

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1311 HESS ABC BOARD, GOV. COMM. HANDICPT/GIFTED. OVRVTFW³/

ALCOHOL
BEVERAGE
CONTROL
BOARD
Commission

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

201 EAST 9TH AVENUE
ANCHORAGE, ALASKA 99501

March 16, 1981

The Honorable Patrick M. Rodey
Alaska State Senate
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Rodey:

Thank you for allowing me the opportunity to appear before your committee last Friday during ABC sunset review. I neglected to leave a copy of my remarks for the committee. A copy is enclosed.

You asked at the end of the hearing if the committee had any obligation to act. Unless legislation is enacted during the session to extend ABC, the agency terminates on June 30, 1981. The period July 1 through June 30, 1982 is provided for a terminated agency to conclude its affairs.

I will be in attendance in Anchorage at your statewide teleconference hearing at 3 p.m. Wednesday (Anchorage time). If I can be of any assistance then, please do not hesitate to call on me.

Sincerely,



Patrick L. Sharrock
Director

PLS:vk
Enc.

cc: Representative Donald E. Clocksin, Chairman
House Health, Education and Social Services
Committee, w/attachment

AS 44.66.050(b) (b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

AS 44.66.050(c)(1-9) (c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

- (1) the extent to which the board, commission or program has operated in the public interest;

Board is required by law to meet only four times per year. The Board meets monthly except in December. Board accepts public and municipal comment. The Board has investigated and denied applications within its discretion where the public interest is concerned.

- a. Ilfama - public protest.
b. Character background.
c. Incidents.

- (2) The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

Rewritten AS 4 which became effective July 1, 1980, has resolved the majority of inconsistencies and vagueness in prior law. The new law more clearly identifies and clarifies conditions for issuance, renewal, and transfer of licenses.

- (3) The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

The Board and staff have diligently participated in suggesting and clarifying proposed legislation. Current suggested legislation, SB 65, is under consideration to clarify local option elections and provisions allowing minors on licensed premises.

- (4) The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

The Board is currently conducting public hearings on proposed regulations for clarifying and implementing the new law. Two years ago the Board also conducted hearings on proposed regulations under the former AS4. Both processes included mailing copies of the proposed regulations to all licensees, municipalities, police departments and other interested parties.

- (5) The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

Comment noted in No. 4.

- (6) The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed or resolved;

To the staff's knowledge all inquiries and complaints have been answered as quickly and efficiently as possible. Responses usually proceed through the ombudsman, legislators, the governor's office, or individuals and attorneys.

- (7) The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

Comments in No. 1 apply here.

- (8) The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

The staff attempts to fully comply with state personnel practices and affirmative action requirements.

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

The staff and board diligently and in good faith have attempted to implement the new law. Proposed regulations are completed. Suggestions for amendments to statutes have been made. Sufficient time for operation under the new law has not passed to fully assess budget considerations. Because provisions for municipal "protest" and detailed grounds for denial of applications are in the new law, it has become evident that more thorough and detailed enforcement investigations are called for than under former law.

COMMENT

The Board recognizes that distribution and consumption of alcohol has an impact on the well being of the public. The board serves as an objective third party to scrutinize applications and licensed persons and premises to deter any potential negative impact.

No one has expressed a need not to provide a means to regulate alcoholic beverages. Revision of AS4 last year apparently is a revised expression of the state's desire to maintain its involvement, even though comparatively limited, in controlling the substance.

The present structure of the agency functions well. Lacking any significant change in policy, there is a need in the public interest to continue the board. It provides the necessary forum for the public and municipalities to express their views on a specific matter, an application to license a person/s and premises. From action by the board, which has broad discretion, change to law, state or local, may be pursued.

A FOLLOW-UP REVIEW OF THE
DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL BOARD

September 5, 1980

Commissioner, Department of Revenue

Thomas K. Williams

Deputy Commissioners, Department of
Revenue:

Taxation
Treasury

Joseph K. Donahue
Pete Bushre

Members of the
Alcoholic Beverage Control Board

Chairman
Member
Member
Member
Member

William Gordon
Donald J. House
William Smith
Olga Carson
Jeff Smith

31-Q1LH

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU 99801

September 5, 1980

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the
Alaska Statutes, the attached report is submitted for
your review.

A FOLLOW-UP REVIEW OF THE
DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL BOARD

September 5, 1980



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE OF THE REVIEW

In accordance with the provisions of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a follow-up review of the Alcoholic Beverage Control Board was conducted to determine whether the recommendations presented in the report entitled, A Performance Review of the Alcoholic Beverage Control Board, November 3, 1978, have been implemented, and, if not, whether those recommendations are still pertinent.

ORGANIZATION AND FUNCTION

In 1933 the Territorial Legislature created the Board of Liquor Control with full power, authority, and control to prescribe (1) rules and regulations to govern the manufacture, barter, sale and possession of intoxicating liquors, (2) qualifications of those engaged in that business, and (3) license fees and excise taxes. The present Alcoholic Beverage Control Board (hereinafter referred to as the ABC Board or the Board) was established in 1959, and the same broad powers and duties conferred on the Board of Liquor Control were transferred to the new ABC Board at that time.

Members are appointed for three-year terms by the Governor and serve at his pleasure subject to confirmation by the Legislature. Membership is limited by statute to five persons (two liquor industry representatives, three non-industry representatives). A director, also appointed by the Governor, serves as executive officer and is responsible for enforcement of Title 4 liquor laws and regulations developed by the Board. Although he is not a member of the Board, the director may cast a tie-breaking vote.

The ABC Board is a regulatory, quasi-judicial agency, vested with the powers, duties, and responsibilities necessary for the control of alcoholic beverages, including the power to propose and adopt regulations, and to hear appeals. The Board may order the director to issue, renew, revoke, transfer, or suspend licenses and permits.

Title 4 prescribes the type of licenses, fees, and specific activities allowed under each license classification (see schedule of license types and fees in Appendix B). Fees are payable at the time of application and are not reduced or prorated in any way for periods less than the statutory calendar year. To renew an already existing liquor license, the application must be filed (and the corresponding fees paid) on or before February 28.

The staff of the ABC Board is divided into three major functions: administration, licensing, and enforcement. A brief description of the services provided by those functions follows:

Administration. The director of the ABC Board provides all administrative support needed by the Board including overseeing all staff functions, preparing budget documents, and directing the preparation and implementation of administrative and public hearings, and directing special enforcement investigations.

Licensing. The licensing staff currently consists of three full-time employees responsible for issuing and receiving application forms, maintaining records and files for all licenses, collecting fees, issuing all licenses and permits authorized by the Board, and answering inquiries from the general public on routine licensing matters.

Enforcement. The ABC Board currently employs six investigators - four operating from the Anchorage central office, one operating from the Fairbanks field office, and one operating from the Juneau field office. Services provided include (1) surveillance and inspections of licensed premises, (2) investigations to obtain information to be used in criminal and civil proceedings and investigations into suspected licensing violations, (3) public appearances relating to ABC laws and regulations, and (4) assisting the licensing staff in handling inquiries from the general public.

REPORT CONCLUSION

All of the recommendations made in the prior audit report entitled, A Performance Review of the Alcoholic Beverage Control Board, November 3, 1978, have been effected in some manner by the Title 4 revisions which became effective July 1, 1980. We recommend, therefore, the ABC Board be given sufficient time to interpret the new law and operate under it before a reevaluation of the overall effectiveness of the Board is made.

We did note, however, that although there was some improvement noted in the Board's documentation of enforcement activity, many of the deficiencies noted during the prior audit were found to still exist. The Board has not developed a systematic method to ensure all licensed premises are inspected in a timely manner (see Recommendation No. 1), and licensed premise inspection reports are prepared subjectively (see Recommendation No. 2). We also found that the Board has not maintained adequate documentation of its Notice of Violation follow-up activity (see Recommendation No. 3).

Under the new Title 4 revisions, the Board may delegate authority to the director to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits. Delegation of this authority would naturally result in a reduction in processing time (see Recommendation No. 4).

A review of Board appointment activity performed by the Office of the Governor pointed out two problem areas: (1) vacant ABC Board seats have not been filled in a timely manner, and (2) have not been staggered. The establishment of a talent pool by the Office of the Governor for all Board appointments would allow for the immediate appointment of Board members when terms expire, or a position is vacated (see Recommendation No. 5).

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Alcoholic Beverage Control Board should develop a systematic method to ensure all licensed premises are inspected in a timely manner.

During our prior audit, we noted that licensed premises were not being inspected on a regular or timely basis. We find this to still be a problem. The ABC Board has not adopted a policy on frequency of routine inspections needed to ensure compliance with licensing regulations or established a procedure for ensuring that all licensed premises receive inspections in a timely manner.

Following is a table comparing the frequency of routine inspections as noted during the prior audit and this audit:

| <u>Time last routine inspection performed</u> | <u>No. of licenses</u> | |
|---|------------------------|-------------|
| | <u>1978</u> | <u>1980</u> |
| Within the last six months | 13 | 35 |
| Six months to one year ago | 16 | 12 |
| One year to two years ago | 31 | 17 |
| Over two years ago | 3 | 14 |
| Never | <u>37</u> | <u>22</u> |
| <u>Total</u> | <u>100</u> | <u>100</u> |

As may be noted in the above table, there has been some improvement in the timeliness of inspections. However, in our most recent test, we still found that more than 50% of the licensed premises in our sample had not been inspected in the last year.

Recommendation No. 2

The Alcoholic Beverage Control Board should develop uniform written standards for inspection reports.

A routine inspection of a licensed premise is an evaluation in which the premise is rated excellent, good, satisfactory, or unacceptable in each of the following categories: exterior, interior, bar, back bar, shelves (retail), storeroom, overall appearance, management attitude, and condition of patrons. However, as noted in our previous audit report, no uniform written standards have been developed to explain the specific requirements necessary to receive a given rating.

Because there are no written standards, each report reflects the subjective judgement of the inspector preparing it. For standardized reports to be useful and fair, they must be prepared uniformly and objectively which can only occur when each report is based on an accepted common set of standards.

Recommendation No. 3

The Alcoholic Beverage Control Board should maintain adequate documentation of its follow-up activity on Notices of Violation.

In our review of the Notices of Violation issued during Fiscal Year 1980, we noted that the follow-up actions by the enforcement staff were not properly documented. Out of 74 Notices reviewed, 29 (39%) showed no indication of further actions resulting from the issuance of the Notices.

The Board is now mandated by Title 4 to suspend or revoke a license if the licensee fails to correct defects, which constitute a violation, within a prescribed time after receipt of the Notice. Therefore, adequate documentation of whether defects are corrected and the time elapsing before their correction is crucial. Additionally, documentation of the results of a follow-up serves as a good tool to measure the effectiveness of the Notices of Violation and aids in the enforcement of liquor laws.

Recommendation No. 4

The Alcoholic Beverage Control Board should adopt a regulation delegating authority to the director for the temporary issuance, transfer, and renewal of licenses and permits.

AS 04.06.080 of the newly revised Title 4 gives the Board power to "... delegate authority to the director to temporarily grant or deny the issuance, renewal or transfer of licenses and permits". We recommend the Board exercise this power to delegate through promulgation of a regulation which grants the director the temporary authority and states a time period in which the action taken-by the director must be reviewed by the Board.

The result of this action would be elimination of a processing time delay which occurs when a completed application remains dormant until it can be acted upon at the next Board meeting. The Board meets an average of eleven times per year; therefore, the dormant period for an application could last as long as sixty days.

Recommendation No. 5

The Office of the Governor should keep appointments of members of the Alcoholic Beverage Control Board current and stagger them as required by AS 04.06.030 and AS 39.05.060.

During our review of ABC Board appointments we noted the following exceptions:

1. The newly revised Title 4 requires vacancies on the Board to be filled within 30 days. In the course of our review we noted a vacancy on the Board which existed from July 31, 1980 through September 4, 1980. This vacancy exceeded the 30-day limitation set by AS 04.06.030.
2. Past appointments of the ABC Board members have not been made in a timely manner. In our review we noted 4 vacancy periods on the Board, totalling 224 days, which resulted in an average vacancy rate of 56 days.
3. We noted in our prior audit that there were three Board members whose terms expired on January 31, 1981 and recommended that appointed terms be staggered as required by law. Subsequently, those three Board members resigned. The three vacancies have been filled with new members appointed for the balance of the unexpired terms. Thus, there continues to be three Board terms not staggered as required by law.

We recommend the Office of the Governor appoint new members or reappoint current members to vacant ABC Board seats in a timely manner and in compliance with AS 04.06.030. We also recommend that the appointment terms be staggered as required by law.

We further recommend the Office of the Governor establish a talent pool for Board appointments. The concept of a talent pool is to have a list of persons available and desiring to serve as a Board member. Many sources exist in the State to establish such a pool. Liquor industry associations could be requested to provide a list of members who would like to serve as an industry representative on the Board. Retired citizens offer an excellent pool of potential talent for public member appointments and should be contacted for possible inclusion in the talent pool.

An established talent pool, updated at reasonable intervals would allow for immediate appointment of Board members when terms expire or a position is vacated.

These recommendations were also recommended in our prior audit report dated November 3, 1978.

PRIOR AUDIT RECOMMENDATIONS

Disposition of recommendations presented to the Commissioner of the Department of Revenue in a previous audit report dated November 3, 1978: all of the prior recommendations have been effected in some manner by the 1980 Title 4 revisions. The specific effect on each prior audit recommendation follows:

Prior Audit Recommendation No. 1

Enforcement responsibilities for the Alcoholic Beverage Control Board should be transferred to a special ABC enforcement unit within the Department of Public Safety.

The ABC Board was found to be ineffective in its mandated responsibility of enforcement of ABC laws and regulations. Deficiencies were noted in the routine surveillance and inspection function and the investigation function. It was also found that enforcement staff spent approximately 15% of their time assisting the licensing staff. Transferring the enforcement staff was recommended to correct the deficiencies as well as provide continuous managerial control, proper training and supervision, and insulation from possible board influence.

Legislative Audit's Current Position

Although there was some improvement noted in the Board's documentation of enforcement activity, many of the deficiencies noted during the prior audit were found to still exist (see Recommendation Nos. 1 through 3). However, because the revised Title 4 has only been in effect since July 1, 1980, we recommend the ABC Board be given sufficient time to interpret the new law and operate under it before a reevaluation of the effectiveness of the Board's enforcement activity is made.

Prior Audit Recommendation No. 2

The Alcoholic Beverage Control Board should be placed under the administrative control of the Department of Commerce and Economic Development, with administrative and licensing responsibilities transferred to the Division of Occupational Licensing.

If Recommendation No. 1, transfer to enforcement responsibilities to Department of Public Safety, had been implemented, the ABC Board would have been left with insufficient staff to justify a separate agency with two full-time administrative staff members. Transferring the administrative and licensing responsibilities to the Division of Occupational Licensing would eliminate the two administrative positions.

Legislative Audit's Current Position

We again recommend the ABC Board be given sufficient time to interpret the revised Title 4 and operate under it before a reevaluation of the need for this recommendation is made.

Prior Audit Recommendation No. 3

The Alcoholic Beverage Control Board should adopt a regulation delegating authority to the director of the Division of Occupational Licensing for the routine issuance, transfer renewal of unprotested licenses.

The majority of issues discussed at ABC Board meetings were the routine issuance, transfer, and renewal of unprotested licenses. This delegation of authority as provided for at AS 04.05.040 would have produced the following results:

(1) the need for fewer meetings, (2) a reduction in processing time of the effected licenses, and (3) more economical and efficient use of funds and manpower.

Legislative Audit's Current Position

The 1980 revision of Title 4 limited the Board's power to delegate authority to the director. Under the new legislation, "the board may delegate authority to the director to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits." (emphasis added). Delegation of authority under the new statutes would also help achieve a reduction in processing time of effected licenses (see Recommendation No. 4).

Prior Audit Recommendation No. 4

No two members of the Alcoholic Beverage Control Board should be engaged in the same business, occupation, or profession.

The statutes governing the ABC Board require two members to be alcoholic beverage industry representatives, and require three members to be present to constitute a quorum. Contrary to legislative intent, these requirements allowed Board business to be conducted by an alcoholic beverage industry majority, i.e., when the minimum members necessary for a quorum attend a meeting, and two of those three members are engaged in the alcoholic beverage industry.

Legislative Audit's Current Position

The 1980 revision of Title 4 retained the constitution and quorum requirements but added a majority requirement which obviated the need for this recommendation. AS 04.06.060 was added which states "Three members of the board constitute a quorum for the conduct of business, except that a majority of the whole membership of the board must approve all applications for new licenses, and all renewals, transfers, suspensions and revocations of existing licenses."

Prior Audit Recommendation No. 5

Renewals of licenses should be made in a timely manner.

The processing time delays for renewals were caused by: (1) all licenses being renewed at the same time each year, and (2) conflicting statutory requirements resulting in allowance of a 30-day protest period for local governing bodies. We recommend the need for the protest period be reviewed for merit, as the majority of protests were for nonpayment of local property taxes. If found to be of merit, the protest period should be run concurrent with, rather than subsequent to, the renewal application period to reduce processing delays.

Legislative Audit's Current Position

The conflicting statutory requirements for local protest of renewals were resolved by the 1980 revision of Title 4. The requirement for the protest period was retained, and a new provision listing delinquency in payment of taxes as grounds for denial of a renewal was added. Implementation of the alternative recommendation is precluded by a new provision which states the protest period begins with "receipt from the board of notice of filing of the application".

Prior Audit Recommendation No. 6

The requirement for a \$2500 cash or surety bond for a beverage dispensary license should be eliminated from AS 04.10.040.

The requirement for a \$2500 cash or surety bond was established in 1939 as a penal sum to be forfeited upon revocation of a license. Since that time, not only has the value of the dollar decreased substantially but beverage dispensary licenses have gained economic value in areas where the quota for that type of license has been reached making license revocation a financially penalizing action in its own right. These economic factors coupled with no record of forfeiture in the previous five years indicated the bond requirement should be eliminated as obsolete.

Legislative Audit's Current Position

The 1980 revision of Title 4 retained the requirement for a \$2500 cash or surety bond for beverage dispensary licenses.

Prior Audit Recommendation No. 7

The Office of the Governor should keep appointments of members of the Alcoholic Beverage Control Board current and stagger them as required by AS 39.05.060.

A review of Board appointment activity performed by the Office of the Governor pointed out two problem areas: (1) vacant AEC Board seats were not filled in a timely manner, and (2) have not been staggered. The establishment of a talent pool by the Office of the Governor for all board appointments would allow for immediate appointment of Board members when terms expire or a position is vacated.

Legislative Audit's Current Position

The vacancies which have occurred since the prior audit have not been filled in a timely manner, and one was not made in compliance with AS 04.06.020 (see Recommendation No. 5).

APPENDIX A

ALCOHOLIC BEVERAGE CONTROL BOARD
REVENUE COMPARED WITH EXPENDITURES
 Fiscal Year 1980

(UNAUDITED)
 (Note 1)

| | |
|-------------------------------------|-------------------|
| Revenue (See Schedule 1 and Note 1) | \$1,028,982 |
| Expenditures | <u>(483,121)</u> |
| Excess of Revenue Over Expenditures | <u>\$ 545,861</u> |

Schedule 1
 Revenue Collected

| <u>Types of License</u> | <u>Current No. Issued</u> | <u>Total Collected</u> |
|----------------------------|-------------------------------|------------------------|
| Liquor License application | - | \$ 76,050 |
| Pub | 1 | 494 |
| Brewery | 0 | -0- |
| Distillery | 0 | -0- |
| Beverage | 607 | 501,850 |
| Club | 61 | 24,650 |
| Common Carrier | 64 | 14,150 |
| Restaurant | 146 | 44,750 |
| Roadhouse | 20 | 3,250 |
| Retail | 431 | 248,350 |
| Retail Stock | 0 | -0- |
| Wholesale General | 16 | 79,500 |
| Wholesale Malt Beverage | 6 | 15,300 |
| Miscellaneous (Note 2) | <u>10</u> | <u>21,138</u> |
| <u>Total</u> | <u>1,362</u> | <u>\$1,028,982</u> |

APPENDIX A (Continued)

Note 1

This revenue/expenditure comparison was prepared from available records and discussions with ABC Board personnel. The records were not audited by us and accordingly we do not express an opinion on the ABC Board Revenue Compared with Expenditures, nor the Schedule of Revenue Collected.

Note 2

Includes recreational-site licenses, caterer's, special events and conditional contractor's permits.

APPENDIX B

ALCOHOLIC BEVERAGE CONTROL BOARD
DESCRIPTION OF LICENSE TYPES
AND SOURCE OF FEES

| <u>Source</u> | <u>Description</u> | <u>Annual Fee</u> |
|----------------------------|--|-------------------|
| Filing Fees | For each license application | \$ 50 |
| Beverage Dispensary | To sell or serve on the licensed premises alcoholic beverages for consumption on the licensed premises only. | 1,250 |
| Restaurant or Eating Place | To sell beer and wine for consumption only on the licensed premises. | 300 |
| Club | To sell alcoholic beverages for consumption only on the licensed premises. | 600 |
| Bottling Works | To operate a bottling works where beer and wine may be bottled and sold. | 250 |
| Brewery | To operate a brewery where beer is manufactured and bottled or barreled for sale. | 500 |
| Package Store | To sell alcoholic beverages to a person in response to a verbal solicitation for purchase received from the person present on the licensed premises or in response to a written solicitation made by a person known to the licensee for a purchase to be received by the person making the solicitation. | 750 |
| Winery | To operate a winery where wine is manufactured and bottled or barreled for sale. | 250 |
| Retail Stock | To sell the remaining stock of a package liquor store when the owner wishes to close or terminate business. Sale may only be to licensed persons. | 100 |

| <u>Source</u> | <u>Description</u> | <u>Annual Fee</u> | |
|----------------------------------|---|-------------------|--|
| General Wholesale | To sell alcoholic beverages in the original package, and wine in bulk, in quantities of not less than five gallons to holders of licenses. | \$1,000 | First \$100,000 of sales plus \$500-10,000 on additional sales. |
| Wholesale Malt Beverage and Wine | To sell malt beverages and wine in the original packages in quantities of not less than five wine gallons to holders of licenses. | 200 | First \$20,000 of sales plus \$300-10,000 based on additional sales. |
| Distillery | To operate a distillery where alcoholic beverages are distilled and bottled or barreled for sale. | 500 | |
| Community Liquor | Authorizes a municipality to operate a beverage dispensary or a package store or both subject to the same conditions and fees applicable to beverage dispensary or package liquor store licenses. | 1,250 | Beverage Dispensary |
| | | 750 | Package Store |
| Common Carrier Dispensary | To sell alcoholic beverages for consumption aboard a vehicle, boat, aircraft, or railroad buffet car licensed by a state or federal agency for passenger travel. | 350 | Per vehicle, boat, aircraft or railroad car. |
| Recreational Site | To sell beer and wine at a recreational site during and one hour before and after a recreational event which is not a school event, for consumption on designated areas at the site. | 400 | |
| Pub | To sell beer and wine for consumption only at a designated premises located on the campus or an accredited college or university. | 400 | |

| <u>Source</u> | <u>Description</u> | <u>Annual Fee</u> |
|------------------------|--|-------------------|
| Caterer | Authorizes the holder of a beverage dispensary license to sell or dispense alcoholic beverages at conventions, picnics, social gatherings, sporting events or similar affairs held off the holder's licensed premises. | \$ 50 |
| Special Events | To sell or dispense beer or wine for consumption at designated premises for a specific occasion and limited period of time. Only a nonprofit organization may acquire the permit. | 50 p r day |
| Conditional Contractor | To sell beer or wine for consumption only on designated premises for one year from the date of issuance of the permit at construction sites which are located outside a city and inside the boundaries of a military or naval reservation. | 600 |

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

December 3, 1980

RECEIVED

DEC 8 1980

LEGISLATIVE
AUDIT

Mr. Gerald Wilkerson
Legislative Auditor
Pouch W
Juneau, Alaska 99811

Re: Preliminary audit report, Alcoholic
Beverage Control Board

Dear Mr. Wilkerson:

I concur with the comments by Mr. Bill Gordon, Chairman of the ABC Board, in his response to your letter of November 10 and I do not have additional remarks to make to your specific recommendations.

I would note that the morale of the agency has suffered severely through the last 24 months of sunset review. I appreciate your comment that the agency should continue to operate under the new law and I sincerely hope the Legislature acts on your recommendations. Last spring I wrote to the presiding officers of both houses of the legislature expressing my concerns about the agency and making suggestions for legislative action concerning sunset of the agency. I am attaching those letters to this response.

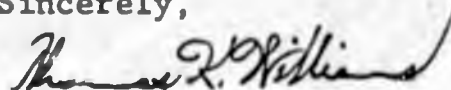
The board has been extended through June 30, 1981. This sunset law provides for a wind-down period during FY 82. If no legislation is enacted during this First Session of the Twelfth Legislature, we have determined that the agency's business can be concluded in three months. Since we are responsible for administration of the agency, the Department of Revenue will be prepared to terminate the affairs of the board on September 30, 1981.

Mr. Gerald Wilderson
Legislative Auditor

December 3, 1980
Page Two

Thank you for the opportunity to comment on your review. If I can be of any further assistance, please do not hesitate to let me know.

Sincerely,



Thomas K. Williams
Commissioner

TKW:mll
Attachments

cc: William J. Gordon, Chairman, ABC Board
Patrick L. Sharrock, Director, ABC Board

March 17, 1980

The Honorable Clem V. Tillion
President of the Senate
Alaska State Legislature
Pouch V,
Capitol Building
Juneau, Alaska 99811

Re: Sunset of the ABC Board

Dear Mr. President:

Since the First Session of the Eleventh State Legislature did not act affirmatively to extend the existence of the Alcoholic Beverage Control Board, the Board was terminated as of June 30, 1979, in accordance with AS 44.66.010(a)(1). Subsection (b) of that provision states that, upon termination, an agency "shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs". Since the ABC Board was funded for FY 80 and since the enforcement of Title 4 of the Alaska Statutes presupposes the existence of the Board, the Department last summer determined that it would be consistent with legislative intent to allow the Board to continue conducting business as usual for the first nine months of the fiscal year. See attached Attorney General's Opinion dated November 9, 1979.

After that time it was decided that a layoff plan should be announced as of March 31, 1980 in order to give adequate notice to agency employees. The first actual layoffs would not be scheduled until the latter half of May. However, a wind down of enforcement activities - e.g. commencement of administrative proceedings and investigations which could not reasonably be completed prior to the end of June - would take effect immediately as of that date. After June 30, Title 4 would, in effect, have been repealed along with the sunset of the Board. See attached Attorney General's Opinion dated November 13, 1979.

Based on conversations with several leading members of both Houses, we have every reason to believe that neither the termination of the agency nor the concomitant repeal of

The Honorable Clem V. Tillion
President of the Senate

March 17, 1980
Page 2

Title 4 is desired by the legislature. We, of course, do not wish to dismantle the agency merely to reestablish it sometime next summer. The loss in expertise and administrative continuity would be a severe setback to any future program enacted by this session.

It is my understanding that the issues before the legislature relating to this general area can be broken down into three categories:

1. Organizational Structure: Should Title 4 be enforced by the quasi-independent Board or by a line agency within Department of Revenue or Commerce, etc.
2. Substantive Revision of Title 4: The great interest in this important area is illustrated by the extensive deliberations on SSSE 239, (a total repeal and rewrite of Title 4) along with many other bills amending Title 4. See e.g. HB 47, HB 163, HB 219, HB 454, SB 148, SB 223, SB 365, to name a few.
3. Continuation of the staff function to support the current Board or any restructured entity to enforce a revised Title 4.

I believe there is little dispute as to the necessity of this last item and I would therefore urge that the Senate act as promptly as possible to separate the organizational and substantive policy issues which deserve further inquiry from the necessity of preserving the administrative vehicle necessary to implement any changes in the law ultimately enacted. One possible vehicle for this would be HCSSB 250 which originally was just a one paragraph bill extending the life of the Board through June 30, 1983. This bill was assigned to free conference committee last May at the close of the First Session. Obviously, if the life of the agency could be extended, debate could continue on all relevant organizational and substantive questions and all necessary administrative adjustments could be made thereafter in accordance with the effective date of any amendatory legislation.

In conclusion, as required by State sunset law, by the administrative necessities relating to the layoff of State employees and to make sure that an actual termination, if necessary, is handled fairly with regard to the legislature's concerns and the attendant public interest, we are bringing this matter to your attention and request an expedited resolution. We would be glad to discuss this matter with you should you have any questions.

Sincerely,



Thomas K. Williams
21 Commissioner

March 17, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y
Capitol Building
Juneau, Alaska 99811

Re: Sunset of the ABC Board

Dear Mr. Speaker:

Since the First Session of the Eleventh State Legislature did not act affirmatively to extend the existence of the Alcoholic Beverage Control Board, the Board was terminated as of June 30, 1979, in accordance with AS 44.66.010(a)(1). Subsection (b) of that provision states that, upon termination, an agency "shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs". Since the ABC Board was funded for FY 80 and since the enforcement of Title 4 of the Alaska Statutes presupposes the existence of the Board, the Department last summer determined that it would be consistent with legislative intent to allow the Board to continue conducting business as usual for the first nine months of the fiscal year. See attached Attorney General's Opinion dated November 9, 1979.

After that time it was decided that a layoff plan should be announced as of March 31, 1980 in order to give adequate notice to agency employees. The first actual layoffs would not be scheduled until the latter half of May. However, a wind down of enforcement activities - e.g. commencement of administrative proceedings and investigations which could not reasonably be completed prior to the end of June - would take effect immediately as of that date. After June 30, Title 4 would, in effect, have been repealed along with the sunset of the Board. See attached Attorney General's Opinion dated November 13, 1979.

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The Honorable Terry Gardiner
Speaker of the House

March 17, 1980
Page 2

Title 4 is desired by the legislature. We, of course, do not wish to dismantle the agency merely to reestablish it sometime next summer. The loss in expertise and administrative continuity would be a severe setback to any future program enacted by this session.

It is my understanding that the issues before the legislature relating to this general area can be broken down into three categories:

1. Organizational Structure: Should Title 4 be enforced by the quasi-independent Board or by a line agency within Department of Revenue or Commerce, etc.

2. Substantive Revision of Title 4: The great interest in this important area is illustrated by the extensive deliberations on SSSB 239, (a total repeal and rewrite of Title 4) along with many other bills amending Title 4. See e.g. HB 47, HE 163, HB 219, HE 454, SB 148, SB 228, SE 365, to name a few.

3. Continuation of the staff function to support the current Board or any restructured entity to enforce a revised Title 4.

I believe there is little dispute as to the necessity of this last item and I would therefore urge that the House act as promptly as possible to separate the organizational and substantive policy issues which deserve further inquiry from the necessity of preserving the administrative vehicle necessary to implement any changes in the law ultimately enacted. One possible vehicle for this would be HCSSB 250 which originally was just a one paragraph bill extending the life of the Board through June 30, 1983. This bill was assigned to free conference committee last May at the close of the First Session. Obviously, if the life of the agency could be extended, debate could continue on all relevant organizational and substantive questions and all necessary administrative adjustments could be made thereafter in accordance with the effective date of any amendatory legislation.

In conclusion, as required by State sunset law, by the administrative necessities relating to the layoff of State employees and to make sure that an actual termination, if necessary, is handled fairly with regard to the legislature's concerns and the attendant public interest, we are bringing this matter to your attention and request an expedited resolution. We would be glad to discuss this matter with you should you have any questions.

Sincerely,


Thomas K. Williams
Commissioner

1819 Roberts Road
Fairbanks, Alaska 99701

December 1, 1980

Mr. Gerald Wilkerson
Legislative Auditor
Pouch W
Juneau, Alaska 99811

RECEIVED

DEC 3 1980

LEGISLATIVE
AUDIT

Re: Preliminary audit report, Alcoholic
Beverage Control Board

Dear Mr. Wilkerson:

The following response to your recommendations 1 - 4 is provided as further elaboration to my letter dated October 29, 1980.

Recommendation No. 1

Agree.

All licensed premises should be inspected. I'm sure the staff makes a serious effort to meet this obligation. I am informed that a check-off system has been implemented to accomplish more frequent inspections.

I might add that there were 703 written inspection reports during FY80 and 530 through October of this fiscal year. This does not include 1409 "walk through" inspections during FY80 and 551 through October of this year.

We cannot compare these figures to prior years because statistical records were not begun until two and one-half years ago. I would hazard a guess that recent inspection activity by the board is more than it has ever been.

Recommendation No. 2

Agree.

With new law and regulations underway, specific elements with reference to statutory and regulatory authority can be noted for review on inspection report forms. The director informs me that a new inspection form is being presented to the board. It is intended that the form will be fully utilized upon adoption of regulations by the board.

Recommendation No. 3

Your comments here are unclear. I understand that you did not review with the staff the 29 notices which showed no follow-up. Follow-up per se may not be required or possible for every notice issued. For me or the director to knowledgeably respond to individual circumstances your report must be in more detail.

Yes, notices should be followed up. Apparently 61% of the notices were followed up.

The board cannot summarily suspend a license for the mere lack of correction of defects noted in a notice of violation. The staff may file a criminal complaint or an accusation under the Administrative Procedures Act. Even then the grounds must be of sufficient strength to warrant prosecution by a district attorney or the board's assistant attorney general, respectively.

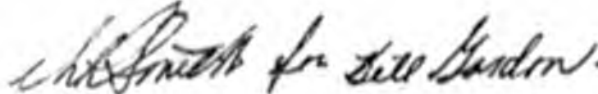
I have been assured that all notices of violation issued in the future will reflect final disposition taken by the staff.

Recommendation No. 4

I'm sure that your audit staff knows that the board did delegate authority to the director in regulations it adopted a year ago. However, these regulations were not implemented because of repeal of the law they were clarifying. Again the board is currently drafting regulations, and some form of delegation is included.

In closing, I would once again make special request that the Twelfth Legislature take early consideration of your report to provide for continuing the agency for four years. Thank you again for the opportunity to respond.

Sincerely,



William J. Gordon, Chairman
Alcoholic Beverage Control Board

cc: Donald J. House, Member, ABC Board
William K. Smith, Member, ABC Board
Jeff Smith, Member, ABC Board

Thomas K. Williams, Commissioner
Department of Revenue

Patrick L. Sharrock, Director
ABC Board

GIFTED

Commission
HANDICAPPED

JOINT
TESTS
COMMITTEE
GOV.



**1982
Priorities
for Legislation
to Serve People
with Disabilities
and Their Families**

**Prepared by
the Alaska Governor's Council
for the Handicapped & Gifted
600 University Avenue
University Plaza West/Suite C
Fairbanks, AK 99701 479-6507**

MEMBERSHIP

Council members are appointed by the Governor. The Council must have at least 18 but not more than 23 members.

Membership must meet the requirements of both Public Law 94-142 and Public Law 94-103.

One-third of the Council members must be consumers or their representatives. Each of the principal state agencies providing services must be represented.

There must be one state or local educational agency representative, one special education program administrator, and one special education teacher on the Council.

COMMITTEES

In addition to the Council officers of Chairman, Chairman-Elect and Secretary-Treasurer, there are the following standing committees:

EXECUTIVE

EDUCATION

FINANCE

LEGISLATIVE

MEMBERSHIP AND NOMINATING

PLAN DEVELOPMENT AND PROGRAM
EVALUATION

PROTECTION AND ADVOCACY

PUBLIC AWARENESS

WHAT YOU CAN DO

Work with or serve on a Council Committee.

Make your views known to Council members.

Speak out at public meetings and hearings on the State's Special Education and Developmental Disabilities plans, on proposed legislation and regulations affecting handicapped and gifted people in your community.

Become involved in a local consumer organization or help form a local organization.

Volunteer services to local groups working with the handicapped such as your school district, parks and recreation department, sheltered workshops, residential services agency or group home.

Hire a handicapped person in your business or encourage your employer to do so.



FOR MORE INFORMATION
WRITE TO

GOVERNOR'S
COUNCIL
600 UNIVERSITY AVENUE
UNIVERSITY PLAZA WEST
SUITE C
FAIRBANKS, ALASKA
99701

OR CALL:

(907) 479-6507

ALASKA
GOVERNOR'S
COUNCIL
FOR
THE
HANDICAPPED
AND
GIFTED



The Governor's Council for the Handicapped and Gifted was established by Administrative Order of the Governor in 1977.

SPECIAL EDUCATION AND DEVELOPMENTAL DISABILITIES

The Alaska Special Education Advisory Council and the Developmental Disabilities Planning Council were combined into one Council to advocate for the needs of all substantially handicapped children and adults in Alaska -- needs which are often life-long and which require many services at different times in life.

The Council takes a broader look than that of categorizing handicaps and providing each with separate services.

GOAL

To assure the development and delivery of comprehensive services which meet the real needs of children and adults with handicaps.

RESPONSIBILITIES

★ ADVOCACY

The Council advocates for services from the point of view of the individual or family in need.

★ PLANNING

The Council works with individuals, families, agencies, groups to determine the number of people in Alaska who are educationally handicapped or gifted, or those with mental retardation, cerebral palsy, epilepsy or autism. It examines the scope and quality of existing services, studies how services are provided, recommends priorities for new services and more efficient uses of existing services and funds.

The Council prepares the annual state plan for services for persons who are developmentally disabled. The Council assists the Department of Education with the preparation of the state plan for the education of exceptional students.

• WHY A GOVERNOR'S COUNCIL?

Handicapped persons and their families need many different types of services - medical treatment, education, vocational training and job placement, counselling, day care, residential care, and other support services.

Services are difficult to obtain and many are not available in smaller cities and villages.

Handicapped persons must often contact many different agencies to obtain a needed service.

Individuals often wait for months or even years to receive essential services.

Through a variety of strategies the Governor's Council tries to ensure that handicapped persons throughout the state receive the help they need and to which they are entitled.

Consumer members of the Council provide feedback to state agency and service provider members on how to improve services to best meet service needs.

The Council prepares position papers on legislation and service delivery. The Council advises state agencies on policy matters.

The Council undertakes special studies and projects to help plan for needed services and to publicize the availability of services.

Special interest groups have helped. They, too, need support. One voice made up of many groups, agencies, and consumers is needed to speak out on these needs - to state agencies, the Governor's office, and to the state legislature.

FUNDING

Alaska receives federal developmental disabilities funds authorized under Public Law 94-103, and special education funds under Public Law 94-142. A portion of these funds may be used to support Council activities. The State of Alaska, Department of Education and the Department of Health and Social Services provide administrative and technical support. Private and public funds may be provided to the Council from time to time for special projects.

GOVERNOR'S COUNCIL FOR THE HANDICAPPED
AND GIFTED

The Governor's Council for the Handicapped and Gifted operates under authority of A.S. 47.80 as the inter-departmental planning and coordinating agency of the Department of Health and Social Services, the Department of Education, and other departments which deliver services to persons who are handicapped or gifted. The Council is the state planning council for developmental disabilities and special education. The Council advocates the needs of handicapped and gifted persons before the executive and legislative branches of state government and before the public.

Purpose

Council members are appointed by the Governor. One-half of the members of the 18-23 member Council are consumers: persons with handicaps or their parents or representatives. One-third of the members are representatives of the principal state agencies providing services to this population. The remaining members are private or local service providers, program specialists, representatives of gifted/talented students, special educators, or representatives of the public-at-large.

Membership

The Council receives annual funding of \$250,000 from Public Law 95-602, the federal Developmental Disabilities Act. These funds are restricted to carrying out responsibilities regarding people with developmental disabilities. This population includes approximately one-half (5,000) of the total special education students of the state plus approximately 3,000 additional pre-school and adult persons.

Funding

The Council receives approximately 10-20,000 per year from the Department of Education from P.L. 94-142 Title VI-B discretionary funds. These funds are limited to activities relating to special education responsibilities not including gifted/talented programs. For FY82 the Legislature authorized \$62,500 in state general funds to allow the Council to begin to address state law (A.S. 47.80) responsibilities which go far beyond the requirements of Public Law 95-602 and Public Law 94-142, particularly in the area of gifted/talented education programs.

GOVERNOR'S COUNCIL FOR THE HANDICAPPED
AND GIFTED PROJECTS

Legislative/
Administrative

Drafted comprehensive legislation for persons who are handicapped and gifted - A.S. 47.80

- bill of rights for handicapped
- enabling legislation for the Council
- comprehensive services for handicapped and gifted persons (1978)

Developed proposal implementing regulations for A.S. 47.80 (1979)

Assisted with Development of A.S. 47.20 providing for infant learning and early education programs for children with special needs (1978)

Assisted with development of comprehensive guardianship reform embodied in Senate Bill 3 (1979)

Co-sponsored Special Education Funding Task Force of the State Board of Education (1980)

Developed comprehensive Vision and Hearing Screening guidelines for school-age children (1980)

Developed the first Interdepartmental Program Budget for Services to Persons who are Handicapped (1980)

Obtained state funding for the Alaska Blind/Visually Impaired Program (1980) to provide specialized services to blind and visually impaired children in their own school districts.

Supported funding for year-round special education programs and diagnosis and assessment of children needing special education (on-going).

Supported funding for community services for handicapped persons and their families (on-going)

- homemaker services
- respite care
- specialized day care
- specialized foster care
- small community residences, independent apartments
- personal aides and attendants
- barrier-free housing and public facilities
- continuing education
- employment and training
- educational services through BIA

Services

Prepared the state's plan of services for persons with developmental disabilities (1978-ongoing)

Provided training and technical assistance to local private non-profit service providers (on-going)

- respite care
- vocational services
- community housing
- infant learning

Funded demonstration projects

- Specialized Training Program for training and employment of severely handicapped adults (1980-81)
- Pilot Parents Program for organization of self-help groups and parent-to-parent outreach by parents of persons who are handicapped (1980-81)
- Training and Technical Assistance (1980-81)

Sponsored the first Alaska Housing Conference for community housing alternatives for handicapped persons (1980)

Conducted training in comprehensive services evaluation techniques and principles of normalization in human services (1980-81)

Developed the state's protection and advocacy system for persons with developmental disabilities (1978-79)

Funded or conducted special studies (1978 through present)

- residential services
- special education services to children with low-incidence handicaps
- plan for in-home services to families with handicapped children

Produced radio and television spots on people with handicaps (78-79)

Public
Awareness

Conducted attitude survey which determined that there is general community support for full community integration of these handicapped persons (1979)

Published and distributed 6,000 copies of the "Where to Turn" services booklet for parents and friends of handicapped persons (1979-on-going)

Conducted community workshops on prevention of disabilities caused by alcohol abuse - Fetal Alcohol Syndrome (1979-80)

Collaborated in the development of a 30 minute television special on three Alaskan families with handicapped children and community services they utilize (1979)

Produced radio and t.v. spots and a poster on Fetal Alcohol Syndrome (1979-80)

Printed, purchased, and distributed materials on services for community groups, agencies, parents, and handicapped persons (on-going)

Supported the development of local Handicap Awareness Week in Sitka (1980) and Mat-Su (1981)

Prepared a traveling exhibit on handicapping conditions, prevention, and community services for use in all communities at health fairs, conventions, and community workshops (1980)

Sponsored and administered a major statewide conference recognizing the International and Alaskan years of Persons with Disabilities. Seven hundred participants (1981)

Produced and distributed statewide a series of television spots about people with disabilities, specifically focusing on (1) the importance of infant learning programs; (2) the need for independent living options for persons with disabilities; (3) the employment capabilities of persons with disabilities; and (4) general attitudes/behavior toward persons who are disabled (1981)

Produced and distributed statewide 2,000 copies of a Resource Book of Selected Films, Videotapes, Books, Speakers and Other Materials to Help Increase Public Awareness about People with Disabilities (1981)



GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED

UNIVERSITY PLAZA OFFICES WEST SUITE C • 600 UNIVERSITY AVENUE • FAIRBANKS, ALASKA 99701

PHONE (907) 479-6507

REVISED NOVEMBER 1981

MEMBERSHIP LIST

July 1, 1981 to June 30, 1982

| |
|------------------------------------|
| John Nuttall, Chairperson |
| Jane White, Chairperson-Elect |
| Caroline Wolf, Secretary-Treasurer |

| NAME/PHONE NUMBER | ADDRESS | CATEGORY |
|---|---|---|
| Thelma Bean Phone: None | Box 109 Kake, Alaska 99830 <u>TERM:</u> 2 yrs. - 6/30/83 | Consumer representative |
| Barbara Block Phone: 248-2804 (work) 344-1688 (home) | Star Route A, Box 1738 K Anchorage, Alaska 99507 <u>TERM:</u> 3 yrs. - 6/30/84 | Gifted/Talented Repres. |
| Terry L. Coon Director, Special Education Phone: 747-8624 (work) 747-3697 (home) | Sitka City Schools % P.O. Box 1467 Sitka, Alaska 99835 <u>TERM:</u> 3 yrs. - 6/30/84 | Local special education administration repres. |
| John S. Devens, Ph.D. Phone: 835-2539 (work) 835-2538 | P.O. Box 590 Valdez, Alaska 99686 <u>TERM:</u> 2 yrs. - 6/30/82 | Higher education repres. |
| Weston Doran Phone: 225-4355 (home) 225-2622 (daytime) | 1025 Water Street Apartment #3 Ketchikan, Alaska 99901 <u>TERM:</u> 3 yrs. - 6/30/82 | Consumer representative |
| Joan Jordan, Ex. Dir. Phone: 586-2627 (work) 586-2624 (work) 364-2292 (home) | P.O. Box 394 Douglas, Alaska 99824 <u>TERM:</u> 3 yrs. - 6/30/82 | Consumer representative |
| LaVedi R. Lafferty Phone: 456-2245 | P.O. Box 929 Fairbanks, Alaska 99707 <u>TERM:</u> 3 yrs. - 6/30/83 | Consumer representative |

Phoebe Lindsey, Director
Phone: 465-3038 (work)
789-2717 (home)

Office of State Health
Planning & Development
Pouch H-01
Juneau, Alaska 99811
TERM: 3 yrs. - 6/30/83

Principal state agency
representative

Charles M. Melick
Phone: 333-2256 (home)
337-9589 (work)

3719 Wesleyan Drive
Anchorage, Alaska 99504
TERM: 3 yrs. - 6/30/82

Consumer representative

Bill Mulnix, Director
Phone: 465-2970 (work)
364-3174 (home)

Office for Exceptional
Children
Dept. of Education
Pouch F
Juneau, Alaska 99811
TERM: 3 yrs. - 6/30/84

Principal state special
education agency repres.

John Nuttall
Phone: 486-3131 (work-ASK
FOR JR. HIGH)
486-5594 (home)

Box 2554
Kodiak, Alaska 99615
TERM: 3 yrs. - 6/30/82

Consumer representative

Kathe F. Parker
Assistant Chief of
Rehabilitation Services
Phone: 243-5600

Div. of Vocational
Rehabilitation
Dept. of Education
4100 Spenard Road
Anchorage, Alaska 99504
TERM: 3 yrs. - 6/30/84

Principal state agency rep.

John Pugh, Director
Phone: 465-3170 (work)
586-1598 (home)

Div. of Family and
Youth Services
Dept. of H&SS
Pouch H-05
Juneau, Alaska 99811
TERM: 3 yrs. - 6/30/82

Principal state agency rep.

Diane Schmeling
Phone: 789-2234

4411 Portage Blvd.
Juneau, Alaska 99801
TERM: 3 yrs. - 6/30/84

Consumer representative

Daye Spence, M.D.
Chief, Section of
Family Health
Phone: 465-3100 (work)

Division of Public Health
Pouch H-06B
Juneau, Alaska 99811
TERM: 3 yrs. - 6/30/84

Principal state agency rep.

Verner Stillner, M.D.
Director
Phone: 465-3370 (work)
789-3622 (home)

Div. of Mental Health and
Developmental Disabilities
Dept. of H&SS
Pouch H-04
Juneau, Alaska 99811
TERM: 3 yrs. - 6/30/83

Principal state develop-
mental disabilities agency
representative

Margie M. Tachell
Phone: 225-2509

644 Grant Street
Ketchikan, Alaska 99901
TERM: 2 yrs. - 6/30/83

Consumer representative

Lurisse Ulen
Phone: 456-2712

1037 Pedro
Fairbanks, Alaska 99701
TERM: 3 yrs. - 6/30/83

Consumer representative

Blanche Walters
Phone: 443-2718 (home)
443-2226 (work)

Northwest Community College
Advisory Council
% P.O. Box 728
Nome, Alaska 99762
TERM: 3 yrs. - 6/30/84

Local governmental agency
repres./Consumer repres.

Carol Welsh
Phone: 747-8705 (home)

Box 256
Sitka, Alaska 99835
TERM: 1 yr. - 6/30/82

Consumer representative

B. Jana White
Phone: 776-8438 (home)

Rte. 1, Box 1290
Kenai, Alaska 99611
TERM: 3 yrs. - 6/30/83

Consumer representative

Caroline C. Wolf
Phone: 852-3999 (work)
852-3350 (home)

North Slope H&SS Agency
P.O. Box 60
Barrow, Alaska 99723
TERM: 3 yrs. - 6/30/82

Special education teacher

Prevention cheaper than cure.

66,000 pupils - What % of parent already do this

General Nurse throughout state * music equipment now etc.

Peabody * Health Dept.

Duplications

How much school time days are taken away from schooling

audiologist
↓
cost of music.

Community Living Services.

Woolf
Bethel



**1982
Priorities
for Legislation
to Serve People
with Disabilities
and Their Families**

Prepared by
the Alaska Governor's Council
for the Handicapped & Gifted
600 University Avenue
University Plaza West/Suite C
Fairbanks, AK 99701 479-6507

INTRODUCTION & SUMMARY

Presented in this document are program funding and administrative recommendations and related background information prepared by the Governor's Council for the Handicapped & Gifted, intended to improve service delivery to persons throughout the state who are handicapped. More specifically, we are addressing the provision of six distinct but often related services in two major areas - Education and Community Living.

Underlying any of these services--whether existing or proposed--are a number of proven service principles which are at the heart of AS 47.80, and which have been used as the basis for Legislative action to improve services to persons who are handicapped. Those service principles are:

- To the maximum extent possible, services should be directed at helping persons with disabilities develop their full potentials;
- To the maximum extent possible, persons should be able to remain in their own homes, in their own communities, avoiding costly and often emotionally painful institutionalization;
- Services provided should be specialized or adapted versions of services available to the general public;
- Services should be provided in the least restrictive environments, enabling persons with disabilities to live as normally as possible.

These principles have been incorporated into legislative intent for community service programs, in amendments to AS 47.20, on infant learning programs, in last session's revisions of special education foundation funding AS 14.17, and special services in special education AS 14.30.

Attention is repeatedly and increasingly focused on self-determination, local control, and de-centralization of services, reductions in the size of government, and reliance on the public sector stimulation of private sector development in management of our human resources as well as our natural resources.

Building within this overall services framework and current programs, what is recommended herein addresses those services which the Council believes must be given continuing legislative priority to enable people with handicaps or disabilities to live as normally as possible in their own personal residences in their home communities or other community of their choice.

The five service needs brought to your attention in this report have been selected from more than thirty identified service needs. Priorities are based on the results of on-going consumer and provider input, and Council planning efforts over the past five years.

Specifically addressed and recommended are improvements in:

EDUCATION and RELATED SERVICES:

- ° Infant Learning Programs (page 5)
- ° Special Education Services (page 10)
- ° Vision and Hearing Screening (page 12)

COMMUNITY LIVING SERVICES

- ° Home Support Services for Children and Adults
 - Respite Care (page 15)
 - Homemaker and Home Health Aide Services (page 19)
 - Personal Aides and Attendants (page 20)
- ° Residential Options (page 25)
 - Natural/Augmented in-home programs
 - Devised Environments - Group Homes

SUMMARY OF RECOMMENDATIONS

| <u>Target BRU or State Statute</u> | <u>Department</u> | <u>Increased Amount Over F83 Proposed</u> | <u>Purpose</u> |
|--|--|---|---|
| Child and Family Health Special Education Grants Component for Infant Learning | H&SS Public Health | 210.0 | Physical Occupational, Speech Therapy for 100-150 0-3 year-olds (statewide) |
| Special Education Foundation Funding | Education | -0- | Full special education services to 14,000 special education students (statewide) |
| A.S. 14.30 revision: Passage of HB 464 and 465 | H&SS Education | 277.0 | Make vision and hearing screening available to all 85,000 school age children (statewide) |
| Community Developmental Disabilities Services | H&SS Mental Health & Developmental Disabilities | 80.0 | Provide respite care to 50 families in four unserved regions (SW,W,NW,N) |
| Create New BRU Component | H&SS Family & Youth Services | 350.0 | Develop Personal Aide and Attendant Care services for 25 people in unserved communities (statewide) |
| Program/Adult Services Community D.D. Services | H&SS Family & Youth Services; Mental Health & D.D. | 859.6 | Provide community living services to support independent living for 75 handicapped children and adults and their families (statewide) |

EDUCATION & RELATED SERVICES

COMMUNITY LIVING SERVICES

REGIONAL AREAS - F81-83 STATE PLAN



INFANT LEARNING PROGRAMS

Description of Services

The Legislative history of Alaska's Infant Learning Programs is brief but dramatic. It demonstrates well-placed concern on the earliest possible identification and treatment of children with handicapping conditions. It means that children born with impairments or high risk of impairments due to environmental, bio-social or other factors can now receive services which will encourage their mental and physical development so as to reduce long-term effects of the handicapping conditions.

A.S. 47.20 was amended by the Legislature in 1979 to authorize the Department of Health and Social Services to provide support to local groups providing developmental services to children with handicaps from birth to age three. After age three, they become eligible under A.S. 14.18 to enter public school special education programs.

Key language in A.S. 47.20 requires involvement of parents in the education and training of their young children and, to the maximum extent possible, focusses on the family home as the child's learning environment. Services are therefore provided by infant learning teachers or child development specialists with backgrounds in teaching, nursing or therapeutic services. These specialists provide assistance to parents, thus reinforcing the role of the parent as the most influential factor in the child's growth and development. Weekly visits are made to the child and parents in their own home and may be augmented by sessions in a center where a group of children and their parents receive services.

Longitudinal studies of such programs have repeatedly demonstrated that early identification and special assistance pay off in reducing the need for special education services and life-long dependency on public services. Many Alaskan children with speech, language and general developmental delays who have been served in the last four years have not required special education services upon entry to public school. Others with more serious handicapping conditions can begin public special education programs promptly at age three, thereby saving several years of what would otherwise have been lost time in their educational process. It is generally true that the later services begin for a child with substantial impairments, the greater the long-term detrimental effects of the handicapping condition.

| | F78 | F80 | F81 | F82 |
|---------------------|------|-------|-------|---------|
| # Children | 78 | 300 | 396 | 600 |
| # Programs | 6 | 12 | 15 | 17 |
| # Communities | 6 | 15 | 25 | 40 |
| \$ Cost (Thousands) | 90.0 | 420.0 | 883.0 | 1,200.0 |

Extent of
Services

In F81 some twenty infant learning teachers in 25 communities provided 8,300 hours of individualized assistance through 4,278 home visits.

Increased funds for F82 have facilitated program improvements as follows:

- employment of personnel with greater experience and training;
- support of local administration;
- increased travel so the number of home visits can be increased and children in out-lying villages can be served;
- purchase of necessary training/habilitation equipment for children - e.g. adaptive devices, special toys;
- availability of specialized support resources for blind/visually impaired and deaf/hearing impaired infants through statewide outreach programs;
- pre-service and in-service teacher training; and
- toy lending library resources through the Alaska Special Services project.

F82 funding was increased to \$1,556,000 based on letters of intent from local programs; needs identified by Governor's Council surveys of parents and providers; and information provided to legislators by local constituents. As a result, an additional 100 to 200 children and families, representing an additional ten to fifteen communities and villages, will be served. Cost per child per year will range from \$2,600 to \$3,100 including statewide administrative and specialized support services.

Cost

The Council estimates that 600 children under three years of age are "at risk" and will need

Unmet Needs

infant learning program services. Due to increases in services in F82, approximately 70 percent of children in need are expected to be served.

None of the local infant learning programs have operated long enough to claim identification and service to all handicapped children in their service areas, and attention must be given to making services available to children in every community. Notable progress has been made by programs such as those in Bethel and the Tanana Chiefs Interior Region. A system of local teachers' aides is being developed which will result in greater program availability and effectiveness.

With the exception of minor program expansion to new communities, perhaps five over the next 2-3 years, the target of new monies must be on improving services:

- . providing specialized physical/occupational and speech/language therapy services; and
- . providing timely multi-disciplinary evaluation and re-evaluations.

At least fifty percent of the children in infant learning programs have motor difficulties and need specialized therapy services. Approximately twenty-five percent are receiving those services currently. Two factors cause this lack of service:

- . Lack of funds; and
- . Lack of local or nearby specialists.

In nearly all of the communities which do not have the needed physical or speech therapists available to infant learning programs, those services are also not available through the local school district. By adding contract funds to the Infant Learning Program budget, or to the Handicapped Children's budget (also in the Division of Public Health) contracts could be negotiated to make the local employment of therapists shared by infant learning programs and school districts, local hospitals, or programs such as the Elks Physical Therapy program in Southeast, an efficient solution. It should be noted that current costs of these itinerant specialists is \$325.00 per day per visit, plus travel and expenses. Local service if available, would cost \$15.00 to \$60.00 per unit of service.

Based on competitive local rates for physical, occupational, and speech therapy services and the need to provide the equivalent of one hundred to one hundred fifty units of service per week to as many children, the Council recommends increasing Infant Learning Program or Handicapped Children's funds by \$210,000 for F83.

Recommendation

Department of Health and Social Services
Division of Public Health
Child and Family Health
Special Education Grants
Component for Infant Learning
F83 Governor's Proposed: \$1,588.6
Recommended Increase: 210.0
Total: \$1,789.6

F81 INFANT LEARNING PROGRAM ENROLLMENTS AND F82 FUNDING

| Region | Community/Area | Total Pop. 0-2 | At-Risk Pop. 0-2 | Pop. Svd. F81* | Children Enrolled 6/30/81 | Population Unserved** | F82 Budget | Est. Total (in thousands) |
|--------------|-----------------|----------------|------------------|----------------|---------------------------|-----------------------|------------|---------------------------|
| SOUTHEAST | Juneau | | | 64 | 20 | | 45.2 | |
| | Ketchikan | | | 34 | 11 | | 39.1 | |
| | Petersburg | | | 43 | 11 | | 20.4 | |
| | Sitka | | | 49 | 19 | | 36.9 | |
| | TOTAL | 3,389 | 102 | 190 | 61 | 41 | | 141.6 |
| SOUTHCENTRAL | Homer*** | | | | | | 18.8 | |
| | Anchorage | | | 230 | 83 | | 166.6 | |
| | Chugiak | | | 40 | 22 | | 41.0 | |
| | Mt-Su Area | | | 85 | 27 | | 43.0 | |
| | Kenai Area | | | 33 | 16 | | 20.0 | |
| | Kodiak | | | 224 | 11 | | 20.0 | |
| TOTAL | 17,457 | 524 | 612 | 159 | 365 | | 309.4 | |
| CENTRAL | Fairbanks | | | 112 | 112 | | 249.9 | |
| | Tanana Chiefs | | | 68 | 9 | | 183.8 | |
| | TOTAL | 5,047 | 151 | 180 | 121 | 30 | | 433.7 |
| SOUTHWEST | Dillingham Area | | | 23 | 8 | | 62.4 | |
| | TOTAL | 329 | 10 | 23 | 8 | 2 | | 62.4 |
| NORTH | Bethel Area | | | 84 | 34 | 0 | 153.6 | |
| | TOTAL | 1,210 | 36 | 84 | 34 | 2 | | 153.6 |
| NORTHWEST | Kotzebue*** | | | | | | 20.0 | |
| | Nome Area | | | 10 | 2 | | 93.8 | |
| | TOTAL | 887 | 27 | 10 | 2 | 25 | | 113.8 |
| NORTH | Barrow Area | | | 80 | 11 | | 49.4 | |
| | TOTAL | 342 | 10 | 80 | 11 | -0- | | 49.4 |
| TOTALS | | 28,661 | 860 | 1,179 | 396 | 465 | | 1,263.9 |

Sources: 1. F81-A3 Alaska Developmental Disabilities State Plan
2. Department of Health & Social Services - Section on Family Health

* Includes children screened but found ineligible for services

** Population Unserved = At Risk Population minus Children enrolled 6/30/81

*** New Program Third Quarter F82

SPECIAL EDUCATION SERVICES

State and federal law (P.L. 94-142) provide for the free, appropriate public education of all handicapped children. Alaska Statute includes gifted/talented students in its special education law, affording gifted or talented students the same rights to education services, commencing at age three, as are afforded children with handicaps. No child may be denied service on the basis of severity of handicap or extent of service required.

Description
of Services

In the 1980-81 school year, 10,586 or 12.7 percent of the 83,246 school students of Alaska were special education students. One-tenth of these students are considered to be students with low-incidence handicaps or handicaps such as deafness, blindness, multiple handicaps, severe orthopedic handicaps, severe emotional disturbance, or other major health problems. These handicaps require extensive long-term services, often not able to be provided locally without technical and financial resources beyond those provided in the special education foundation program.

Extent of
Service

In FY82 an estimated \$31 million will be spent on special education. This includes \$27 million expected to be spent under the old special education foundation formula.

Cost

The new formula, passed by the legislature last session in FCCSSB 23, will increase special education foundation funding to at least an estimated \$47 million. The newly enacted law will delete the levels-of-service funding concept (ADM:FTE) and replace it with Average Daily Membership counts of 15:1 for a special education foundation unit in all districts except Anchorage, Fairbanks, Kenai, Mat-Su, and Juneau which will have an 11:1 student to unit formula.

This increase is intended to provide full funding to local special education programs, including summer school, teacher in-service training, diagnosing and assessing students, and providing occupational therapy, physical therapy, speech therapy, and other related services.

The increased funding will result in significantly improved local special services. It will not, however, provide for statewide coordination and delivery of full services to the students with low-incidence handicaps.

Contract funding such as was provided in F80, 81, and 82 for highly specialized support services to local districts and students transferred out of their home districts is expected to be continued.

For F83, needs will exist in areas of improved administration, delivery, and fiscal accountability so as to insure efficient utilization of the increased funds. Toward that end, the Council has recommended a series of accountability measures and the promulgation of substantive program standards and regulations by the Department of Education. The Council will also convene a Committee on Gifted/Talented Education to assist in long-term program and policy development for gifted/ talented education.

The Council supports full funding for the revised special education foundation formula program, continuation of contract program(s) and coordinated statewide resource services for services to the students with low-incidence handicaps. In addition, the Council supports improved program and fiscal accountability by the Department of Education and the Legislative Budget and Audit Committee through improved definition of and required use of the "921 accounting codes" in the state's school accounting procedures.

Unmet
Need

Recommendation

VISION AND HEARING SCREENING OF SCHOOL-AGE CHILDREN

Screening involves the periodic testing of vision and hearing in order to detect such problems as hearing loss, otitis media, auditory handicaps, blurred vision, amblyopia or "lazy eye." Screening is a preventive health measure which leads to examinations and treatment by medical specialists.

Seventy-five percent of all learning is attained through the sense of vision. Much learning also takes place by auditory means. Why is it, then, that we have no state statute or regulations which specifically support periodic screening of all school-age children - especially when: (1) there is documentation which indicates that the screening can be done by trained volunteers as well as nurse's aides, public health nurses, school nurses, teachers, teacher's aides, and (2) that a complete screening program in Alaska would cost only \$3.00 per screening per child?

Undiagnosed vision and hearing problems might so adversely affect the child as to leave a lasting imprint, a permanent handicap, and a need for life-long special help at public expense. Screening is the essential key to prevention and early identification, treatment, and remediation.

The most convenient and efficient way of conducting screening is to provide the service in schools. To support school personnel, the following statewide system is recommended:

1. Regulations, program standards and guidelines (already drafted by a broad-based representative Vision/Hearing Screening Committee in 1980 and received by the Departments of Health and Social Services and Education) adopted by the Department of Health and Social Services.
2. Assistance and training for school district screening program personnel by the Department of Health and Social Services:
 - . Vision Consultant Public Health Nurse in the Division of Public Health for vision screening;

Description
of Services

. Communicative Disorders Program personnel in the Division of Public Health for hearing screening.

3. Training and certification of screening personnel (for example, one or two-day training in the local community or region for local volunteers and other screening personnel, with annual refresher session) by the Department of Health and Social Services in conjunction with the local schools.
4. Funding for local school districts on a cost per child basis and for the statewide training and support services from the Department of Health and Social Services.
5. Involvement and increased utilization of private medical personnel and Public Health Service doctors to conduct professional examinations, complete medical diagnosis and treatment of children identified and referred by school district screening, and for community education on the importance of vision and hearing checks and the cause and effects of impairment.

Screening is done by 22 of 33 school districts which responded to a 1980 survey. Practices vary greatly. Many of the districts indicated they did not have a quality program and needed help with equipment, training, and funds for personnel. No district provided services in accordance with the recommended guidelines. Only nine school districts employed school nurses. Some districts screened only special education students. Referral processes generally consisted of a notation to "notify parents" with no record of attempts, contacts, or results.

House Bills 464 and 465 were introduced last session and would add a new section to A.S. 14.30 to authorize vision and hearing screening programs and provide \$276,295 in state funds to support local and state services. At the end of the session, prior to re-organization of the House, the HESS Committee was considering an alternative approach, amending the present physical examination statute, A.S. 14.30.070. The Council supports early action on HB 464 and 465 or a Committee Substitute and passage of this relatively minor but significant legislation this session.

The Council supports the appropriation requested in HB 465 to provide:

Extent of
Service

Recommendation

- . Department of Education: Funds to school districts based on \$3.00 per screening per child. 1980-81 enrollments in grades to be screened totalled 66,612 children. Total cost equals \$199,836.
- . Department of Health and Social Services: Funds to support a Vision Consultant Public Health Nurse position based in Anchorage and support costs for this position and Communicative Disorders Program hearing specialists to train and assist personnel and volunteers in local schools:

| | |
|-----|-----------------|
| 100 | \$40,159 |
| 200 | 20,000 |
| 300 | 9,100 |
| 400 | 4,750 |
| 500 | 2,450 |
| | <u>\$76,459</u> |

COMBINED TOTAL: \$276,295 for F82.
To be adjusted for F83.

RESPIRE CARE

Description of Services

Respite care services are provided by contract programs of the Division of Mental Health and Developmental Disabilities under authority of A.S. 47.80. Respite or "relief" care of persons with disabilities has as its purpose the temporary care of a family member who is disabled - child or adult - in order to help families cope with the often continuous demands of caring for a disabled person. It has been shown that the mere availability of respite care (even if a family does not actually use the service) provides great psychological relief from the stress which families of persons with disabilities or handicaps face.

Continuous care of a disabled family member without the prospect of occasional relief, not to mention the security of knowing that there is someone to care for that person in times of crisis or even death, can be debilitating to the strongest of families, especially in cases where the handicapped conditions are severe. Such pressure can result in institutional placement of a family member, for it is known that institutional placement of disabled people is most often due to environmental factors such as loss of a parent, birth of a sibling, divorce, and lack of support and reinforcement to the family in the form of day care, specialized parent/child training, local community educational programs and medical care. Thus availability of respite care is a major step in the prevention of out-of-home institutional placement.

Most of us can identify with the idea that a babysitter or day care center provides "relief" or "respite" from the constant care of children so that parents can be employed, participate in social and recreational outlets, go to dental or medical appointments, and so forth. We are also familiar with the occasional need to have day care or sitter service in times of family crisis, illness, accident, or other personal emergencies. These same needs are felt by families with a child or adult member who is disabled. However, in those families with a person who is severely disabled, the temporary care provided must be specialized. Respite care was developed to provide that qualified, trained supervision.

Respite care can be provided in or out of the family home, on a regular or intermittent basis, for a few hours a week up to thirty days of continuous care.

On a regular, planned basis it allows other family members to carry out essential activities. It is also available on an emergency basis. Importantly, respite care workers are specially trained in disabling conditions, medical management, behavior management, first aid, cardio-pulmonary resuscitation, adaptive equipment, handling and transfer techniques.

In response to our growing awareness of the family pressures and needs described above, the Department of Health and Social Services solicited proposals and awarded limited contracts for respite care in F78. The Department also authorized temporary placement of handicapped persons in residential care programs for individuals needing respite who also needed specialized medical care.

In F81 slightly more than 160 families were served statewide and received a total of 51,000 hours of service, for an average of about 300 hours per family.

Six private non-profit agencies currently provide respite care services under contract to the Division of Mental Health and Developmental Disabilities in the Department of Health and Social Services. A seventh agency contracts with a municipality (with health authority) to offer the services.

In Southeast Alaska, the St. Jude Center in Juneau, Ketchikan Youth Services, and the Parent Association for Children with Special Needs in Sitka provided nearly 15,000 hours of respite service, both in-home and center-based, in F81. In Southcentral Alaska, Catholic Social Services of Anchorage contracts with the Municipality of Anchorage to provide respite and day care services for eighty or more families. Kenai's Central Peninsula Community Mental Health Center serves ten families with in-home respite service along with special counselling and training from the Mental Health Center staff. The Kodiak-Aleutian Mental Health Center serves three families. The only program in the Northern Region came on line mid-way in F80 and is provided by the Fairbanks Rehabilitation Association. Both in-home and center-based services have been provided to thirty-four Fairbanks area families. So far in F82 the number of families enrolled in the program has increased to sixty.

Statewide the average cost per hour of service in F81 was \$8.53. The total amount of state funds allocated was \$438,017. The F82 budgeted amount for continuation and minor expansion of the services in the seven presently-served communities is \$624,300.

Extent of
Service

Cost

Consumers have expressed needs for respite care in Bethel, Kotzebue, Nome, and in villages in the Interior's Doyon Region. Lack of service availability in those and other communities resulted in a temporary relocation of twenty individuals from other areas in order for them to receive care last year. In addition, data show that a disproportionate number of individuals with disabilities from non-urban communities are moved from their homes and placed in institutional settings. If serious efforts are to be taken to reverse this trend, and to accompany the increase in local special education programs with family support services, then respite care must be expanded to unserved communities.

Unmet Needs

The next level of community to be targeted for respite care, in terms of community size and location, are regional population and service centers which include Barrow, Bethel, Dillingham, Nome, and Kotzebue. Following initiation of programs in these population centers, the next step of outreach would be to train respite workers and provide home-based services in smaller communities and villages in the catchment areas of these communities. With expansion in F83 and the addition of outreach to villages in F84, a maintenance budget situation could be achieved in F85. The Council has estimated that about five hundred families statewide need to have respite services available to them. Adjustments and refinements will need to be made in program administration to better provide equal access to service and establish equitable sliding fee scales for service.

The Council recommends expansion of programs to the four unserved regions of the state: Southwest-Dillingham, West-Bethel, Northwest-Nome and Kotzebue, and North-Barrow in F83 for a total of \$80,000 to make services available to an additional fifty families. Funds would be added to the Community Developmental Disabilities Services Budget Request Unit of the Division of Mental Health and Developmental Disabilities in the Department of Health and Social Services budget.

Recommendation

Department of Health & Social Services
Division of Mental Health and Developmental Disabilities
Community DD Services BRU
F83 Governor's Proposed Estimated
Sub-component allocation: \$704.2
Recommended Increase: 80.0
Total: \$784.2

RESPITE

| REGION | Estimated Need # Families | F81 | | | | | F82 | F83 |
|--------------|------------------------------------|-------------|--------------------------|-----------------|--------------------|------------------|----------------------|---------------------|
| | | # Served | A Service Capacity | Est. # hours | Cost/hr. \$ | Total Cost \$ | Budgeted | Recom- mended |
| SOUTHEAST | 64 | 34 | 23 | 14,880 | 6.92 | 103.0 | 123.6 | 139.6 |
| SOUTHCENTRAL | 319 | 93 | 20 | 32,453 | 7.65 | 248.2 | 313.2 ^{**} | 353.9 ^{**} |
| CENTRAL | 91 | 34 | 18 | 4,060 | 21.42 [*] | 87.0 | 187.5 ^{***} | 211.9 |
| SOUTHWEST | 8 | 0 | | | | | | 11.3 |
| WEST | 20 | 0 | | | | | | 28.1 |
| NORTHWEST | 20 | 0 | | | | | | 2.1 |
| NORTH | 8 | 0 | | | | | | 11.3 |
| | | | | | | | | |
| | | | | | | | | |
| TOTALS | 530 | 161 | 61 | 51,393 | 8.53 | 438.2 | 624.3 | 784.2 |

A. # Families able to be served simultaneously.

* First full year of operation - includes start up costs. Current estimates are 60 families/24,000^{hours} in F82.

** Includes a \$300.0 Municipal Grant funds passed through Division of Public Health, Dept. Health & Social Services.

*** Includes designated grant.

HOMEMAKER, HOME HEALTH AIDE,
AND
PERSONAL AIDE AND ATTENDANT SERVICES

Description
of Services

Homemaker, home health aide, and personal aide and attendant services are designed to help a person continue living in his/her own home or apartment - rather than having to move to an unfamiliar and costly institutional setting. While these services often are considered to be needed primarily by elderly people, in many cases they are also essential for persons with disabilities and their families.

Homemaker Service

The purpose of the homemaker service is to provide household assistance, chore service, and/or non-medical personal assistance to assist a person (and his/her family) in continuing to live at home. Examples of the types of duties a homemaker may perform include chopping and hauling wood, routine cleaning, grocery shopping, meal preparation, assistance with managing children, and helping with household finances and paying bills. Currently services can be provided for up to 20 hours/week for a qualifying individual.

Homemaker services are provided on a statewide basis by Program Resources, Inc. under contract to the Department of Health and Social Services, Division of Family and Youth Services.

Home Health Aide Service

The purpose of home health aide service is to provide personal medically-oriented care to a person in his or her own home or apartment. Such services can be compared to the services provided by a nurse's aide in a hospital and include duties such as assistance with bathing and personal hygiene, changing dressings, routine lifting and ambulation, and carrying out therapeutic exercises. Services are carried out under the direction of a supervising nurse. Currently services are available for up to 20 hours/week.

Home health aide services are currently provided statewide by Program Resources, Inc. under contract to the Department of Health and Social Services, Division of Family and Youth Services.

Personal Aides and Attendants

The purpose of personal aide and attendant services is to provide intensive and individualized in-home personal care for persons who are substantially disabled and who, without such intensive assistance, would be unable to live in their own homes. These services would be available on a 24-hour per day basis and could be provided in a variety of ways: An attendant could (1) live-in with the person(s) requiring care; (2) work on a shift basis caring for one or more persons; or (3) work in teams with other aide(s) on a shift or live-in basis to care for one or more persons.

Currently there is one state-funded pilot program of personal aide and attendant services which is designed to operate on the work-team basis. This pilot program, to be administered by the new private non-profit agency Independent Options Now, under contract to the Department of Education, Division of Vocational Rehabilitation, is designed to provide attendant care to substantially physically disabled young adults who are now residing in Anchorage-area nursing homes but are scheduled to move into barrier-free apartments.

The need for personal aides and attendant services is most-urgently felt by mentally alert, severely physically disabled persons who are currently residing in institutional settings - most often nursing homes where the majority of residents are incapacitated elderly people. Activities and routines are therefore geared to that population, making most nursing homes very inappropriate for mentally alert young people.

Homemaker and Home Health Aide Services

Homemaker and home health aide services are available without regard to income to any person who needs such a service in order to maintain independence in the home or to avoid abuse and neglect.

In F81, approximately 945 persons received these services statewide, the majority of whom were elderly people. Fifty-seven of the persons receiving service were handicapped. Of those people, four persons were receiving both services and forty-nine persons were receiving homemaker service only, and four received homemaker and home health aide service only.

Personal Aides and Attendants

For the first time in Alaska, in F82 there is a pilot program which is arranging for barrier-free

Extent of
Services

housing, planning and providing training to newly employed personal aides and attendants and will provide services to eight severely disabled young people in Anchorage during F82.

Homemaker and Home Health Aide Services

During F81, homemaker (\$10.19/hour) and home health aide (\$14.66/hour) services cost an average of \$10.96/hour. The average cost per client per year was \$1,409. The F82 contract price is \$12.20, which appears to be below cost. Using these cost figures and assuming a 10% inflation rate, F83 costs can be projected to be \$13.42/hour or approximately \$1,550 per person/per year.

Personal Aides and Attendants

ION estimates that the F82 cost of providing personal aide and attendant services will be approximately \$56.50 a day which equals up to \$20,622 per person/per year. Assuming a 10% inflation rate, F83 costs can be projected to be \$62.15/person/day or \$22,684/person/year.

Cost

Homemaker and Home Health Aide Services

The Council estimates that there are approximately 500 individuals (70% adults, 30% children) in Alaska who need homemaker and/or home health aide services. Last year only about 10% or fifty individuals received the services.

In F81, 116,908 hours of service were authorized for homemaker services and 88,634 or 75% were utilized. Of the home health aide services hours authorized, 51,627, only 18,606 hours were utilized or 36%. It should be noted that this was the first year of implementation of home health services. Homemaker services have been provided statewide for the last four or five years.

Several significant issues are being dealt with by the Department of Health and Social Services:

- . Limitation of hours of service to twenty hours per week per service, which is not enough to meet the needs of some severely disabled people. The Department is allowing waivers on a case by case basis and to date, no waiver requests have been denied.
- . Waiting lists of people needing but not receiving services in the Anchorage, Ketchikan, Fairbanks and Bethel regions.

- . Substantially high rates of staff turnover in homemakers programs possibly due to pay scales, seasonal fluctuations in employment, cultural differences, degree of supervision, and on-going training needs.
- . Lack of sufficient training and prestige of homemaker work.
- . Relatively high rate of services authorized which are not delivered.
- . Lack of public information on availability of the service and how to obtain it, especially for people with handicaps or disabilities.
- . Need to improve service delivery rate in bush areas.

Homemaker and Home Health Aide Services

The Council supports continuation funding for F83 for Homemaker and Home Health Aide Services with authorization to the Department of Health and Social Services to re-allocate funding levels as necessary to increase allowable hours for service to disabled persons, increase training for homemakers who serve people with disabilities.

Recommendation

Personal Aides and Attendants

The Council supports continuation funding for the provision of personal aide and attendant services for mentally alert, physically disabled persons in the pilot program in the Anchorage area plus an increased appropriation of \$350,000 in F83 in a separate BRU component of the Division of Family and Youth Services, Department of Health and Social Services to expand the services to other regions of the state through pilot programs to demonstrate the other types of personal aide and attendant service delivery: live-in attendants, shift-basis.

HOMEMAKER AND HOME HEALTH AIDE SERVICES

| | Actual Expenditure F81 Contract Funds | Authorized Expenditure F81 Contract Funds | Authorized Expenditure F82 Contract Funds |
|-------------|--|--|--|
| Homemaker | 903,200 | 1,191,292 | 1,521,101 |
| Home Health | 272,800 | 757,050 | 783,599 |
| TOTAL | 1,176,000 | 1,948,342 | 2,304,700 |

21

| | Actual Utilization F81 Contract Hours | Authorized Allocation F81 Contract Hours | Authorized Utilization F82 Contract Hours |
|-------------|--|---|--|
| Homemaker | 88,634 | 116,908 | 121,104 |
| Home Health | 18,606 | 51,627 | 62,387 |
| TOTAL | 107,240 | 168,535 | 183,491 |

**Homemaker & Home Health Aide/Hours Utilized in F81 and Authorized in F82
By Region**

| | Total | SE | SC | C | SW | W | NW | N |
|--|----------------------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|
| F81 Utilized Total Hours | 107,240 (58.4%) | 19,193 | 35,357 | 21,713 | 8,022 | 8,379 | 10,460 | 4,136 |
| F82 Authorized Total Hours | 183,491 | 37,782 | 52,347 | 42,849 | 11,883 | 17,002 | 13,472 | 8,162 |
| F81 Utilized Homemaker | 88,634 | 15,792 | 27,258 | 18,329 | 6,188 | 8,051 | 9,530 | 3,490 |
| F82 Authorized Homemaker | 121,104 | 24,936 | 34,549 | 28,276 | 7,843 | 11,221 | 8,892 | 5,387 |
| F81 Utilized Home Health Aide | 18,606 | 3,401 | 8,079 | 3,388 | 1,834 | 328 | 930 | 646 |
| F82 Authorized Home Health Aide | 62,387 | 12,846 | 17,798 | 14,567 | 4,040 | 5,781 | 4,580 | 2,775 |

COMMUNITY LIVING OPTIONS

Description of Services

Alaskans who are developmentally disabled or otherwise substantially handicapped live in a variety of settings, ranging from their own or their family's homes to congregate settings such as group homes and institutions. For ease of understanding, the Council describes community living services for handicapped persons according to the environments in which services are offered.

Natural or Augmented Environments are simply the personal homes or apartments in which most of us live, with, in some cases, some special adaptations. Such personal homes or apartments should be the primary focus of residential services for people with handicap in accordance with the service principles of A.S. 47.80. Services such as homemaker, personal aide and attendant care, independent living support, co-operative or shared apartments, apartment clusters, specialized foster care and foster care are examples of services which can be provided in natural and augmented environments.

Devised Environments are residences which are specially adapted and staffed to provide residential care for ten or less (preferably 5 or less) unrelated individuals. Group homes are classified as devised environments.

Protective Environments are those which seek to separate and protect an individual from the community or the community from the individual. Such environments are specially constructed, often locked, facilities of ten or more beds. They are considered a last resort for service when a person is classified as a danger to self or others or is in need of constant medical care not available to him or her at home. Nursing homes, intermediate care facilities, psychiatric treatment facilities, and correctional facilities are classified as protective settings.

Community living services are provided in each of these environments by the Department of Health and Social Services through:

- a. personal or case service support through homemaker, health aide or personal care attendant;

- b. grants or purchase of service contracts with community private-not-for-profit agencies such as Hope Cottages, Fairbanks Rehabilitation Association, REACH, ION;
- c. reimbursable services agreements with private-for-profit nursing homes such as Nakoyia; and
- d. direct state operation of facilities such as Harborview Developmental Center or Alaska Psychiatric Institute, intermediate care facilities.

Natural/Augmented

In F82, 92 children and adults are expected to be served. Except for homemaker service (see separate section), subsidized adoptions (3 children) and foster care services (32 children) offered by the Division of Family and Youth Services, none of the natural/augmented community living options such as independent living support, co-operative apartments or apartment clusters for adults are available outside of Anchorage (serving 51 adults) and Fairbanks (serving 6 adults).

Devised

Ninety-three children and adults reside in group homes (58-Anchorage, 20-Fairbanks, 10-Ketchikan, 5-Juneau). Four regions of the state have no small group residences (for 5 people or less) for people with handicaps.

Protective

One hundred eight-four children and adults are served in protective settings (92 in Valdez, 30 in three ten-bed intermediate care facilities, and 62 in nursing homes across the state).

| F82 | | | |
|------------|----------|-------------------------------|------------------------------------|
| Setting | # Served | Total Annual Cost (Thousands) | Per Person Annual Cost (Thousands) |
| Augmented | 92 | 905.0 | 9.8 |
| Devised | 93 | 2,000.0 | 21.8 |
| Protective | 184 | 10,816.8 | 58.9 |

| | Estimated Need | # Served | Unmet Need | Cost to Meet Need Based on F82 Rates (Thousands) |
|------------|-------------------|-------------|---------------|---|
| Augmented | 174 | 92 | +82 | 803.6 |
| Devised | 135 | 93 | +42 | 915.6 |
| Protective | 106 | 184 | -78 | -0- |

Unmet Needs

Eighty-two people need to receive services in their own homes or apartments or semi-independent living units. Priority of service is in the presently unserved Southwest (Dillingham), Western (Bethel), Northwest (Nome and Kotzebue), and Northern (Barrow) areas. Twenty of those presently served are from other areas of the state.

Forty-two individuals need to have group home environments made available to them. Priority of service is for development of small group home residences in currently unserved areas of the state (outside of Anchorage, Fairbanks, Ketchikan and Juneau). Communities such as Barrow, Nome, Bethel, Kenai, Kodiak, and Sitka have expressed interest in developing natural/augmented and devised environment services for children and adults with handicaps in the past three years.

The Council fully supports current efforts of the Department of Community and Regional Affairs to conduct a comprehensive housing study on the needs of the handicapped and elderly with special attention to developing recommendations on funding mechanisms which support the acquisition and operation of natural/augmented and devised housing environments. Additionally the Council supports an increased appropriation for F83 of \$859,600 to the Department of Health and Social Services for the provision of program services to meet up to 50% of the unmet service need for natural, augmented, and devised community housing environments.

Recommendations

**SUMMARY OF CURRENTLY AVAILABLE RESIDENTIAL SERVICES
FOR HANDICAPPED ALASKANS**

SERVICES FOR CHILDREN

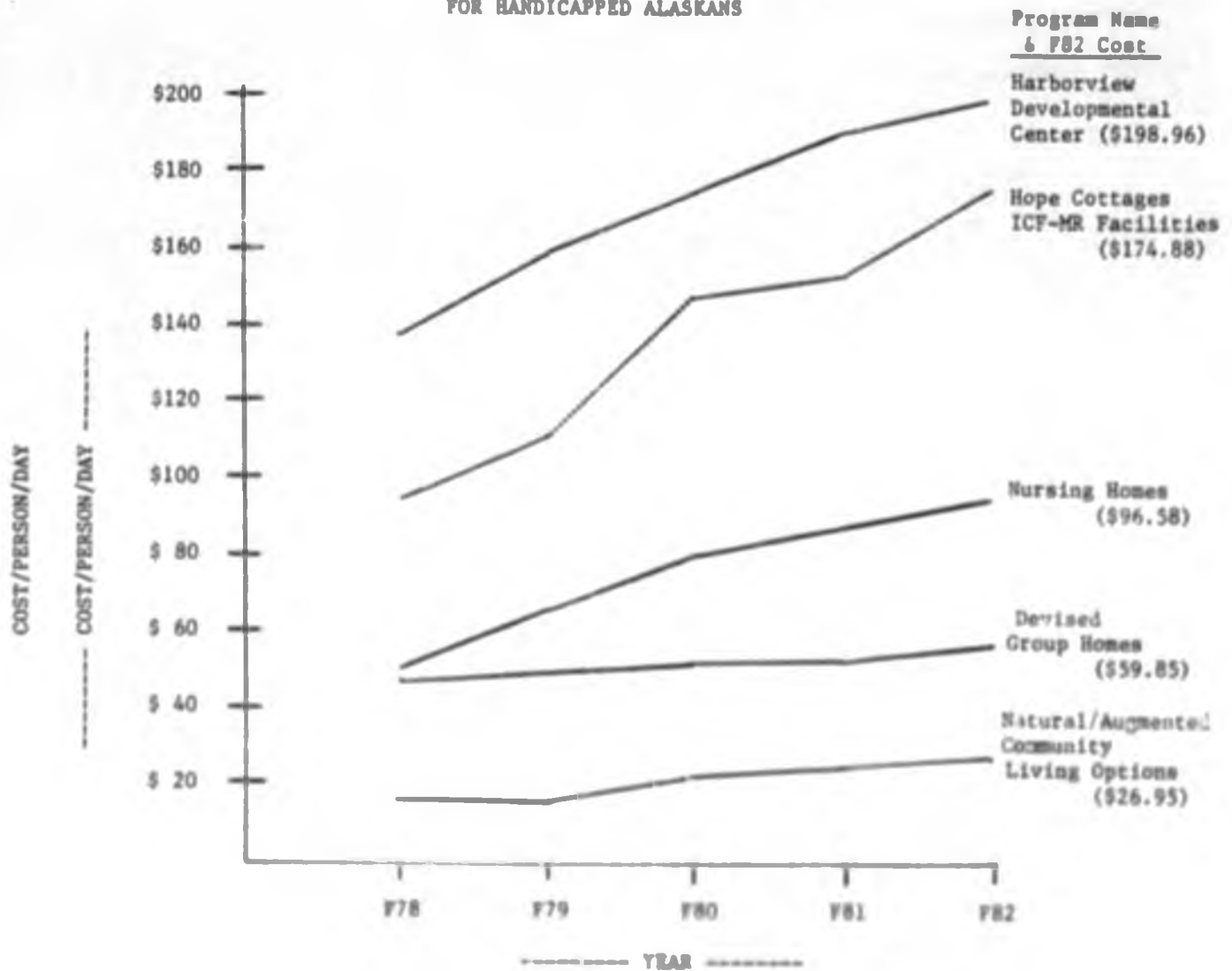
| ENVIRONMENT | SPECIFIC SERVICE | REGIONAL AVAILABILITY (X) | | | | | | |
|-------------------|------------------------------|---------------------------|----|---|----|---|----|---|
| | | SE | SC | C | SW | W | NW | N |
| Natural/Augmented | Foster Care | X | X | X | X | X | X | X |
| | Specialized Foster Care | | X | | | | | |
| | Subsidized Adoption | X | X | | | | | |
| Devised | Group Homes | | X | | | | | |
| Protective | Intermediate Care Facilities | | X | | | | | |
| | Nursing Homes | X | X | X | | | | |

29

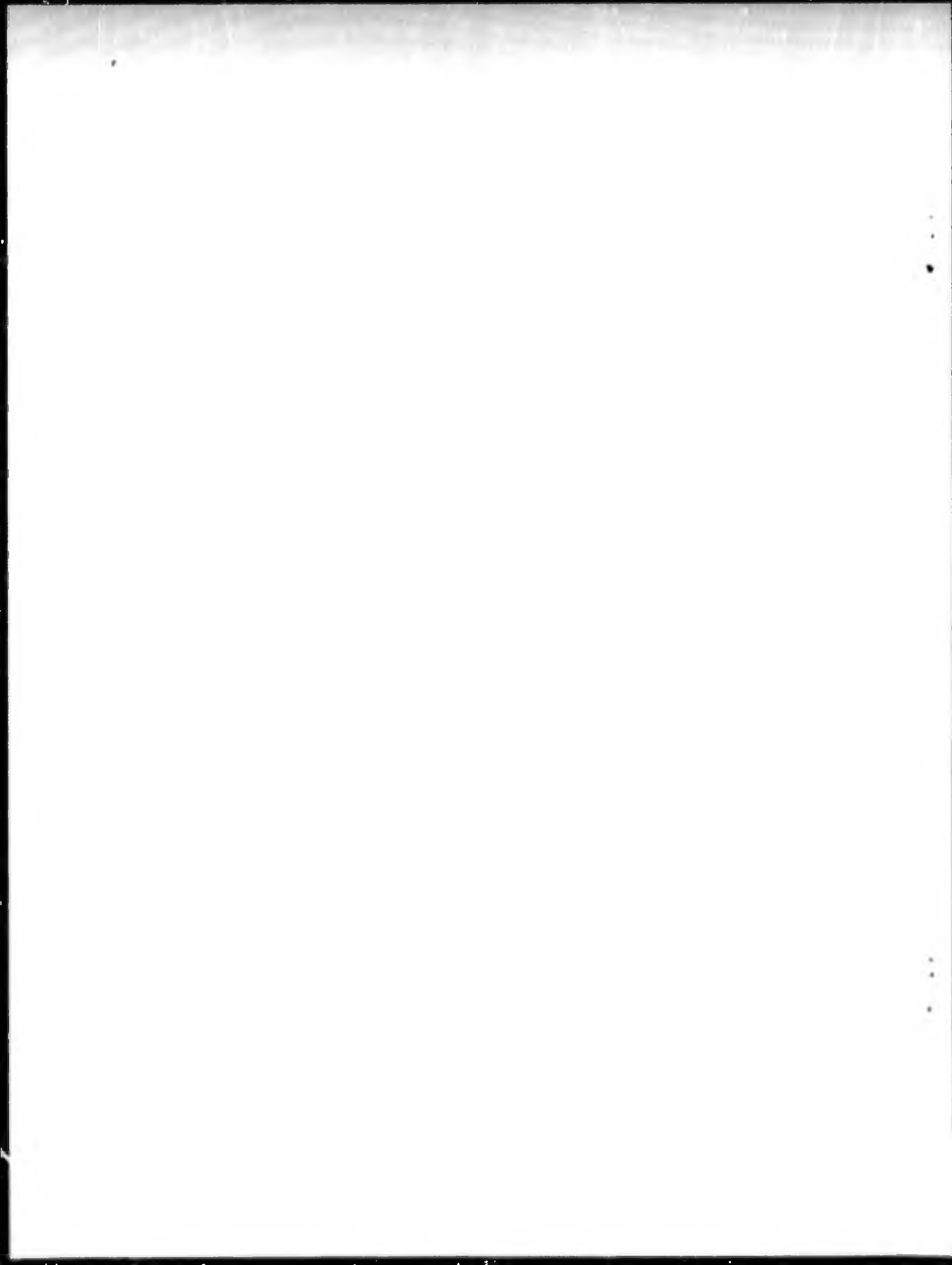
SERVICES FOR ADULTS

| | | | | | | | | |
|-------------------|------------------------------|---|---|---|---|---|---|--|
| Natural/Augmented | Specialized Foster Care | | X | | | | | |
| | Independent Apartments | | X | | | | | |
| | Supervised Apartments | | X | X | | | | |
| Devised | Group Homes | X | X | X | | | | |
| Protective | Intermediate Care Facilities | | X | | | | | |
| | Nursing Homes | X | X | X | X | X | X | |

**COST TRENDS
RESIDENTIAL CARE PROGRAMS
FOR HANDICAPPED ALASKANS**



SOURCES: Governor's Council for the Handicapped and Gifted - Surveys of Provider Agencies - 1978 to 1982 (information taken from Alaska Developmental Disabilities State Plans and Plan Updates)



OVERVIEW
OF PROGRAMS
FOR THE
HANDICAPPED

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

April 20, 1981

The Honorable Don Clocksin
Chairperson
House HESS Committee
Pouch V
State Capital
Juneau, Alaska 99811

Dear Mr. Clocksin:

Your staff requested information regarding the Department's services to the handicapped. Please note that some of the services included are those available to the general public, as well as handicapped persons. We were not always able to readily separate such expenditures and statistics to provide only to those supplied to handicapped individuals.

If you need additional information, please contact us. We are planning to attend the Friday hearing to answer any questions the Committee has on these issues.

Sincerely,



Deborah Behr
Special Assistant

Attachment

DEPARTMENT OF HEALTH & SOCIAL SERVICES

SERVICES TO THE HANDICAPPED

APRIL 17, 1981

DIAGNOSIS & TREATMENT

Program Area

DIAGNOSIS & TREATMENT

TABLE
F80 - F82 Funding Information
By Program Area

| Department/Division: BRU: Public Health Nursing | Dept. of Health & Social Services Div. of Public Health Section of Nursing | AREA | F80 Actual Budget | F81 Author'd Budget | Agency Total F82 Request | | F82 Funds Requested for Handicapped | |
|---|--|---------------------|-------------------------|---------------------------|-----------------------------|---------------------------------------|--|--|
| | | | | | Total Funding Request | Total # Clients to be Served | Total Funding Request for Handicapped | Estimated of Handi- capped to be Served |
| Description of Services/Activities Funded by This BRU | | | | | | | | |
| <p>These funds represent the manpower costs of the Division of Public Health Field Nurses whose duties include the following:</p> <ol style="list-style-type: none"> disease prevention through immunization control and treatment of communicable diseases; health screening to "risk" groups according to the availability of medical support; early detection of individuals with handicapping conditions and assistance in procuring diagnosis, treatment and a continuum of rehabilitative services; provide appropriate, relevant, supportive health promotion services which will increase and promote Alaskans to independent self-help health life styles. provision of skilled nursing home health care services to assist the acute or chronically ill to maintain optimal level of independent functioning at their place of residence three areas: Juneau, Ketchikan, Fairbanks | | Field Nursing | 4255.5 | 4983.9 | 5214.3 | | | |
| | | Home Health Care | 47.2 | 433.1 | 454.3 | 600 | | |
| TOTALS | | | 4302.7 | 5417.0 | 5668.6 | 100200. | -0- | -0- |

NOTE: All funding levels are indicated in thousands (,000) of dollars.

Program Area

DIAGNOSIS & TREATMENT

TABLE
F80 - F82 Funding Information
By Program Area

| Department/Division: Dept. of Health & Social Services Div. of Mental Health and Developmental Disabilities | AREA | F80 Actual Budget | F81 Author'd Budget | Agency Total F82 Request | | F82 Funds Requested for Handicapped | |
|---|---|-------------------------|---------------------------|-----------------------------|---------------------------------------|--|--|
| | | | | Total Funding Request | Total # Clients to be Served | Total Funding Request for Handicapped | Estimated # of Handi- capped to be Served |
| BRU: Community Mental Health Services | | | | | | | |
| Description of Services/Activities Funded by This BRU | | | | | | | |
| Community mental health services eligible for state grant funds include evaluation and diagnosis out-patient treatment, short term inpatient treatment, follow-up services, preventive services, consultation and community education, drug treatment, 24-hr. emergency services, forensic services, specialized services for children, adolescents and the aged, referral services, and staff development. | Mental Health Grants | 2660.8 | 3714.7 | 4075.8 | * | * | * |
| COMMUNITIES/AREAS RECEIVING GRANTS | | | | | | | |
| <u>Southeast</u> Sitak Ketchikan | <u>Southcentral</u> Dillingham Kenai CorJova | | | | | | |
| <u>Northern</u> McGrath-Anvik Nome Barrow Tanana Chiefs Conf. Tok Galena Fairbanks Et. Yukon | So. Peninsula MHCenter Copper River Native Assn. Kodiak Kuskokwim Anchorage Seward Yukon-Kuskokwim Assn. Valdez Aleutian/Pribilof Is. Assn. | | | | | | |
| | TOTALS | 2660.8 | 3714.7 | 4075.8 | * | * | * |

*Data not currently available

NOTE: All funding levels are indicated in thousands (.000) of dollars.

Program Area

DIAGNOSIS & TREATMENT

TABLE
F80 - F82 Funding Information
By Program Area

| Department/Division: Dept. of Health & Social Services Div. of Public Health Section of Nursing | AREA | F80 Actual Budget | F81 Author'd Budget | Agency Total F82 Request | | F82 Funds Requested for Handicapped | |
|---|--------|-------------------------|---------------------------|-----------------------------|---------------------------------------|--|--|
| | | | | Total Funding Request | Total # Clients to be Served | Total Funding Request for Handicapped | Estimated # of Handi- capped to be Served |
| BRU: Public Health Nursing | | | | | | | |
| Description of Services/Activities Funded by This BRU | | | | | | | |
| <p>The Early Periodic Screening Diagnostic and Treatment Program (EPSDT) is administered through the Section of Nursing through a Reimbursable Services Agreement with the Division of Public Assistance. Federal Regulations require the state to provide EPSDT services to medicaid-eligible children under the age of 21. Mandated services require informing and outreach, screening and referral, and follow-up. The EPSDT services that are provided by the professional nursing staff are: physical assessment, sensory screening, lab tests, vital signs, developmental surveys, and referral and follow-up.</p> <p>Mauneluk Association provides public health nursing services through a professional contract in accordance with the Section of Nursing, Division of Public Health Guideline Manual.</p> | EPSDT | 237.5 | 497.1 | 510.0 | 7,000 | * | * |
| | | -0- | 171.4 | 190.3 | 4,000 | | |
| | TOTALS | 237.5 | 668.5 | 700.3 | 11,000 | * | * |

*Data not currently available

NOTE: All funding levels are indicated in thousands (,000) of dollars.