments to a sponsor for respite or home care

services under the programs of the Older Alaskans Commission may not be made unless the sponsor agrees to request a criminal background check on the person providing services.

- Section 7 Adds a new subsection to AS 47.65.100 which provides that the Older Alaskans Commission may not award a grant for day care and respite services unless the grantee agrees to request criminal background checks on individuals providing service.
- Section 8 Adds a new section to AS 47.65.100 which defines home care services under the Older Alaskans Commission statutes.
- Section 9 Requires the Department of Health and Social Services to adopt home care provider regulations by March 15, 1995 and issue a report to the legislature on the status of the regulation process by February 1, 1995.
- Section 10 Provides for an immediate effective date.

Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



House of Representatives


ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

P.O. BOX 795
CRAIG, ALASKA 99921
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(907) 826-2930 HOME

MEMORANDUM

FEB 18 1993

TO: Senator Drue Pearce, Co-Chair
Senator Steve Frank, Co-Chair
Senate Finance Committee

FROM: Representative Jerry Mackie 

DATE: February 17, 1993

RE: Scheduling for HB 3, an Act relating to home care providers.

HB 3 was passed out of the Senate Judiciary Committee yesterday, and I would respectfully request a hearing on this bill in the Senate Finance Committee.

This bill would add important protections for the elderly and disabled population by limiting the ability of home care providers in obtaining power of attorney of the clients they serve, and requiring criminal background checks of home care providers whose services are paid by state funds. The Department of Health and Social Services and the Older Alaskans Commission (who operate these home-based services) are both in support of the legislation. HB 3 has a \$15.0 fiscal note.

Home based services as an alternative for institutionalization is a major growth industry in the state; Alaska also has the most rapid growth in senior citizen population in the country. I believe it is imperative to get these important protections in place while this growth is occurring.

A complete bill packet is attached to this memo.

Thank you for your consideration.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

March 4, 1992

Honorable Jerry Mackie
Alaska State House of Representatives
State Capitol
Juneau, AK 99811

Dear Representative Mackie:

Thank you for your February 20 memo regarding home health care services for the elderly and disabled. Following are the answers to the questions you set out:

1. How many disabled adults and elderly persons were receiving services under home health care services programs throughout all the divisions of H&SS for FY87 - FY91?

ANSWER: The Division of Public Health, through the section of Nursing, has only been overseeing the Adult Homemaker Services contract (AMTECH) since FY90. Prior to that time the Homemaker Services were administered by DFYS.

In FY91 there were:

492 age 68-80

214 over age 80

706 total clients over age 65

The total number of all clients served by AMTECH in FY91 was 1,122.

The above FY90 information was requested of the contractor for the purpose of this report; AMTECH was unable to provide information at this time.

The section of Nursing provides home health to a limited number of clients each year in a small number of communities, using State

Honorable Jerry Mackie

March 4, 1992

Page 2

general funds. Home Health Aide services are, or have been, available in the following communities:

Mat-Su/Palmer/Wasilla/Talkeetna
Fairbanks/North Star Borough
Juneau
Sitka
Seward/Kenai
Soldotna/Homer
Ketchikan
Wrangell
Petersburg
Bethel

In three locations (Fairbanks, Ketchikan, Juneau) skilled (Registered Nurse) services are available through a pilot project (which began in 1981) with services provided by state employees (PHN II's and Nurse II's).

The following chart shows the number of clients served through the Home Health Aide and Home Health Skilled Nursing programs:

FY	Number of Clients/Patients
91	376 (330 are over age 65)
90	358 (311 are over age 65)
89	349 (341 are over age 65)
88	363 (315 are over age 65)
87	359 (319 are over age 65)

The data system does not break-out the number of disabled children or adults, although only those clients with moderate to severe needs are provided services. Most clients are not Medicaid eligible due to income level that places them slightly above the financial criteria and do not have third-party insurance that will reimburse for homecare for health aide services.

2. How much money was spent on salaries for public home health care providers throughout all the divisions of H&SS from FY87 - FY91?

Honorable Jerry Mackie
March 4, 1992
Page 3

ANSWER: The following is cost of personal services to provide skilled, home health nursing in the communities of Fairbanks, Juneau, and Ketchikan:

	FY88	FY89	FY90	FY91
PERSONAL SERVICES	348,018	385,174	448,501	384,579

Note that cost of personal services were lower in FY91. This was due to a turnover in home health staff at the Fairbanks Health Center. Senior employees at advanced salary steps were replaced by employees at lower salary steps.

How many individuals were employed as public home health care providers in these same fiscal years?

Since its beginning, the staffing pattern for the Home Health Program has remained the same with one exception. In FY91 the Juneau Health Center Clerk Typist III position was transferred out of the Home Health program (*).

Program Nurse Consultant	Central Office
Public Health Nurse II	Juneau Health Center
Nurse II	Juneau Health Center
*Clerk Typist III	Juneau Health Center
Community Health Aide	Ketchikan Health Center
Clerk Typist III	Ketchikan Health Center
Public Health Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Clerk Typist III	Fairbanks Health Center

3. How much money was spent on contracts with private home health care services agencies?

The Section of Nursing has approximately 65 -- 75 active Home Health Aides working under agreements. Due to turnover of the Home Health Aides, there may be as many as 100 individuals who have agreements (active or inactive) with the Department during the fiscal year. An additional 8 -- 10 Registered Nurses are working under professional services contracts to provide home health services.

Honorable Jerry Mackie

March 4, 1992

Page 4

CONTRACTED SERVICES	FY88	FY89	FY90	FY91
SKILLED NURSING (RN'S)	\$ 32,982	\$ 34,156	\$103,001	\$ 83,345
Total number of hours (paid at \$13 PerHour)	(4,604)	(4,575)	(5,722)	(4,533)
HOME HEALTH AIDES (HHA)	\$222,368	\$254,000	\$254,000	\$254,000
Total number of hours (paid at \$12 PerHour)	(18,572)	(22,000)	(22,000)	(22,000)
PROVIDENCE	\$229,512	\$238,000	\$238,000	\$238,000
Total number of visits (paid at \$39. Per HA visit)	(5,259)	(5,685)	(5,471)	(5,471)
(paid at \$80. Per RN visit)	(385)	(368)	(370)	(370)
AMTECH			\$1,455,775	\$1,488,500
Training Funds			<\$42,689>	<\$32,363>
Total number of hours paid at \$20.34 per hr			(71,562)	
paid at \$21.72 per hr				(68,535)

Is there breakout information available as to amounts spent for services provided to children, disabled adults and elderly adults?

This is information for the Home Health skilled nursing contract with Home Health Care/Providence Hospital

FY	Total No. Clients	HHA Visits	RN Visits	Over 60	disabled	cost
91	127	5,471	370	107 (84%)	11 (9%)	\$238,000
90	125	5,471	370	102 (82%)	14 (11%)	\$238,000
89	137	5,685	368	115 (89%)	12 (9%)	\$238,000
88	116	5,259	385	99 (86%)	12 (10%)	\$229,612
87	107	5,920	358	86 (80%)	15 (14%)	\$249,107

The existing data system and reports have no simplified means of extracting the information pertinent to the number of disabled children and adults, so the percentages listed above are an estimate of the total number of clients from reports submitted.

4. Can you provide an update as to the status of the Medicaid Waiver Application of the State of Alaska?

Honorable Jerry Mackie

March 4, 1992

Page 5

Answer: We will be applying for our package of waivers in the very near future. The applications are first filed with the federal Department of Health and Human Services, Region X. We anticipate that we will have approval and be fully operational by July 1993.

If you need further information on these or any other Department programs, please contact me.

Sincerely,



Theodore A. Mala, MD, MPH
Commissioner

TAM:TB:AW

bcc: Peter Nakamura, Director
Dwayne Peoples, Health Program Specialist
Alice Walters, Health Program Nurse Consultant

Back up

"

position

papers



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Older Alaskans Commission

POSITION PAPER ON HOUSE BILL 3

"An Act Relating to public home care workers"

The Older Alaskans Commission supports passage of House Bill 3.

This bill adds several new protections for seniors and other disabled persons who use the services of public home care providers.

Section 1 states that any type of publicly paid for home care provider may not accept a designation to hold a power of attorney for a home care client unless the power of attorney is held jointly (possible under the law) with someone else who is not employed as a home care worker.

Older Alaskans Commission recommends an amendment that strengthens Section 1 to forbid any situation where a power of attorney is held by a publicly paid home care worker for a client, unless there is some protection and oversight, such as a court order or a waiver based upon particular facts given by the state agency which is paying for the home care. Alternatively, the person with whom the home care worker jointly holds the power of attorney should be required to be a person who has no personal or financial relationship with the home care worker.

Section 2 is added to the general duties of the Department of Health and Social Services. This section mandates that state funds may not be used for payment to a home care provider unless the contractor or grantee which hires the home care workers agrees to file a request, within 10 days after hiring each individual worker, for that worker's state criminal records, as such a request is provided for in existing law at AS 12.62.035. The employer must also promptly review the criminal records once received.

This section instructs DH&SS to adopt regulations about how it will take action when a report of harm is filed under either the child or the elder abuse reporting statutes, when the allegation is that the harm was caused by a public home care provider. Specifically, the regulations must include procedures for when and how the department will require the contractor or grantee employer to reassign, suspend or terminate the alleged abuser, including procedural safeguards of the individual home care worker's due process rights in such a case.

Finally, this section defines "public home care provider" as any worker under a state contract or grant who provides any of the following types of service: homemaker, chore, personal care, home health, or similar services in or around a client's personal residence; or respite care service whether provided in the client's home or the provider's home or facility.

Section 3 states that DH&SS may not pay for any respite care unless the same procedures for requiring criminal background checks are put into the contracts or grants.

Section 4 broadens the mandate that DH&SS must, upon request, release the number of verified reports of harm to elderly persons at an institution to also require the same disclosure about a publicly paid home care provider.

Section 5 adds a definition of "public home care provider," basically anyone paid by the state under contract or grant to provide homemaker services at an institution to also require the same disclosure about a publicly paid home care provider.

Section 6 states that the Older Alaskans Commission must also require the same types of criminal background checks for any home care workers under OAC grants for family respite or home care services.

Section 7 states that the OAC must require the same types of criminal background checks for any home care workers under grants for family respite care or for adult day care services.

Section 8 adds a new definition of "home care services" to the services to Older Alaskans act, which puts all homemaker, chore, personal care, home health or similar services in or around a client's residence in this category.

Section 9 sets a time deadline when the Department of Health & Social Services must adopt the new regulations required by Section 2 of this act, specifically by March 15, 1994. A status report is due to the legislature by February 1, 1994.

Section 10 gives the act an immediate effective date.

This bill, by requiring criminal background checks, may slightly increase the costs of providing publicly paid for in-home care services for some agencies which are not already doing these checks. This higher cost may result in slightly reduced hours of service available for clients. However, even if hours of services were slightly decreased, this would be a worthwhile trade-off in order to give greater assurance of physical and financial security to the vulnerable home care clients.

The Older Alaskans Commission believes that abuse of elders and disabled adults is a grievous problem that Alaska must better address.

The Commission urges passage of House Bill 3.

Donald M. Hoover

Donald M. Hoover, Chairman
Older Alaskans Commission

Dated: 3/27, 1993

the Attorney General at 1980 Senate Journal page 1764 and 1980 House Journal page 2221.

Article 1. Service Programs for Older Alaskans.

<p>Section 10. Older Alaskans service programs account 20. Grants for community service programs</p>	<p>Section 30. Pilot project grants 40. Required contribution by sponsor 50. Administrative requirements</p>
--	--

Sec. 47.65.010. Older Alaskans service programs account. The older Alaskans service programs account is established in the Department of Administration. An amount to carry out the provisions of AS 47.65.010 — 47.65.050 may be appropriated annually by the legislature to the account. The amount appropriated to the account shall be fully distributed by the Older Alaskans Commission to sponsors of older Alaskans service programs in accordance with the provisions of AS 47.65.010 — 47.65.050. (§ 1 ch 152 SLA 1980; am § 7 ch 79 SLA 1981; am § 1 ch 37 SLA 1990)

Effect of amendments. — The 1990 amendment substituted "AS 47.65.010 — 47.65.050" for "this chapter" in the first and second sentences.

Sec. 47.65.020. Grants for community service programs. Not less than 60 percent of the amount appropriated by the legislature to the account established in AS 47.65.010 shall be allocated annually by the commission as community program grants to sponsors of older Alaskans service programs. Payments shall be made on the basis of applications submitted to the commission by sponsors of community programs. (§ 1 ch 152 SLA 1980; am § 6 ch 79 SLA 1981)

Sec. 47.65.030. Pilot project grants. (a) The balance of the amount appropriated to the account established in AS 47.65.010 not allocated under AS 47.65.020 shall be allocated annually by the commission as grants to support pilot projects for the benefit of older Alaskans under this section.

(b) The commission shall adopt standards for pilot project grants and, after adoption of the standards as regulations, in accordance with the Administrative Procedure Act (AS 44.62), shall apply the standards to determine eligibility of applicants for pilot project grants. In awarding pilot project grants, the commission shall

(1) enter into agreements with the project sponsor to operate one or more of the selected pilot projects consistent with the standards adopted;

47.65.030

§ 47.65.040 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.65.040

(2) monitor and evaluate, in a written report, each pilot project; the report must include

- (A) a description of the project and of the persons served by it;
- (B) the problems presented by the persons served by the project;
- (C) a description of the problems most effectively handled by the project; and

(D) an estimate of projected cost of operation of the project for the next three succeeding years. (§ 1 ch 152 SLA 1980; am § 7 ch 79 SLA 1981)

Sec. 47.65.040. Required contribution by sponsor. (a) A sponsor receiving a grant under AS 47.65.010 — 47.65.050 shall contribute to the total cost of the program or project. The contribution may be in cash or in-kind services. The amount of the sponsor's required contribution is determined by the application of the following formula: average per capita full and true value of all property in the municipality or community in which the project or program takes place divided by the average per capita full and true value of all property in the state, and then multiplied by the contribution percentage to the estimated total program or project cost as determined by the commission at the time of approval of a grant application. However, the amount of the sponsor's contribution may not amount to more than 10 percent of the total program or project cost.

(b) For purposes of this section

(1) the contribution percentage for

(A) a program or project in a municipality or community having a population of 5,000 or less is 10 percent of the total program or project cost;

(B) a program or project in a municipality or community having a population of 5,001 to 10,000 is 20 percent of the total program or project cost; and

(C) a program or project in a municipality or community having a population of more than 10,000 is 30 percent of the total program or project cost.

(c) If an application is submitted for a program or project in a municipality or community for which no average per capita full and true property value determination has been made,

(1) if the population of the municipality or community is 750 or more, the commission shall request the state assessor to compute the average per capita full and true property value of that municipality or community and report it;

(2) if the population is less than 750, the commission may substitute for the average per capita full and true value of property in the municipality or community an amount equal to the average per capita full and true value of property in the smallest municipality for which that amount has been determined by the state assessor.

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(d) The required contribution rate of the sponsor may not exceed the contribution percentage established in (b) of this section;

(e) The grant awarded by the commission may not exceed the estimated total program or project cost as determined by the commission less the contribution by the sponsor determined in accordance with this section. (§ 1 ch 152 SLA 1980; am § 3 ch 79 SLA 1981; am § 2 ch 37 SLA 1990)

Revisor's notes. — In 1984, subsection amendment made a minor stylistic designations were added to this section. change in subsection (a).
Effect of amendments. — The 1990

~~SECTION 61~~
Sec. 47.65.050. Administrative requirements. Payments received by a sponsor under AS 47.65.010 — 47.65.050 may be used only to meet costs of services which the commission has determined directly benefit older Alaskans. A payment may not be made by the commission under this section unless the commission determines that the sponsor

(1) meets accepted standards of fiscal accountability for public funds;

(2) can demonstrate, when requested, the actual cost of services that it is providing for the benefit of older Alaskans; and

(3) agrees to make available, upon request, all fiscal information relating to service for which payments are provided under AS 47.65.010 — 47.65.050. (§ 1 ch 152 SLA 1980; am § 9 ch 79 SLA 1981; am § 3 ch 37 SLA 1990)

Effect of amendments. — The 1990 amendment made minor stylistic changes.

Article 2. Adult Day Care and Family Respite Care.

Section
100. Adult day care and family respite care

~~SECTION 71~~
Sec. 47.65.100. Adult day care and family respite care. (a) In addition to administering grants for adult day care programs and family respite care services for older Alaskans under AS 47.65.010 — 47.65.050, the commission may make grants under this section from funds otherwise available to it for adult day care programs and family respite care services for frail older persons and other similarly disabled adults.

(b) In order to fund grants under this section, the commission and the Department of Administration may seek and enter into contracts or grants with any party, including reimbursable service agreements with other state agencies.

§ 47.65.290 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.65.290

(c) The commission shall, by regulation, set fees for services provided under this section. The fees must be based on a sliding scale formula that takes into account the client's income.

(d) Fees established under (c) of this section may not exceed the cost of the service. A person may not be denied service based solely on inability to pay a fee established under this section.

(e) In this section

(1) "frail older person" means a state resident who is at risk of institutional placement and

(A) is age 55 or older; or

(B) has Alzheimer's disease or a related disorder;

(2) "similarly disabled adult" means a state resident who is 18 years of age or older who is at risk of institutional placement but who is not a frail older person or an older Alaskan. (§ 4 ch 37 SLA 1990)

Revisor's notes. — Enacted as AS 47.55.055. Renumbered in 1990.

Article 3. General Provisions.

Section
290. Definitions

HP 5 SECTION 81

Sec. 47.65.290. Definitions. In this chapter,

(1) "adult day care" means nonresidential care for a group of persons that offers supervision, custodial care, and other appropriate social, indoor and outdoor recreational, physical, medical, or psychological services for persons at risk of institutional placement;

(2) "at risk of institutional placement" means that a person is either already a resident of an adult foster home or is likely to need placement in a 24-hour care residential or nursing facility, not including a mental health hospital;

(3) "commission" means the Older Alaskans Commission established in AS 44.21.200;

(4) "family respite care" means intermittent and substitute care that provides relief for a family caregiver or adult foster home provider by providing intermittent care in the form of companionship, temporary supervision, and minor personal care to a person who is at risk of institutional placement; the service may be provided either in the home of the client or the caregiver, including in an adult foster care home if that is the client's residence.

(5) "older Alaskan" means a resident of Alaska who is 60 years of age and older;

(6) "service program" means the following general categories of services to older Alaskans, including reasonable costs of administration:

(A) nutritional programs;

(B) volunteer programs;

- (C) adult day care programs and family respite care services;
 - (D) health services;
 - (E) housing services;
 - (F) legal services and assistance;
 - (G) home health and homemaker services;
 - (H) counseling;
 - (I) information and referral services;
 - (J) programs which train persons to work with or assist older Alaskans;
 - (K) transportation services;
 - (L) educational activities; and
 - (M) employment services;
- (7) "sponsor" means the provider of one or more service programs or pilot projects for the benefit of older Alaskans, including
- (A) a municipality of the state;
 - (B) a nonprofit corporation organized under the laws of the state; and
 - (C) an educational institution. (§ 1 ch 152 SLA 1980; am §§ 10-12 ch 79 SLA 1981; §§ 5, 6 ch 37 SLA 1990)

Revisor's notes. — Formerly AS 47.55.060. Renumbered in 1990. Reorganized in 1984 and 1990 to alphabetize the terms defined.

Effect of amendments. — The 1990 amendment rewrote present subparagraph (6)(C) and added present paragraphs (1), (2) and (4).

Chapter 70. Interstate Compact on the Placement of Children.

<p>Section</p> <p>10. Compact enacted</p> <p>20. Financial responsibility</p> <p>30. Designation of authority</p> <p>40. Agreements</p>	<p>Section</p> <p>50. Delegation by agreement</p> <p>60. Executive head</p> <p>70. Violations of compact</p> <p>80. Short title</p>
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Sec. 47.70.010. Compact enacted. The Interstate Compact on the Placement of Children as contained in this section is enacted into law and entered into on behalf of the state with any and all other states legally joining in it in a form substantially as follows:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

- (a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or

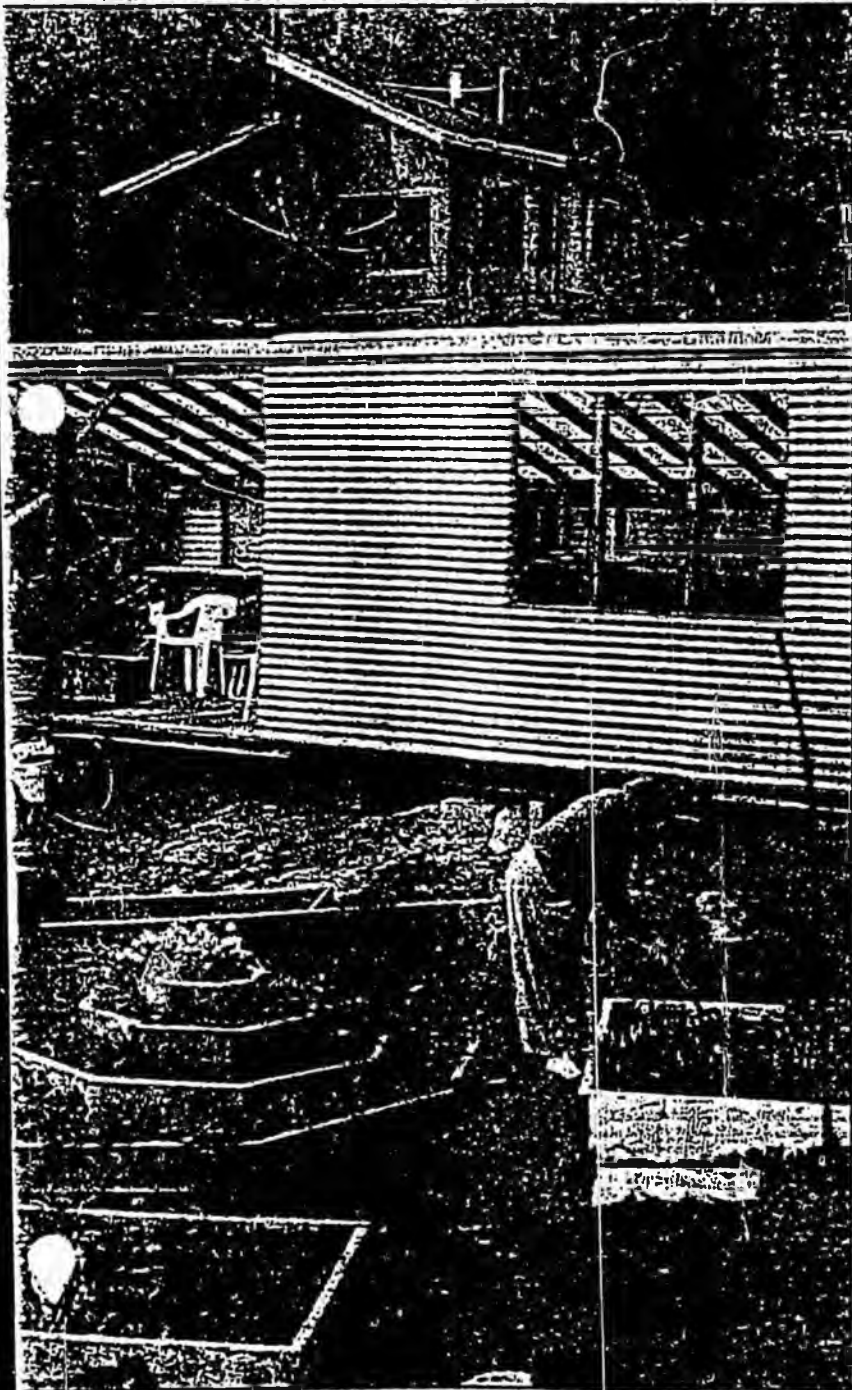
ke sure we're not a jumbled-up town. A lot of
e ugly. We want to do things right this time.

- Johnnie Laird

Blowing

THE MARCH OF

Progress



Alaska's growing, graying

Census reports state is second nationwide in population gain

By PATRICIA SOLOVEICHIK

TIMES BUSINESS WRITER

Alaska is growing and graying far more rapidly than the rest of the nation, a trend spurred by workers lured by tales of high paying jobs and incentives for senior citizens who are remaining in the state or relocating here.

Alaska's population increased 3.7 percent to 370,000 people between April 1990 and July 1991 — the nation's second-fastest growth rate for the 15-month period after Nevada, which gained 6.8 percent, according to U.S. Bureau of the Census data.

However, Scott Goldsmith, an economist with the Institute for Social and Economic Research at the University of Alaska Anchorage, said the trend will not continue.

"The growth rate will drop off pretty dramatically between this year and next," Goldsmith said. "There will always be people coming to look for work, but as the economy in the Lower 48 improves, that will take some of the pressure off."

But the startling rise in older baby boomers and senior citizens among Alaska residents is a trend that will remain with the state as long as incentives are offered to bring them in and keep them here, he said.

Alaska's 88,000 residents in the 45-to-64 age group grew 7.1 percent between the spring of 1990 and last summer, the nation's fastest rate for that population segment. Nationally, the 45-to-64 age group grew at a rate of 1.2 percent during the 15-month period, which is the latest for which census data is available.

And Alaska is second only to Nevada in population growth among people age 65 and older, Census Bureau statistics showed.

The statistics are further indication of a trend that has concerned Alaska officials enough to begin planning sessions on how to deal with caring for that very expensive segment of the population.

"The state has been very involved in looking at the growth of seniors and doing some planning related to what we're going to do about it," said Ruth Gulias, director of long-term care planning with the Commission on Older Alaskans.

Several projects, funded by state and federal sources, are looking for alternatives to expensive institutionalization of frail or impaired elderly residents in an effort to control costs, she said.

The elderly population is growing at such a phe-

Census

Continued from page A1

group," she said. Meanwhile, the under age 5 population in Alaska is growing at a rate of 1.3 percent, which is far slower than the national average of 2.5 percent.

Children 5 to 17 years old in Alaska have the second-fastest growth rate in the nation for that age group behind Nevada.

However, the number of 18- to 24-year-olds in Alaska shrank by half a percentage point, while nationwide the number shrank by 2.1 percent.

The remaining adult segment of Alaska residents ages 25 to 44 grew at a respectable rate of 2.9 percent between April 1990 and July 1991. That compared with 1.9 percent for the entire United States.

"We are still responding to the employment bank we got from the oil spill cleanup," Goldsmith said.

"And the recession in the Lower 48 has caused people to look to Alaska more than usual as a place of sanctuary from that," he said. "It is typical of what has happened in past recessions that hit the Lower 48."

Workers continue to flood the state in "delayed response" to the jump in employment during the cleanup phase.

Age Group	Alaska	National Average
Under 5 years	1.3%	2.5%
18 to 24 years	-0.5%	-2.1%
45 to 64 years	7.1%	1.2%

SOURCE: U.S. Bureau of Census

"People hear about the good times and even after the good times have passed and the jobs are taken, they continue to come looking for work," he said.

That may explain why the state's 18- to 24-year-olds show a smaller loss than most states as the baby bust plays itself out. Young workers are able to go far afield in search of work, said Greg Williams, a demographer for the Alaska Department of Labor.

Moreover, the 25- to 44-year-old range grew at a faster pace in Alaska than it did nationally, likely due to adventurous job-seekers, the experts said.

Williams said growth rates among Alaska's children fell into a pattern according to parental age, with the 57,000 residents in the under age 5 group probably parented by the state's 56,000 18- to 24-year-olds and Alaska's 123,000 5- to 17-year-olds likely parented by the 222,000 25- to 44-

year-olds.

"The rises in school-age population are tied to the ages of their parents. We have more mature families coming in, and the highest migration ages are people in their 20s, with kids under 5," he said.

But because Alaska has such a small population, the data tends to be slightly skewed by even minor changes that can appear as large percentages, Williams said.

However, it is clear that Alaska's population is growing and aging far more rapidly than the nation as a whole, Goldsmith said.

"The over 65 group shows strong growth that represents that population group doubling in 10 years," he said. "That is consistent with the growth rate we had between 1980 and 1990."

Goldsmith attributed much of the rise in the number of senior citizens to state fiscal policies that

encourage older people to stay here or migrate to Alaska. To someone on a fixed income, as many seniors are, the longevity bonus, Permanent Fund dividend, property tax rebate and the lack of state income tax are strong incentives.

Alaska's encouragement of a graying population is just beginning to put increasing demands on public services at a time when the state can least afford it, he said. And as budgets tighten, more senior citizens will need the expensive basics of medical care and shelter.

"Our population growth doesn't indicate an increase in our tax capacity," Goldsmith said.

Paring down the services likely will discourage elderly residents from moving here and those who are staying in the state strictly for the financial benefits offered, he said.

"There is a real financial incentive to these public programs, and it is a large reason why the over 65 population has doubled in the past 10 years," he said.

Goldsmith said the rise in older baby boomers, Alaska residents ages 45 to 64, is too steep compared with the national average to be a natural increase.

"This is not just an aging of the population. It is people coming in and fewer residents cycling out," he said.

Williams attributed the rise in part to "a wall of folks going over

that 44-year-old boundary," who came to Alaska as young adventurers when statehood was attained.

"A lot of our growth came at statehood, and those age groups are now getting older," Williams said. "In addition, the baby boom is more noticeable here because we have not had a larger older population."

Added to that is the tendency for the 44-plus group to bring parents to live with them as they raise their own children.

"It doesn't hurt that there are (state) benefits, and that may be an incentive. But I think of it more in family terms. We don't attract a lot of single older people as a place to retire, although it does happen, such as ex-military," he said.

Alaska is following a national trend in the graying of its population, said Ruth Gulias, long-term care coordinator for the Older Alaskans Commission.

"The 75-plus and 85-plus groups are growing even faster," she said. "It is of increasing concern to all of us." But those over 60 comprise just 6.4 percent of the population, and the 24,000 residents over 65 number about 4 percent.

Connie Sipe, executive director of the Older Alaskans Commission, said that while the number of people over 65 almost doubled between 1980 and 1990, those over 75 grew 110 percent. Nation-

ally, the latter group increased by 25 percent.

"People are living longer, more seniors are staying here, Native-elders are living longer, and Alaska is following the national trend of bringing elderly parents to live in the same household as their children and grandchildren," Sipe said. "And they don't necessarily come as dependents. It is often to help out."

State leaders already are grappling with the question of whether or not they can afford to actively encourage seniors to stay in the state, she said.

"We may not be able to afford the same benefits we offered to a much smaller population of elderly," she said. "We are not sure we can keep it up."

Already, waiting lists at pioneers' homes are two to four years, and the average admission age has risen to 82, Sipe said.

"One slip and fall on the ice, and that person can be a long-term care client," she said. "The people in our pioneer homes have much more serious care needs that we used to see."

But the news is not all troubling. More children are growing up with grandparents and contact with older people to enrich their lives. And the economy benefits greatly from the money that comes in from out-of-state in the form of federal funds and retirement checks from corporations and the military.

Hitchhikers' double murder captivated rural community

By TERRY WALLACE

Woollard said she remembers the day the bodies



Spell

Continued from page A1

nose), only to be bamboozled by "brannigan," an Irish slang term for a noisy fight.

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65. The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

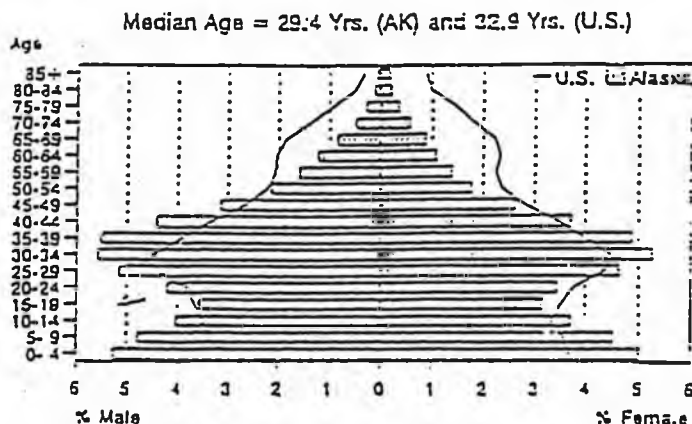
There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

Table 1
Population Comparison for
Persons 65 Years and Older for the
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change	
			1980-90	Percent
Alaska	11,547	22,369	10,822	93.72
Aleutians East Borough	45	58	13	28.89
Aleutians West C.A.*	62	82	20	32.26
Anchorage Borough	3,520	8,258	4,738	134.50
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	827	2,015	1,188	143.55
Ketchikan Gateway Borough	642	907	265	41.28
Kodiak Island Borough	253	423	170	66.97
Lake and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,866	1,136	155.62
Nome C.A.	339	419	80	23.60
North Slope Borough	148	197	49	33.11
Northwest Arctic Borough	249	281	32	12.85
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	233	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.53
Yukon-Koyukuk C.A.	308	392	84	27.27

*C.A. = Census Area
Source: 1990 Census of Population and Housing, STF 1A

Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis
Demographics Unit

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

FEBRUARY 16, 1994

Senator Robin Taylor, Chair
Judiciary Committee
Alaska State Senate
Capitol Building
Juneau, Alaska

Re: HB 3, Protection Older Adults

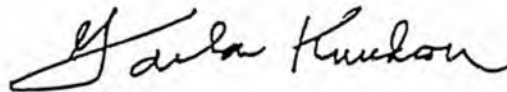
Dear Senator Taylor:

We would like to add our support for the intent of HB 3. We particularly like Section 1 of HB 3 that prohibits the designation of a home care provider as "attorney-in-fact" unless it is held jointly with an individual outside the home.

As you know, there is a series of senior services bills (SB 248, 249 and 250) moving through the Legislature at the request of the Governor. We feel HB 3 compliments and adds to that legislation.

We ask the support of the Senate Judiciary Committee for HB 3.

Sincerely,



Harlan R. Knudson
President/CEO

BILL: HB 3

SHORT TITLE: REGULATION OF HOME CARE PROVIDERS

BILL VERSION:

SPONSOR(S): REPRESENTATIVE(S) MACKIE, Ulmer

CURRENT STATUS: (S) FIN

STATUS DATE: 02/18/94

HEARING: (S) FIN MAR 17 09:30 AM

-- TIME CHANGE --

TITLE: "An Act relating to public home care providers; and providing for an effective date."

01/04/93	25	(H)	PREFILE RELEASED
01/11/93	25	(H)	READ THE FIRST TIME - REFERRAL(S)
01/11/93	25	(H)	HES, JUDICIARY, FINANCE
03/10/93	585	(H)	HES RPT 7DP 2NR
03/10/93	585	(H)	DP: BUNDE, G.DAVIS, TOOHEY, OLBERG
03/10/93	585	(H)	DP: B.DAVIS, NICHOLIA, BRICE
03/10/93	585	(H)	NR: KOTT, VEZEY
03/10/93	585	(H)	-2 FISCAL NOTES (DHSS) 3/10/93
03/10/93	586	(H)	-ZERO FISCAL NOTE (ADM) 3/10/93
03/24/93	751	(H)	JUD RPT 3DP 3NR
03/24/93	751	(H)	DP: PORTER, PHILLIPS, GREEN
03/24/93	751	(H)	NR: DAVIDSON, JAMES, KOTT
03/24/93	751	(H)	-2 PREVIOUS FNS (DHSS) 3/10/93
03/24/93	751	(H)	-PREVIOUS ZERO FN (ADM) 3/10/93
04/05/93	971	(H)	FIN RPT 7DP 3NR
04/05/93	971	(H)	DP: LARSON, PARNELL, GRUSSENDORF
04/05/93	971	(H)	DP: HOFFMAN, BROWN, FOSTER, NAVARRE
04/05/93	971	(H)	NR: HANLEY, MARTIN, THERRIAULT
04/05/93	971	(H)	-FISCAL NOTE (DHSS) 4/5/93
04/05/93	971	(H)	-ZERO FISCAL NOTE (DHSS) 4/5/93
04/05/93	971	(H)	-PREVIOUS ZERO FN (ADM) 3/10/93
04/07/93	1071	(H)	RULES TO CALENDAR 4/7/93
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04/07/93	1071	(H)	ADVANCED TO THIRD READING UNAN CONSENT
04/07/93	1071	(H)	READ THE THIRD TIME HB 3
04/07/93	1071	(H)	PASSED Y38 N- E1 A1
04/07/93	1072	(H)	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/07/93	1095	(H)	TRANSMITTED TO (S)
04/08/93	1266	(S)	READ THE FIRST TIME - REFERRAL(S)
04/08/93	1266	(S)	HES, JUD, FINANCE
04/21/93	1625	(S)	HES RPT 5DP
04/21/93	1625	(S)	PREVIOUS H FN (DHSS)
04/21/93	1625	(S)	PREVIOUS H ZERO FNS (DHSS, ADM)
02/18/94	2886	(S)	JUD RPT SCS 4DP SAME TITLE
02/18/94	2886	(S)	ZERO FN TO SCS PUBLISHED (DHSS)
02/18/94	2886	(S)	FN TO SCS PUBLISHED (DHSS)
02/18/94	2886	(S)	REFERRED TO FINANCE

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tory, the person may in writing request review by the commission within 60 days of the decision of the agency. The commission, its representative or agent shall, in a case in which it finds a basis for complaint, conduct a hearing at which the person may appear with counsel, present evidence, and examine and cross-examine witnesses. Written findings and conclusions shall be issued. If the record in question is found to be inaccurate, incomplete, or misleading, the commission shall order it to be appropriately purged, modified, or supplemented by an explanatory notation. An agency or person in the state with custody, possession, or control of the record shall promptly have every copy of the record altered in accordance with the commission's order. Notification of a deletion, amendment, and supplementary notation shall be promptly disseminated by the commission to persons or agencies to which records in question have been communicated, as well as to the person whose records have been altered.

(d) An agency holding or receiving criminal justice information shall maintain, for a period determined by the commission to be appropriate, a listing of the agencies to which it has released or communicated the information. These listings shall be reviewed from time to time by the commission or staff members of the commission to determine whether the provisions of this chapter or any applicable regulations have been violated.

(e) Reasonable hours and places of inspection, and any additional restrictions, including fingerprinting, that are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them may be prescribed by published rules. Fingerprints taken under this subsection may not be transferred to another agency or used for any other purpose.

(f) A person or agency aggrieved by an order or decision of the commission under (c) of this section may appeal the order or decision to the superior court. The court shall in each case conduct a de novo hearing and may order the relief it determines to be necessary. If a person about whom information is maintained by an agency challenges that information in an action under this subsection as being inaccurate, incomplete, or misleading, the burden is on the agency to prove that the information is not inaccurate, incomplete, or misleading. (§ 1 ch 161 SLA 1972; am § 1 ch 66 SLA 1983)

~~SECTION 12.62.035~~ SECTION 24

Sec. 12.62.035. Access to certain crime information. (a) An interested person may request from the Department of Public Safety records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving any sex crimes of a person who holds or applies for a position of employment in which the person has or would have supervisory or disciplinary power over a minor or dependent adult. The Department of Public Safety shall disclose the information to the requesting interested person and shall

provide a copy of the information to the person who is the subject of the request.

(b) A request for records under (a) of this section must include within it the fingerprints of the person who is the subject of the request and any other data specified in regulations adopted by the commission. The request must be on a form approved by the commission, and the commission may charge a fee to be paid by the requesting interested person for the actual cost of processing the request. The commission shall destroy an application within six months after the requested information is sent to the requesting interested person and the person who is the subject of the request.

(c) The commission shall adopt regulations to implement the provisions of this section.

(d) If an individual is denied employment as a result of the disclosure of inaccurate or incomplete records under this section, an action may be brought against the state. No other action may be brought against the state, or an agency or employee of the state, as a result of disclosing or failing to disclose criminal justice information.

(e) The Department of Education shall request and receive records under (a) of this section for a person seeking initial certification as a teacher or administrator.

(f) In this section

(1) "contributing to the delinquency of a minor" means a conviction for a violation or attempted violations of AS 11.51.130(a)(1), (3), or (5); former AS 11.40.130; or the laws of another jurisdiction if the offense would have been a crime in this state under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if committed in the state;

(2) "dependent adult" means an adult with a physical or mental disability who requires assistance or supervision with the activities of daily living;

(3) "interested person" means a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person, that employs or solicits the employment of a person to serve with or without compensation in a position in which the person has or would have supervisory or disciplinary power over a minor or dependent adult;

(4) "sex crime" means a conviction for a violation or attempted violation of AS 11.41.410 — 11.41.470, AS 11.61.110(a)(7), or AS 11.66.100 — 11.66.130; former AS 11.15.120, 11.15.134, or 11.15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 — 11.40.420; or the laws of another jurisdiction if the offense would have been a crime in this state under one of the sections listed in this paragraph if committed in the state. (§ 2 ch 66 SLA 1983; am § 44 ch 6 SLA 1984; am §§ 1 — 3 ch 7 SLA 1990)

§ 47.10.220

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§ 47.10.230 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.10.230

HD SECTION 3

Sec. 47.10.230. Powers and duties of department over care of child. (a) Subject to (e) and (f) of this section, the department shall arrange for the care of every child committed to its custody by placing the child in a foster home or in the care of an agency or institution providing care for children inside or outside the state. The department may place a child in a suitable family home, with or without compensation, and may place a child released to it, in writing verified by the parent, or guardian or other person having legal custody, for adoptive purposes, in a home for adoption in accordance with existing law.

(b) The department may pay the costs of maintenance that are necessary to assure adequate care of the child, and may accept funds from the federal government that are granted to assist in carrying out the purposes of this chapter, or that are paid under contract entered into with a federal department or agency. A child under the care of the department may not be placed in a family home or institution that does not maintain adequate standards of care.

(c) The department may receive, care for, and make appropriate placement of minors accepted for care for a period of up to six months on the basis of an individual voluntary written agreement between the minor's parent, legal guardian, or other person having legal custody and the department. The agreement must include provisions for payment of fees under AS 44.29.022 to the department for the minor's care and treatment. The agreement entered into may not prohibit a minor's parent, legal guardian, or other person who had legal custody from regaining care of the minor at any time.

(d) In addition to money paid for the maintenance of foster children under (b) of this section, the department

(1) shall pay the costs of caring for physically or mentally handicapped foster children, including the additional costs of medical care, habilitative and rehabilitative treatment, services and equipment, special clothing, and the indirect costs of medical care, including child care and transportation expenses;

(2) may pay for respite care; in this paragraph "respite care" means child care for the purpose of providing

(A) temporary relief from the stresses of caring for a foster child who has a physical or mental disability or a physical or mental impairment; in this subparagraph

(i) "physical or mental disability" has the meaning given in AS 18.80.300(12)(A), (B), and (D); and

(ii) "physical or mental impairment" has the meaning given in AS 18.80.300; and

(B) protection for the child when the foster parent is

(i) away from the home because of an emergency and other care is not available for the child; or

(ii) on vacation and the child, because of age or infirmity, cannot be placed in any other type of temporary care facility; and

(3) may pay a subsidized guardianship payment under AS 25.23.210 when a foster child's foster parents or other persons approved by the department become court-appointed legal guardians of the child.

(e) A child may not be placed in a foster home or in the care of an agency or institution providing care for children if a blood relative exists who requests custody of the child. However, the department may retain custody of the child and provide for its placement in the same manner as for other children if it makes a determination, supported by clear and convincing evidence, that the custody of the child by the blood relative will result in physical or emotional damage. In making that determination, poverty, including inadequate or crowded housing, on the part of the blood relative, is not considered prima facie evidence that physical or emotional damage to the child will occur. This determination may be appealed to the superior court to hear the matter de novo.

(f) If a blood relative of the child specified under (e) of this section exists and agrees that the child should be placed elsewhere, before placement elsewhere the department shall fully communicate the nature of the placement proceedings to the relative. Communication under this subsection shall be made in the relative's native language, if necessary. Nothing in this subsection or in (e) of this section applies to child placement for adoptive purposes.

(g) The department may enter into agreements with Alaska Native villages or Native organizations under 25 U.S.C. 1919 (Indian Child Welfare Act of 1978) respecting the care and custody of Native children and jurisdiction of Native child custody proceedings. (§ 1 art III ch 145 SLA 1957; am § 5 ch 100 SLA 1971; am § 6 ch 104 SLA 1971; am § 1 ch 76 SLA 1976; am §§ 36, 37 ch 126 SLA 1977; am § 132 ch 6 SLA 1984; am § 1 ch 127 SLA 1986; am § 90 ch 138 SLA 1986; am § 1 ch 48 SLA 1988; am § 6 ch 204 SLA 1990)

Cross references. — For legislative intent in enacting (e) and (f) of this section, see § 35, ch. 126, SLA 1977 in the Temporary and Special Acts. For duties of custody review panels in connection with custody decisions made under (c) of this section, see AS 47.10.440.

Effect of amendments. — The first 1986 amendment added subsection (g).

The second 1986 amendment in subsection (c), substituted "must include provisions for payment of fees under AS 44.29.022" for "may include provisions for payment, in whole or in part" in the second sentence and substituted "may not prohibit" for "shall not operate to prohibit" in the third sentence.

The 1988 amendment, in subsection (d),

divided the formerly undivided language into an introductory paragraph and paragraphs (1) and (2). The amendment also substituted "and transportation expenses; and" for "transportation expenses, and" in paragraph (d)(1); and, in paragraph (d)(2), divided the formerly undivided language into an introductory paragraph and subparagraph (B), rewrote the introductory paragraph, inserted item (A), divided the formerly undivided language in subparagraph (B) into an introductory paragraph and items (i) and (ii), deleted "not to exceed 12 hours in any 30-day period; it also means child care for a period not to exceed seven days in a year for the purpose of providing emergency" at the beginning of the introductory paragraph of subpara-

§ 47.21.020

§ 47.24.010 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.24.010

Article 1. Protection of the Elderly.

Section

- 10. Reports of harm
- 20. Action on reports
- 30. Protective services
- 40. Review and referral
- 50. Confidentiality of reports

Section

- 60. Authority of the department
- 70. Regulations
- 75. Quarterly report
- 100. Definitions

Cross references. — For statement of legislative purpose in enacting AS 47.24.010 — 47.24.100, see § 1, ch. 36. SLA 1983, in the Temporary and Special Acts.

Sec. 47.24.010. Reports of harm. (a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that an elderly person has suffered harm shall, not later than 24 hours after first having cause for the belief, report the harm to the Department of Health and Social Services:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915(11);
- (3) a pharmacist;
- (4) an administrator of a nursing home, residential care or health care facility;
- (5) a guardian or conservator;
- (6) a police officer;
- (7) a village public safety officer;
- (8) a village health aide;
- (9) a social worker;
- (10) a member of the clergy;
- (11) a staff employee of a project funded by the Older Alaskans Commission;
- (12) an employee of a homemaker program or home health aide program;
- (13) an emergency medical technician or a paramedic in the mobile intensive care program.

(b) A report of harm made under this section may include the name and address of the person reporting the harm and shall include

- (1) the name and address of the elderly person;
- (2) information relating to the nature and extent of the harm;
- (3) other information that the person reporting the harm believes might be helpful in an investigation of the case or in providing protection for the elderly person.

(c) A person who fails to comply with this section is guilty of a violation as defined in AS 11.31.900(b).

(d) This section does not prohibit a person listed in (a) of this section from reporting cases of economic or physical harm to an elderly person that have come to the person's attention in a nonprofessional capacity. This section does not prohibit any other person from reporting economic harm to an elderly person that the person has reasonable cause to believe is a result of theft, fraud, or coercion by a caretaker of the elderly person, or physical harm to an elderly person that the person has reasonable cause to believe is a result of abuse, neglect, or abandonment.

(e) If immediate action is necessary to protect the elderly person from imminent harm, the person shall make the report of harm to a police officer or a village public safety officer. The police officer or village public safety officer shall take immediate action to protect the elderly person and shall, at the earliest opportunity, notify the department.

(f) A person who, in good faith makes a report of economic or physical harm to an elderly person under AS 47.24.010 — 47.24.100, or who participates in judicial proceedings related to the submission of reports under AS 47.24.010 — 47.24.100, is immune from any civil or criminal liability that might otherwise be incurred or imposed.

(g) Failure to make a report under subsections (a) and (d) of this section is not the basis of civil liability unless otherwise provided by law.

(h) If a person makes a good faith report of harm under this section, an employer or supervisor of the person, or a public or private agency or entity that provides benefits, services, or housing to the person, may not discharge, demote, transfer, reduce the pay or benefits or work privileges of, prepare a negative work performance evaluation of, deny or withhold benefits or services, evict, or take other detrimental action against the person because of the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer, supervisor, agency, or entity that violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action was retaliatory if it was taken within 90 days after the report of harm was made. (§ 2 ch 36 SLA 1983; am § 4 ch 108 SLA 1988)

Effect of amendments. — The 1988 amendment added subsection (h).

Sec. 47.24.020. Action on reports. (a) Upon receiving a report of harm, the department shall promptly initiate an investigation to determine the economic or physical condition of the elderly person named in the report and whether action or services are needed for the protection of the elderly person. The department shall personally interview the elderly person during the investigation unless the elderly

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person is unconscious or otherwise physically or mentally impaired to such an extent as to be unable to respond to questions.

(b) The department shall prepare a written report of the investigation, including findings, recommendations, and a determination of whether and what kind of protective services are to be offered to the elderly person. Upon request, the person who reported harm to the elderly person shall be notified of the status of the investigation. The department shall provide to the Department of Law a copy of each report of an investigation of harm to an elderly person if the report of harm is confirmed to be true.

(c) The department shall immediately terminate an investigation under this section upon the request of an elderly person who is the subject of a report of harm. However, if the department has reasonable cause to believe that the elderly person is incapacitated, the department may petition the superior court under AS 13.26 for appointment of a guardian or temporary guardian for the elderly person for the purpose of obtaining consent to continue the investigation. (§ 2 ch 36 SLA 1983)

Sec. 47.24.030. Protective services. (a) The department shall provide available protective services to a harmed elderly person if and to the extent to which the elderly person consents. If the department has reasonable cause to believe that the elderly person lacks the capacity to consent to receiving protective services, it may petition the superior court under AS 13.26 for appointment of a guardian or temporary guardian for the elderly person for the purpose of obtaining consent.

(b) If an elderly person who has consented to receiving protective services is prevented by a caretaker from receiving the services, the department may assist the elderly person to petition the superior court for an injunction restraining the caretaker from interfering with the provision of protective services to the elderly person. (§ 2 ch 36 SLA 1983)

Sec. 47.24.040. Review and referral. The department shall, not later than 90 days after initiating the provision of protective services to an elderly person, initiate a review of the case to determine whether continuation or modification of protective services that are being provided is warranted. The department shall reevaluate the case every 90 days thereafter until the case is closed. (§ 2 ch 36 SLA 1983)

~~AS SECTION 4~~
 AS SECTION 5

Sec. 47.24.050. Confidentiality of reports. (a) Investigation reports and reports of harm filed under AS 47.24.010 — 47.24.100 are confidential and are not subject to public inspection and copying under AS 09.25.110 — 09.25.125. However, in accordance with AS 47.24.010 — 47.24.100 and regulations adopted under AS 47.24.010 — 47.24.100, investigation reports may be used by appropriate governmental agencies inside and outside the state, in connection with investigations or judicial proceedings involving harm to an elderly person.

(b) The department shall disclose a report of harm if the elderly person who is the subject of the report consents in writing. The department shall, upon request, disclose the number of verified reports of harm that occurred at an institution for care of the elderly. (§ 2 ch 36 SLA 1983)

Sec. 47.24.060. Authority of the department. In performing its duties under AS 47.24.010 — 47.24.100, the department may, subject to the elderly person's consent, initiate actions necessary to assure the health, safety and welfare of an elderly person, including the transfer of the elderly person from a nursing home, residential care or health care facility. (§ 2 ch 36 SLA 1983)

Sec. 47.24.070. Regulations. Regulations to implement AS 47.24.010 — 47.24.100 shall be approved by the Older Alaskans Commission (AS 44.21.200) before adoption by the department. (§ 2 ch 36 SLA 1983)

Sec. 47.24.075. Quarterly report. The department shall submit to the Older Alaskans Commission each quarter a statistical report of the department's activities related to the protection of elderly persons in the state. The report may not disclose the identity of victims or perpetrators of the harm. (§ 2 ch 36 SLA 1983)

~~AS SECTION 4~~
 AS SECTION 5

Sec. 47.24.100. Definitions. In AS 47.24.010 — 47.24.100

(1) "abandonment" means desertion of an elderly person by a caretaker;

(2) "abuse" means the infliction of physical pain or injury, the infliction of mental anguish that requires medical attention, or the deprivation by a caretaker of services that are necessary to maintain the physical and mental health of an elderly person;

(3) "caretaker" means a person who is responsible for the care of an elderly person as a result of a family relationship, or who has assumed responsibility for the care of an elderly person voluntarily, by contract, or by court order;

(4) "department" means the Department of Health and Social Services;

(5) "economic harm" means intentional economic exploitation of an elderly person resulting from theft, fraud, or coercion by a caretaker of the elderly person;

(6) "elderly person" means a resident of Alaska who is 65 years of age or older;

(7) "harm" means physical harm or economic harm;

(8) "incapacitated" means a person's ability to receive and evaluate information or to communicate decisions is impaired for reasons other than minority to the extent that the person lacks the ability to obtain the essential requirements for physical health or safety without court-ordered assistance;

(9) "neglect" means the failure by the caretaker of an elderly person to provide services necessary to maintain the physical and mental health of the elderly person;

(10) "physical harm" means injury to the person of an elderly person resulting from abuse, neglect or abandonment;

(11) "police officer" has the meaning given in AS 18.65.290;

(12) "protective services" means services intended to prevent or alleviate harm resulting from abuse, neglect, exploitation, or abandonment. (§ 2 ch 36 SLA 1983)

Article 2. Protection of Disabled Adults.

Section

110. Reports of physical or sexual assault

120. Immunity from liability; retaliation prohibited

Sec. 47.24.110. Reports of physical or sexual assault. (a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 — 11.41.230 or sexual assault under AS 11.41.410 — 11.41.420, and that the disabled adult is unable to report the crime, shall promptly report the crime to the nearest law enforcement agency:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915;
- (3) a pharmacist;
- (4) an administrator or employee of a nursing home, residential care, or health care facility;
- (5) a caretaker of the disabled adult;
- (6) a guardian or conservator of the disabled adult;
- (7) a police officer as defined in AS 18.65.290;
- (8) a village public safety officer;
- (9) a village health aide;
- (10) a social worker;
- (11) a member of the clergy;

(12) a staff employee of a program or project serving disabled adults;

(13) a licensed foster care provider;

(14) a paid employee of a domestic violence and sexual assault program or a crisis intervention and prevention program as defined in AS 18.66.900;

(15) an employee of a homemaker program or home health aide program;

(16) an emergency medical technician or paramedic in the mobile intensive care program.

(b) A person who knowingly fails or refuses to make a report required under (a) of this section is guilty of a class B misdemeanor.

(c) In this section, "disabled adult" means a person 18 years of age or older who has a physical or mental disability, or physical or mental impairment, as defined in AS 18.80.300. (§ 3 ch 42 SLA 1988)

Sec. 47.24.120. Immunity from liability; retaliation prohibited. (a) A person who in good faith makes a report under AS 47.24.110, regardless of whether the person is required to do so, is immune from civil or criminal liability that might otherwise be incurred or imposed for making the report.

(b) An employer or supervisor of a person who in good faith makes a report under AS 47.24.110 may not discharge, demote, transfer, reduce pay or benefits or work privileges of, prepare a negative work performance evaluation of, or take other detrimental action against the person because the person made the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer or supervisor who violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action by the employer or supervisor was retaliatory if it was taken within 90 days after the report was made. (§ 3 ch 42 SLA 1988)

Chapter 25. Public Assistance.

Article

1. General Relief Assistance (§§ 47.25.120 — 47.25.300)
2. Aid to Families with Dependent Children Act (§§ 47.25.310 — 47.25.420)
3. Job Opportunity and Basic Skills Program (JOBS) (§§ 47.25.421 — 47.25.429)
4. Adult Public Assistance (§§ 47.25.430 — 47.25.615)
5. Food Stamp Program (§§ 47.25.975 — 47.25.990)