

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1404 HESS SB 203 - SB 256

APPENDIX A
Schedule of Villages Discussed in Recommendation No. 1
 as of April 29, 1981

<u>Name of Village</u>	<u>Mini-TV</u> (A)	<u>Commercial Television</u> (B)	<u>Cable Television</u> (C)	<u>Public Television</u> (D)	<u>Bethel Translator System</u> (E)	<u>1981 Proposed Legislation</u> (F)
Allakaket	X					X
Ambler	X					
Anaktuvuk Pass	X					
Anchor Point		X		X		X
Angoon	X			X		X
Aniak					X	X
Anvik	X					
Barrow	X		X			
Bethel	X		X	X		
Big Lake		X		X		X
Cantwell	X	X				X
Cape Pole	X					
Chalkyitsik	X					X
Chevak					X	X
Chistochina	X					
Chitina	X					X
Copper Center	X					
Cooper Landing		X		X		X
Cordova	X		X			
Dillingham	X					
Eagle River		X		X		X
Emmonak	X				X	
Fort Yukon	X					
Gambell	X					
Glennallen	X					
Grayling	X					
Haines	X		X			
Holy Cross	X					
Hoonah	X	X				
Homer		X		X		X
Houston		X		X		X
Hughes	X					
Iliamna	X					
Hydaburg	X					
Kake	X			X		X
Kaktovik	X					
Katrag	X					
Ketchikan			X	X		X
Kiana	X					
King Cove	X					

STATE OF ALASKA

II

DIVISION OF COMMUNITY DEVELOPMENT

APPENDIX A
Schedule of Villages Discussed in Recommendation No. 1
as of April 29, 1981

<u>Name of Village</u>	<u>Mini-TV</u> (A)	<u>Commercial</u> <u>Television</u> (B)	<u>Cable</u> <u>Television</u> (C)	<u>Public</u> <u>Television</u> (D)	<u>Bethel</u> <u>Translator</u> <u>System</u> (E)	<u>1981</u> <u>Proposed</u> <u>Legislation</u> (F)
Kipnuk	X				X	X
Kivalina	X					
Kodiak	X		X			
Koliganek	X					X
Kongiganak					X	X
Kotzebue	X		X			
Larsen Bay	X					
Marshall					X	X
McGrath	X					
Mekoryuk	X					X
Minto	X					
Mountain Village	X				X	
Nikolai	X					
Ninilchik		X		X		X
Noatak	X					
Nome	X		X			
Noorvik	X					
North Haines	X		X			
Nuiqsut	X					
Nulato	X					
Old Harbor	X					
Palmer				X		X
Perryville	X					X
Petersburg	X		X	X		X
Pilot Point	X					X
Point Hope	X					
Point Lay	X					X
Port Heiden	X					
Point Lions			X			X
Red Devil					X	X
Ruby	X					
Saint George	X					
Saint Mary's					X	X
Saint Paul	X					
Sand Point	X					
Savoonga	X					
Selavik	X					
Saldovia		X		X		X

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Seward	X	X		X		
Shageluk	X					
Shungnak	X					
Sitka	X	X	X	X		X
Skagway	X		X			X
Sleetmute	X				X	X
Sterling		X		X		X
Stony River	X				X	
Sutton		X		X		X
Takotna	X					
Tanana	X					
Tatitlek	X					
Tellja	X					
Tenakee Springs	X					
Togiak	X					
Toksook Bay					X	X
Unalakleet	X					
Uhiakka	X					
Valdez	X		X			
Venotie	X					
Wainwright						
Wasilla		X		X		X
Whittier	X					
Wrangell	X		X	X		X
Willow		X		X		X
Yakutat	X					
Total Number of Villages	<u>82</u>	<u>17</u>	<u>15</u>	<u>21</u>	<u>12</u>	<u>40</u>

- (A) From APBC's Federal Communications Commission license files.
 (B) From discussions with commercial television stations.
 (C) From Alaska Public Utilities Commission's 1979 Annual Report.
 (D) From discussions with public television stations.
 (E) From APBC's 1978 Inspection and Evaluation Report on the Bethel translator system.
 (F) From draft of Senate Bill 170 offered April 29, 1981.

APPENDIX B

Questionnaire Sent to
Broadcasters in Alaska

First, I would like some general information about yourself.

1. Please check below the area(s) of broadcasting in which you are engaged.

14 Public radio

10 Commercial radio

2 Public television

8 Commercial television

6 Other, please specify

Private non-commercial

Cable television

Subscription television

Audio/Video production

Pay TV

TV production

Now, I would like to ask you some questions concerning the operations of the APBC and the public broadcasting facilities in Alaska.

1. Section 14.58.090 of the Alaska Statutes includes in the definition of public broadcasting the wording "when the transmission, programming and distribution are intended to serve a noncommercial educational, public or instructional purpose." (emphasis added) Used in this context, which of the following, best defines the term noncommercial? (check one).

- 15 Programs broadcast without commercials.
- 14 Programs broadcast for a not-for-profit purpose.
- 13 Type of programs not broadcast by commercial stations, e.g. Nova, Cosmos.
- 5 Other, please specify See
comments below
- 0 No opinion

Comments:

Programs broadcast without commercials and for a not-for-profit purpose.

Programs which meet a demonstrated community need, are broadcast without commercials, and without intent to promote a product or service.

2. Which of the following are the key characteristics of your definition of *public broadcasting*? (Check all that apply).

27 Public and/or government funded.

17 Broadcasting of the type of programs not broadcast by commercial stations, e.g. Nova, Cosmos, etc.

1 Broadcasting of commercial programs, e.g. Charlies Angels, Vegas, etc.

6 Other, please specify _____

Comments:

Broadcasting whatever the public wants which is not provided by other non-public funded entities.

I feel public radio and television are competing too heavily with commercially oriented facilities in music and format.

I believe the role of public broadcasting should be to provide programming which is not being provided by the private sector within the coverage area.

Funding is by public sources, but may be direct and not through governmental sources.

Public broadcasting needs to be defined in each community by local community needs.

Public broadcasting must be for the public with public monies (government funding). Commercial broadcasters are taxpaying members of the public, so competition in programming and advertisements must never happen.

Public broadcasting has to play commercial programs to be tolerable by viewers.

Public broadcasting has increasingly become a State-funded competitor of the commercial stations and the first real government controlled media in the United States. The first manipulated media in the United States in that it is perceived as a vehicle for the views of existing politicians and ideologists.

Broadcasts to serve demonstrated public needs regardless of commercial viability.

I find myself supporting the concept of public broadcasting only because it is highly funded by the State. The concept of PBS supported by a contributing public is a joke.

Public broadcasting has a special note in Alaska, I feel, which makes the line between public and commercial broadcasting a bit more difficult to draw. The service to APBC provides to the bush in making commercial programming available is reasonable. However, I think there may be some question in those areas which have cable operators able to provide the same service.

3. What do you believe to be the key difference between public broadcasting and commercial broadcasting?

The manner in which public broadcasting is funded. The access afforded the public to the programming of the station.

Accountability.

Ratings.

Exactly what it implies, broadcasting public service and public affairs in addition to educational programs.

The obvious procedure of broadcasting programs without commercials plus bringing radio to certain segments of our state who wouldn't otherwise receive any radio.

Non-profit vs profit.

Federal Communication Commission rules differ. Public broadcasting should not engage in competitive activity.

The non-commercial aspect and programming content, although some programming is the same.

To carry programming which might not be economical for a commercial station to air.

Government funded broadcasting in direct competition with private enterprise commercial broadcasting.

The motivation -- public broadcasting exists solely to serve the community, not to deliver the community to the advertiser.

Educational vs entertainment.

Lack of commercials.

The commercial broadcasters must serve the public interest in order to retain commercial customers whereas the public broadcasters can ignore the public interest because they are insulated from the public by huge appropriations and captive boards. Public broadcasting in Alaska is a disgrace.

The major difference is that public broadcasting can serve diverse and minority audiences.

Quality of programming.

We broadcast programs. They (commercial broadcasters) broadcast commercials with program materials surrounding them to fill up the hour.

I believe commercial broadcasting should be supported by advertisers and public broadcasting should be supported by contributions of individuals, not State financed.

I have been told that PBS does compete with commercial broadcasting in certain areas of Alaska and they openly boast of their budget and ability to compete with private enterprise.

The production of locally originated programs dealing with local problems and concern.

4. Do you believe the broadcasting services of existing commercial broadcasting facilities in Alaska are being duplicated by:

a) the public broadcast stations

13 Yes

22 No

2 No opinion

b) the satellite demonstration project (mini-TVs)?

16 Yes

13 No

7 No opinion

5. Are there any other services duplicated by a and b above?

11 Yes

10 No

10 No opinion

If yes, what are the services?

News.

Production services.

Comments:

In a certain area in Alaska, a public station competes outright for listeners with a private commercial station, forcing commercial owners to sell out.

Certainly, we are losing listeners to the mini-TVs. Perhaps it is to the greater good. The mini-TVs compete with bush cable operators, although the cables provide a far more complete service.

Where cable or commercial TV already exists mini-TV should present an alternative to meet community needs.

At least to the extent mini-TVs provide commercial programs, they inhibit the start up of commercial service to provide the same.

With the mini-TV project and the commercial selling efforts of two public radio stations and a public radio network, we pulled out of a project to build two commercial stations in bush Alaska.

The public radio network is an expensive and poor-quality imitation of the commercial radio network. Its function is to provide politically acceptable and limited amounts of news to the bush people.

I believe there is very little duplication in radio.

From time to time production is done by public stations which could go to private enterprise.

Some of the commercial programming on the satellite demonstration project does duplicate offerings and local cable systems in some communities.

The State has no business in the distribution of commercial programming.

Production, dubbing services, equipment rental or use, technical personnel training, creative talents and conceptualization, public interest development through "non-profit" groups, children's and adults' programming, etc. are being duplicated.

Some of the stations are undertaking production only remotely related to their programming and often in competition with non-public producers.

One public radio station now broadcasts local personal advertising. This is in direct competition with cable operations.

I believe that public broadcasting serves a far grander purpose. Some "services" are duplicated, but many more are not provided by commercial stations at all.

To some extent (duplication) but who cares. ABC duplicates some things CBS does but should ABC fire Barbara Walters? It's how you do it that counts.

6. In your opinion, can the tape delay center be most efficiently and economically operated by (check one)

- 6 APBC
- 3 Another State agency, please specify _____
- 8 Not-for-profit entity
- 14 Profit entity
- 8 Other, please specify

No opinion

Professional broadcast operations people who are concerned with "on screen" look of their product and get fired when they are incompetent.

State agency composed of volunteers from the commercial broadcast community to act as advisors within a committee headed by a state director with a heavy public relations background.

Put it out to bid.

Anyone other than APBC.

Anyone rather than government.

Comments;

APBC could best operate the delay center because of its experience in that area and due to the success this delaying has enjoyed.

Let RATNET run it with their own staff, budget, etc.

With a re-organization of APBC, who knows? They seem to have done a fine job in the past, from the viewer's perspective. One assumes that greater economy could be realized by a profit-making entity, selected on a bid basis.

Let the market forces determine programming, not a group of select individuals.

Local mini-TV licenses should form a non-profit corporation to handle and own their own delay center, funded by the State, perhaps.

Contracting with private enterprise for government service is always the most economical and efficient.

The using mini-TV sites should form an association in which, in turn, would operate the center. The association could seek State funding or sell commercial time between programs to support this effort.

The responsibilities of APBC are, at present, too broad to handle the mini-TV system.

Profit entities strive to give viewers what they want not what they need.

I don't feel a profit making group should have the power to possibly delete these people (those in bush locations) and they might.

Profit oriented organization pursuant to a formal bid process.

In any entity other than a profit entity, there is little incentive to be efficient or economical.

Put its operation out to bid. That should be done for every facility and station in the public stable.

Since the APBC began operating the delay center, it has been increasingly difficult to get the commission to pay attention to the planning and advocacy role it should be playing for the public radio and TV stations.

The four year management by APBC of the tape delay center has been superb. APBC deserves the highest marks for the management of the satellite/mini-TV project.

State agencies tend to be less accountable than not-for-profit entities because of the security blanket of government support around them, which allows them to muddle along even when they are not operating effectively.

I believe any such activity by government is inappropriate. It should be operated by contract by a legitimate commercial enterprise.

See Governor's Executive Order No. 50.

The State should get out of the TV business and turn it over to private enterprise through the bid system.

7. In your opinion, is the programming for the satellite demonstration project (mini-TVs) being presently selected by:

18 Rural Alaska Television Network (RATNET)

10 APBC

3 Others, please specify See
comments below

7 No opinion

Comments:

APBC executive director.

Commercial users.

Political and practical decision by APBC and RATNET.

8. Which one of the following groups should be selecting the programming for the satellite demonstration project (mini-TVs)? (Check one)

20 Rural Alaska Television Network (RATNET)

3 APBC

12 Others, please specify See
comments below

5 No opinion

Comments:

Public and commercial professional broadcasters.

Market forces.

Viewers.

The public for the public not high-paid government officials for themselves.

Usage group.

TV users and commercial stations should have more of a voice.

Commercial and public users.

Let networks bid for the channel.

Community advisory group.

A truly representative group of consumers.

A group which represents all aspect of project usage.

People in the villages.

9. What effect did the installation of the mini-TV service in your area have on your business?

11 No effect

3 Initial decrease of business with no subsequent increase.

0 Initial decrease of business with a subsequent increase.

0 Increase of business subsequent to installation.

4 Other, please specify See
comments below

1 No opinion

13 Not applicable

Comments:

It created confusion over what is public and what is commercial broadcasting.

The plans for a new commercial station were terminated.

Substantial increase in headaches.

Reduced demand for production and reproduction.

We greatly appreciate the system, want a voice on RATNET, and wish APBC did not run it.

One must qualify the term "business", as we are noncommercial. We have lost many listeners, especially in villages at night.

Public radio contributed to a loss of approximately \$12,000 - \$15,000 in income per year. We have no mini-TV in our area.

Took public television programming out of certain areas for the majority of the evenings. Also, mini-TV started direct competition with commercial cable in those communities. Thereby, hurting commercial businesses and severely restricting access to public TV at the same time.

The plans for a commercial station were terminated.

Viewers are not made aware of who is responsible for operation of the system.

The money spent to subsidize the mini-TV stations could be better spent to provide an economic base for the villages.

10. Please make any additional comments concerning the above or any other areas which affect the efficiency and effectiveness of the Alaska Public Broadcasting Commission and public broadcasting in Alaska.

Improve coordination from South Mountain and all receive stations. Do not cut off programs until finished by the originating source.

The entire concept of public radio as it stands in Alaska today, primarily in the larger cities, has not taken into consideration the effect it has had upon commercial facilities. It would appear that they are competing directly with commercial facilities rather than aiming their program structure in the public service areas they were set up to serve in the first place.

APBC needs more money to meet its responsibilities, one additional staff for training services and development function, and to remain in Anchorage.

On the whole, it appears that public broadcasting has worked well in Alaska and one questions the need for a restructuring.

In two cities, both public radio and TV deserve five stars for providing programming with real value. In another city, it appears the public sector is aggressively competing with private stations for advertising dollars as well as listeners. The APBC and its member stations have always dealt with us in the spirit of cooperation.

Why should I fund direct competition with my business? Public broadcasting has its place providing they quit commercializing their programs.

Public radio and TV stations must never be allowed to duplicate programming of commercial tax-paying stations.

Funding must be by donation or government only, never should the name of local businesses be given on the air as grantors.

Current APBC staff has been far too concerned with the operation of the satellite project and not concerned enough with the planning and encouragement of public broadcasting.

Staff has actually urged funding reductions for stations that the APBC itself requested additions.

I believe the effectiveness and efficiency of the APBC has been promised by the broad nature of the commission's responsibilities, too large in scope.

State and public funding are okay where no facility exists. However, once the "demonstration" is started it should be turned over to local operation and be paid for by the viewers or owners of the system.

Public broadcasting in Alaska could advance at a more real rate if the current administration could see clear to fund the many capital projects that are submitted each year. No station has received the level of funding requested to operate to date.

Public broadcasting stations should be controlled by local advisory groups in each community. Those groups should approve and forward annual budgets to an existing State agency. Then APBC could be abolished.

There are major scandals in the works due to the use of public media to attack unfriendly politicians and to support those who vote for its funds; high costs and low levels of service; and the practice of selling commercials in the bush. The stations and facilities should be offered for sale or lease to commercial broadcasters whenever they bid below the State cost of operating them. The lack of commercial advertising in the bush prevents development of jobs, alternative stores and services, and is keeping the bush people poor and uninformed.

I feel the commission and its staff have failed to perform the functions they are required by law to do, i.e. long-range planning, proper submission of operating and capital budgets, or no cost-effectiveness study for expansion of service.

APBC has performed superbly, accomplishing the impossible.

Government competition with the private sector through public broadcasting is beginning to raise the eyebrows of many independent producers in Alaska, and should be discontinued before the practice is too widespread and accepted.

The Commission can serve a valuable purpose in planning, budget review and services to grantees. I would like to see the Commission set itself up with a staff of competent public broadcasters who would be primarily interested in providing services.

The State should not be in the business of providing commercial programming to areas where there is an existing commercial service.

APPENDIX C

Questionnaire to the Commission Members
And Executive Director of the Alaska Public
Broadcasting Commission

1. What are APBC's long-range goals and objectives for public broadcasting in Alaska?

At present, the APBC has tried to plan with various subcommittees but has failed to come up with a solid plan. Previously, the APBC wrote six year plans in 1974 and again 1976. In 1978 a planning study was commissioned.

To provide Alaskans with educational opportunities, news and information, health and safety information, cultural enrichment and entertainment. To provide communication via radio and/or TV for all Alaskans.

Since I've been on the Commission, it has not been stated. Only in the past six months have we been working on long-range goals. It is of primary concern to the Commission at this point.

Assist in the establishment and support of the public broadcasting facilities in Alaska to provide opportunities for citizens to obtain information, to further education, welfare, health & safety, to receive general education instruction, and to become culturally enriched.

2. How does APBC measure its progress in meeting its goals and objectives?

How many stations are operating now. Real progress can only be measured in terms of the quality of program services.

I don't know.

Seeks to learn if areas in State do not have access to the above (Question No. 1) opportunities.

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3. What do you believe should be APBC's long-range goals and objectives, if different from those described above?

The goal of the APBC should be to serve the public with good quality programming, information, and matters relating to their health and welfare.

In addition to the stated long-range goals, the Commission should encourage individual existing stations to be innovative in the use of new technologies to accomplish these goals and objectives.

Primary: access to telecommunications in some form (radio, TV, etc.) by all persons in Alaska. The APBC should be instrumental in seeing that achieved.

I feel the goals are correct. I don't believe the facilities necessarily follow the objectives they become enamored with gaining big audiences.

4. Does APBC have a long-range public broadcasting development plan?

Yes

No

Please explain:

At the present time, and apparently for the two previous years, the Commission has not had a development plan. There is some interest in creating such a plan but, to date, nothing has been set down for discussion.

Working on it.

5. Section 14.58.090 of the Alaska Statutes includes in the definition of public broadcasting the wording "when the transmission, programming and distribution are intended to serve a noncommercial educational, public or instructional purpose." (emphasis added) Used in this context, which of the following best defines the term noncommercial? (check one)

Program broadcast without commercials.

Programs broadcast for a not-for-profit purpose.

Type of programs not broadcast by commercial stations, e.g. Nova, Cosmos.

1 Other, please specify Government information programs.

0 No opinion

Please explain the rationale for your choice:

Noncommercial should include anything that is not for profit. Everything that the public wants from sports to news to educational programming.

It is my belief that public-funded radio and TV stations should not duplicate the service of commercial stations in those areas (urban) where the listener-viewer has a choice. I further believe that public-funded stations give special audiences an opportunity to become involved in that special interest, i.e. science, ballet, opera drama, national and/or state events, etc.

I believe noncommercial to mean no commercial advertising or sponsorship.

6. Which of the following are the key characteristics of your definition of public broadcasting? (check all that apply)

3 Public and/or government funded

2 Broadcasting of the type of programs not broadcast by commercial stations, e.g. Nova, Cosmos, etc.

0 Broadcasting of commercial programs, e.g. Charlies Angels, Vegas, etc.

2 Other, please specify see comments below.

Comments:

In Alaska there are many locations where the public broadcasting outlet is the only available broadcast service and thus a vital service in state-wide communications.

Educational, cultural and public service oriented programs.

7. What do you believe to be the key difference between public broadcasting and commercial broadcasting.

Public broadcasting is not-for-profit; commercial broadcasting obviously is. The content of both services in some cases will be the same or competitive.

In those areas (where both public and commercial broadcasting exist), the key difference is, of course, the method of funding. Other differences are in programming, employees because frequently public stations offer learning experience for volunteers, and there is a greater opportunity for community involvement.

Programming.

Public broadcasting should provide services not commercially feasible for commercial broadcasting.

8. Do you believe the broadcasting services of existing commercial broadcasting facilities in Alaska are being duplicated by:

a) the public broadcast stations

2 Yes

1 No

1 No opinion

Comments:

I can't say, not having heard the programming of the radio stations or viewed the TV broadcasts. I would guess that occasionally there is duplication but not intentionally.

b) the satellite demonstration project (mini-TV's)?

3 Yes

1 No

0 No opinion

9. Are there any other services duplicated by a and b above?

2 Yes

2 No

1 No opinion

If yes, what are the services?

To answer this, one would have to take into consideration those areas of the State which have only publicly-funded stations and in those cases I would assume that commercial programming is used. In areas where there are both commercial and public stations, I would say that every effort is made not to duplicate commercial programming.

I can't answer this because I have not heard or watched programs in other areas of Alaska. I can only speak for this area and would have to say occasionally there are duplications.

In some of the bush areas, where no other station exists, programs such as Charlie's Angels, etc. are shown.

In rural areas, public broadcast stations program very similar to commercial stations serving those areas.

10. Listed below are several program categories. Please rank them from 1 to 6 in order of importance to public broadcasting in Alaska, with 1 being the most important.

<u>Number of Responses</u>	<u>Rank</u>	
	2	
	3	
	6	Educational programming
2	1	
1	2	
1	4	News and information
1	3	
1	3	
2	4	Cultural enrichment programming
1	3	
2	5	
1	6	Entertainment
1	2	
1	3	
1	4	
1	5	Health & Safety information

Number of Responses

Rank

1
1

3
5

Other, please specify
sports entertainment,
respectively

11. Now, rank these program categories, but in their order of actual emphasis/time received in the overall programming schedules of public broadcasting stations, with 1 being the program category receiving the greatest emphasis/time.

Number of Responses

Rank

2

2

Educational programming

2

3

News and information

1

1

1

4

Health and safety
information

1

4

1

1

Cultural enrichment

2

5

Entertainment

1

6

Other, please specify

sports

Comments:

I don't know.

Difficult to rank as not all stations program their day the same.

If by educational you mean "instructional", then a whole different set of answers would apply

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12. Next, rank these program categories, but in their order of actual emphasis/time received in the overall programming of the satellite demonstration project, with 1 being the program category receiving the greatest emphasis/time.

<u>Number of Responses</u>	<u>Rank</u>	
1	2	
1	<u>1</u>	Educational programming
1	2	
1	3	
1	<u>4</u>	News and information
1	5	
1	<u>2</u>	Health & safety information
1	5	
1	<u>6</u>	Cultural enrichment programming
2	1	
1	<u>4</u>	Entertainment
1	<u>3</u>	Other, please specify <u>sports</u>

Comments:

I don't know.

This has to be a guess on my part since I do not have the opportunity to watch programming on the satellite demonstration project.

13. Please define the following terms:

a. Educational program -

A program which provides instruction for credit at a prescribed level of education.

A program which increases one's knowledge about a subject. (Instructional in something else.)

Convey information to public which increases knowledge of viewers.

Programming that teaches not necessarily that which emanates from an educational institution.

b. Cultural program -

A program that exposes a pertinent part of one's culture, be it music, art, literature, dance, language, etc.

A program involving the arts; a program regarding a specific culture of people, either one.

Cultural can also be entertaining. Program covering some area of the "arts".

Programming that relates to the culture of the area or ethnic group being served.

c. "Bush" Community

A community with no access to urban services or roads for interconnection to the rest of the State.

A community in Alaska with minimum daily access to the urban centers, generally below 3,000 in population. 128 first and second class cities, according to Department of Community and Regional Affairs.

Not connected to Anchorage or Fairbanks by rail or road to population under 4,000.

Rural Alaska.

14. What benefits do you see accruing to the "bush" and other communities from the tape delay center's broadcasting of:

a. Educational programs

None.

If instructional programs, then benefits are many, supplementing classroom work and, in some cases, making classroom work available.

Increases awareness and knowledge. This will necessitate study and research, but should be done.

b. Cultural programs

An opportunity to share and be exposed to other cultures and to share one's own.

To "broaden the horizons" of thought and interest and to make a cultural exchange possible, if there are to be programs about our own Alaskan cultures.

Benefits of both educational and commercial programs.

Local people sharing their culture rather than other cultures being imported and foisted upon the "bush".

c. Commercial programs

A connection with mainstream America. A satisfaction of programs requested. Enjoyment, an alternative to alcohol.

Giving the isolated villager a "choice" of programming, just as the urban viewer has by switching from public to commercial broadcasting if he so desires.

Entertainment.

These programs should be heavily screened especially where there is commercial competition.

d. Other programs

Sports for enjoyment and the mainstream connection. News for information and decision making for election.

I do not think the satellite programming should be interrupted for "major sports events" which mainly benefit urban viewers.

News and public affairs programs are valuable where not available otherwise.

15. In your opinion, can the tape delay center be most efficiently and economically operated by (check one)

2 APBC

0 Another State agency, please specify

1 Not-for-profit entity

0 Profit entity

0 Other, please specify

Please briefly explain your answer:

The APBC presently houses both management of the tape delay center and of the overall project under one office with one director. The operation is sensitive to the bush and cost efficient in providing services. The director understands the technology and law involved.

I only know for sure that the APBC should not operate the tape delay center. Until information to judge the most efficient and economic operation is available, the new Division of Telecommunications (Executive Order No. 50) should operate the center.

Profit entity must build in a profit, a natural increase in cost of operation. State isn't efficient in much of what it does. Should definitely be separated from APBC.

16. In your opinion, is the programming for the satellite demonstration project (mini-TVs) being presently selected by:

Rural Alaska Television Network (RATNET)

APBC

Others, please specify

Commercial broadcasters, private enterprise

No opinion

17. Which one of the following groups should be selecting the programming for the satellite demonstration project (mini-TVs)? (check one)

Rural Alaska Television Network (RATNET)

APBC

Others, please specify

Commercial broadcasters

No opinion

18. What part do the "mini-TV" earth stations play in achieving APBC's goals?

Provides a multitude of services to the public all in keeping with the APBC's enabling legislation.

By bringing broadcast programming to the bush areas of the State, where no other reception is possible or available.

Dissemination of information and entertainment, and increased knowledge and awareness of the public.

Television programming for areas not able to receive such.

19. What criteria determines the selection of mini-TV earth station sites?

Where the Legislature decides to put them.

I believe the existing criteria for earth station sites is a population figure of 25.

Don't know.

Size of community and lack of commercial TV.

20. How can the selection process for communities to receive mini-TV be improved?

By a master plan which will equalize all services at once.

I am not certain what the selection process is now, except for line-item additions to the budget by legislators during the budgetary process of the legislature. The community and Department of Education should have a say and if there is an over-all plan for additional sites, then through the funding process it should be implemented in annual increments.

No opinion at this time.

Survey the communities.

21. Do you believe the reorganization within the State government proposed in the Executive Order No. 50 will:

a) improve services to Alaskans?

2 Yes

1 No

1 No opinion

Comments:

It will set up another layer of government.

Unless the administrative and research components are brought under one umbrella, telecommunications in Alaska will continue to develop in a scattered manner.

Depends on the support or interference by Department of Administration. I'm optimistic.

b) provide services to Alaskans at:

a lower cost

the same cost as the present structure

a higher cost

No opinion

Comments:

I cannot answer this question. There are too many areas involved for which the general public does not have access to cost.

Hopefully (lower cost), certainly more efficiently.

22. a) In your opinion, what are the advantages of moving the APBC, as reorganized under the proposed Executive Order No. 50, to Juneau?

No reason to move to Juneau.

Educational broadcasting has evolved into instructional broadcasting, a function of the Department of Education. The APBC has all but ignored that portion of their mandate. As restructured in Executive Order No. 50, the Commission assumes a planning and funding duty to the public broadcasting stations and therefore should be in the Telecommunications Division of the Department of Administration.

Better access to government (legislators and coordinating agencies).

To be able to lobby more effectively for public broadcasting. Located closer to head of Department of Education, Office of Telecommunications.

b) What are the disadvantages?

Decreased access to the public, away from mainstream of telecommunications, more costly for meetings, travel, etc.

More distant from the majority of the public broadcast stations. The cost of relocating.

Possible cost.

None.

Next, I would like to get your opinion on APBC's statutes and regulations.

23. In your judgement, evaluate the overall adequacy of the following sections of APBC's State statutes.

(Place a checkmark (✓) under the appropriate response across from each section).	Very adequate	Adequate	Inadequate	Please comment on any problem areas.
Sec. 14.58.050. Purpose of the commission	1	3	0	
Sec. 14.58.060 Duties of the commission	1	2	1	
Sec. 14.58.070. Power of the commission	1	2	1	

Additional comments With all due respect to long-standing
commission members, I believe that there should be a limit on the
number of terms a chairman may serve.

(Go to next page)

24. In your judgement, evaluate the overall adequacy of the following sections of APBC's regulations.

(Place a checkmark (✓) under the appropriate response across from each section).

Very adequate

Adequate

Inadequate

Please comment on any problem areas.

4 AAC 63.

	Very adequate	Adequate	Inadequate
.010. Commission Goals	0	3	0
.020. Financial Support	0	3	0
.030. Qualified Corporations	0	2	1
.040. Requirements of Qualified Corporations	0	2	1
.050. Noncompliance	0	2	0
.060. Requirements to Receive Financial Support	0	3	0
.070. Commission Designee	0	3	0

Additional comments Need better outlined goals for establishing—
new facilities. I cannot comment on the regulations since I do not
have a complete copy, only a copy of amendments dated 1978. I do
believe, however, that if the Commission ever gets its act together
under Executive Order No. 50, that it should consider additions
and/or corrections to the regulations in light of long-range
planning and new directions of activity.

Please make any additional comments concerning the information in this questionnaire or any other areas which affect the efficiency and effectiveness of the Alaska Public Broadcasting Commission and public broadcasting in Alaska.

A more thorough screening process for commissioners needs to be employed. More staff to the APBC for station services and to provide more access to the public.

There is an interest on the part of the managers of public broadcasting stations in Alaska, to have the Commission be the spokesman in fiscal matters with the administration and with the Legislature. This has not happened for a number of years and so there is a "hopeless" feeling for those individuals who actually operate the stations. I don't know who has the authority to require the Commission to do its job properly. But I do know the products of the existing law, the broadcast stations, are suffering somewhat from a lack of advocacy on the part of the Commission.

I believe the Commission has come a long way in 10 years.

Number of questionnaires sent	10
Number of responses received	4
Percentage	40%

A respondent may have given more than one answer to some questions. Therefore, total responses may exceed the number of respondents.

STATE OF ALASKA

DEPARTMENT OF EDUCATION

ALASKA PUBLIC BROADCASTING COMMISSION

JAY HAMMOND, GOVERNOR

400 GAMBELL ST., SUITE 302
ANCHORAGE, ALASKA 99501
272-8418 • 277-1836

May 14, 1981

Mr. Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson,

The Alaska Public Broadcasting Commission welcomes the opportunity to respond to the Special Review of the Alaska Public Broadcasting Commission (APBC). The Commission has already responded to your agency's interim letter of March 10, 1981. My responses to the Special Review will be quite similar except for the response to Recommendation No. 1.

That recommendation was not a part of the interim letter and therefore is responded to for the first time.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

A plan for the State's Satellite Television Project should be developed and implemented.

The APBC certainly concurs in this recommendation. The Commission is on record as supporting Executive Order No. 50, which became law on March 13, 1981. That order mandates the planning called for in this recommendation and assigns the implementation of the plan to the new Telecommunications Division which will begin functioning within the Department of Administration on July 1, 1981.

The confusion that has existed in this program has occurred as a result of no clear indication of which agency should have been responsible for coordination. At various times legislative appropriations have been made for these purposes to the APBC, DOTPF, the Governor's office of Telecommunications and the ITV section of the Department of Education. Under Executive Order No. 50 the APBC will have no responsibility for the satellite demonstration project or mini-TV construction.

Recommendation No. 2

APBC should not loan its operating funds to grantees.

There have only been two such occurrences in the Commission's history; both were loans to the same recipient, with the approval of the Attorney General.

Recommendation No. 3

APBC should comply with the State Administrative Manual when contracting for professional services.

The Commission staff has procured an updated Administrative Manual and will insure compliance with State regulations in awarding professional service contracts immediately.

Recommendation No. 4

APBC members should not charge personal telegrams to the APBC telephone bill.

Commission members have been instructed that personal use of the APBC telephone is prohibited. The Commission will be monitoring staff expenses and budget on a monthly basis. Consultation with the Attorney General has taken place on this matter. The \$2627 in question has been reimbursed to the State.

Recommendation No. 5

APBC should improve the management of its operating funds.

Appropriate personnel actions have been taken to resolve this situation.

Recommendation No. 6

APBC should improve its monitoring of grantees' expenditures.

The APBC concurs with this recommendation. Evaluation of the current vendor of accounting services is now taking place.

A majority of the people at the stations who are responsible for book-keeping are lay volunteers who lack the expertise to generate proper financial reports. It is important that a consistent format be used in preparation of financial reports to assist the Commission in managing and overseeing the funds. If reports were required to be prepared manually, additional expense would be incurred in hiring and training additional personnel.

The APBC has taken the following steps:

1. The effective uses of the current vendor is being evaluated.
2. Grantees who do not submit accounting data in a timely manner will receive State support in monthly rather than semi-annual payments.
3. Monthly reports from stations will be reviewed.

Recommendation No. 7

All APBC equipment should be recorded on the State Property List.

The staff has conducted a physical inventory of APBC equipment and will submit the proper documents to the Department of Administration.

Recommendation No. 8

APBC should establish a written policy for outside employment and conflict of interests applicable to the Executive Director.

The APBC concurs with this recommendation and will prepare a written policy.

The Executive Director referred to in the review has been terminated by the Commission.

Recommendation No. 9

The Office of the Governor should seek legislation limiting the length of service for APBC members to two consecutive terms.

Commission members are appointed by the Governor and serve at his pleasure. We feel this item should be directed to the administration.

If you have any questions, please contact me.

Sincerely yours,

Stowell R. Johnstone

Stowell R. Johnstone
Chairman
Alaska Public Broadcasting Commission

SRJ/car

cc: Charles Northrip
Commission Members

S

B

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8

COMMITTEE REPORT

HOUSE

5/19/81

FURTHER: FINANCE

(5)

Date: 1/18/82

Mr. Speaker:

The Committee on HEALTH, EDUCATION, SOCIAL SERVICES has had 5/18/82

"An Act relative to the practice of nursing; and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

58238

March 4, 1981

The Honorable Jalmari Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to qualifications for nursing practice in the state, and to the powers and duties of the Board of Nursing.

The bill would revise and clarify the powers and duties of the board and the qualifications required for service on the board. The bill would also require the board to conduct examinations in each region of the state.

In addition, the bill would clarify the requirements and procedures to be followed by applicants for licensing to engage in nursing practice and would clarify the status of nurse anesthetists. The bill would also add a requirement of continuing competence, which was recommended by the legislature during its sunset review of the board, and would bring criminal penalty provisions into conformity with the new criminal code. The bill also would amend the provisions which set out grounds for denial, suspension, or revocation of a license. The amendment deletes vague language and makes more specific the grounds for this type of disciplinary action.

The references in the bill to practical nurses do not reflect substantive changes in the regulation of these nurses, but only housekeeping amendments. The repeal of AS 08.68.270 and 08.68.275(b) which require compliance by the board with AS 44.62 (The Administrative Procedure Act) is also a technical amendment because the board is required by AS 08.18.140 and by AS 44.62.040, 44.62.310, and 44.62.330 to comply fully with the Administrative Procedure Act.

The bill would also repeal a provision which allows a nurse to be licensed as an inactive nurse rather than have his or her license lapse while the nurse does not

practice. I am proposing this repeal because I think that maintaining competence is more important in the provision of health care than the right to inactive status.

Sincerely,

S. J. H.

Jay S. Hammond
Governor

MAR 27

<u>Section</u>	<u>Provision</u>	<u>Rationale</u>
Sec. 08.63.010 Creation & Membership of the Board	Composition of Board is changed to include a licensed practical nurse	To reflect those the Board regulates. . <i>OK</i>
	Deletes service categories for membership.	In the past this has proved cumbersome in appointing or maintain- ing members on the Board (existing members often changed from one category to another while serving their terms). Leaving these categories open affords needed flexibility in appointing members whose expertise can be best utilized to deal with nursing issues.
Sec. 08.68.060 Qualifications of Registered Nurse & L.P.N. Board Members	States nurses appointed to Board must be involved in nursing for three years within 5 years of appointment.	Ensures currency and awareness of issues
Sec. 08.68.070 Election of Officers	Elects a chairman and secretary	"Secretary-treasurer" was misleading. Board members have no treasury duties.
Sec. 080.68.080 Meetings	Board shall have 4 meetings/ year	The board has always needed 4 meetings/year to accomplish the large volume of work for which it is responsible. (This will that the Division of Occupational Licensing's budget will refl this need.) It will assure completion of the goals and object for the required performance report.
Sec. 08.68.100 Duties & Powers of the Board	Affirms the Board's responsi- bility to promulgate regulations for the advanced nurse practitioner and the nurse anesthetist without mandatory joint promulgation with the State Medical Board.	Reflects how board actually functions and reflects responsibility required by Sunset review.
Sec. 08.68.111 Executive Secretary of Board	"Executive Officer" changed to "Executive Secretary"	The use of the word "Secretary" instead of "Officer" in the Title, "Executive Officer" more accurately describes the responsibilities and functions of the position as prescribed by the Board.

Section

Sec. 08.68.170
Qualifications of
Registered or Practical
Nurse Applicants

Sec. 08.68.190
License by Examination

Sec. 08.68.200
License by Endorsement

Section AS 08.68.210
Temporary Permits

Sec. 08.68.0220

c. 08.68270
Grounds for Denial
Suspension or Revocation

Sec. 08.68.276
Continuing Competence
required

Provision

When referring to Registered
Nurses the word professional is
deleted throughout the bill.

Provides for examination in
different areas of state

Specifically names CNATS
(Canadian Nurses Association
Testing Service Exam) as being
able to be considered by the Board
as an acceptable licensing exam-
ination.

Recognizes COGFNs (Commission on
Graduates of Foreign Nursing
Schools)

Raises fees

(2) substituted for moral
turpitude

(4) Needs revision before final
form

Continuing Competence requirements
which may be established by the
Board by regulation

The term "professional" is unnecessary in identifying "Regi Nurse." Includes both R.N. and L.P.N. in same section

Demanded by public because of the expense of traveling to Anchorage (each region of state needs defining?)

Updates statute to reflect current Board policy in accepting this examination which is comparable to the recognized Amer exam.

This will allow foreign nurse graduates to be granted a temporary permit, (as recommended by the Sunset Review committee) until they complete the required nursing exam.

Fee schedule was last revised 1970

Explicitly delineates grounds for suspension, denial or revocation of a license as requested by Sunset Review "The Board of Nursing, in conjunction with the Attorney General should compose formal regulations which define and list examples of license violations." The Board will find this most helpful in substantiating its decisions on violations.

Sunset view committee recommended clarification of moral turpitude

----"which impairs ability to practice safely."

Continuing competence is a concern for all professionalstod The Board is studying various methodologies for assuring competence. These include recent work experience, continuing education, and testing. Each of these areas are being researched in terms of impact on health care in the State, cost to the consumer, availability, and overall relation to the ongoing competency of the nurse to provide quality of care. While the Board is not ready to make a statement in relation to the best method(s) for insuring the competency of the Alaskan nurse and much more time needs to be devoted to researching this it does feel it should have the authority to address ongoing competency. The Board was asked to address this by the leg

ec. 08.68.340
Violations

Violations

Classifies violations according to the new criminal code

ec. 08.68.400 (a) (4)

Exempts inactive nurses enrolled in an approved "refresher" program from licensure

Added to enable nurses to gain clinical experience in an approved program to satisfy requirements for licensure and re-enter the work force

ec. 08.68.400
Options

Exempts consultants from licensure requirements

Allows nursing consultants to visit Alaska and provide consultative service or education without having to obtain Alaska licensure

ec. 08.68.410
Definitions

Definitions

Updates the definition of the practice of registered nursing

ec. 28

Merely clarifies the legal status of regulations adopted jointly by the Board of Nursing and the State Medical Board.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 238

Title An Act relating to the practice of nursing; and providing for an effective date.

Requested by Governor

Date 1-27-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Regulation and licensing of professions. (Boards)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	4.0	4.5	5.0	5.6	6.3
300 CONTRACTUAL	0	6.0	1.0	1.0	1.0	1.0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	10.0	5.5	6.0	6.6	7.3

FUNDING (Thousands of Dollars)

	0	10.0	5.5	6.0	6.6	7.3
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	0	0	0	0	0	0
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL - Cost for 1 additional meeting, 3 days in Anchorage (Nursing Board presently budgeted for 3 meetings in FY'82. New practice act mandates 4 meetings per year.)

7 board members, 1 Exec. Sec., 1 Licensing Examiner (travel + per diem) = 2.9

Cost for exec. Secretary to travel to discuss with public and nursing community the new practice act; educational programs; and other public relations projects to be prescribed by regulation by the board.

2 trips to Fairbanks = .7
1 trip to Juneau = .4

(12% inflation factor used for travel costs)

Total Travel = 4.0

Margaret Blair

CONTRACTUAL

In FY'82, costs of 5.0 covers one-time expense associated with printing and distribution of new practice act.

Cost for head proctors and monitors for examinations:

Head proctor @ 50.00 per day (avn. 3 days), 4 locations	=	600.00
Monitor @ 35.00 per day (avn. 3 days), 4 locations	=	420.00

Locations: Juneau
Fairbanks
Ketchikan
Kodiak

Total	<u>1,020.00</u>
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE - SUPPLEMENT

I. REQUEST

Bill/Resolution No. SB 238 am

Title An Act relating to the practice of nursing; and providing for an effective date

Requested by House HESS Committee Date 1-18-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, Or Subprogram(s) Affected Regulation and Licensing of professions

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL	-0-	2.0	2.2	2.4	2.6	2.9
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	2.0	2.2	2.4	2.6	2.9

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	2.0	2.2	2.4	2.6	2.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

TRAVEL - 10% inflation factor projected above.

Travel and per diem costs for one additional board member on the Board of Nursing. Expect new member to be located in Anchorage area. Four meetings per year, 3 days each @ \$80 per diem/day. Anticipate meetings to be held in: Kodiak, Ketchikan, Nome and Anchorage in FY'83.

Travel - \$ 950.00
Per diem- 960.00
\$1,910.00

IV. DATE January 18, 1982

PREPARED BY Marjorie Odland, Regulations Specialist

AGENCY Division of Occupational Licensing

Original: Legislative Finance

PHONE 465-2535

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

POSITION PAPER
FOR
SENATE BILL 256

For: "An Act repealing the requirement that the person managing or administering an Alaska Pioneers' Home be a licensed nursing home administrator; and providing for an effective date."

Senate Bill 256 is in conflict with the intent of AS 08.70.080 which it seeks to amend. Licensure by examination, Section 08.70.120, is to test the applicants' knowledge of the health and safety standards of the state and his/her experience in the practice of health care.

The law seeks to establish quality assurance measurement for the administration of skilled and intermediate care for all Alaskan residents.

Section 08.70.080 should remain unamended, and retain the quality assurance mechanism as a consistent standard for administration of all skilled and intermediate care facilities.

Recommended by: Phoebe A. Lindsey
Phoebe A. Lindsey, Director
Division of State Health
Planning and Development

Date: March 12, 1981

Approved by: Helen D. Beirne
Helen D. Beirne
Commissioner

Date: 3/19/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 256

Title "An Act repealing the requirement that the person managing or administering an"

Requested by Dept. of Health & Social Services Date 3/12/81

* Alaska Pioneers' Home be a licensed nursing home administrator; and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Health

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
TOTAL		0				

FUNDING (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER (Specify Fund Source)		0				

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill does not directly impact the Division of State Health Planning and Development

IV. DATE March 12, 1981

PREPARED BY Phyllis A. Lindsey
AGENCY Division of State Health Planning & Development
PHONE 465-3037

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval _____

Date 3/13/81

SB 238 TITLE & SPONSOR SUMMARY 16 39 1/18/82 PAGE 1 OF
 AMENDED TITLE SB 238AM
 AN ACT RELATING TO THE PRACTICE OF NURSING, AND PROVIDING
 FOR AN EFFECTIVE DATE

PRIME SPONSOR SENATE RULES COMMITTEE GENERAL DOLLARS \$10,000 (F. NOTE)
 OTHER DOLLARS 60

CO-SPONSORS

CURRENT STATUS 02/19/81 IN (H) HESS REFERRAL FINANCE
 SB 238 SENATE ACTION 16 40 1/18/82 PAGE 2 OF

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/04/81	01	0367	FIRST READING -- COMMITTEE REPORTS
03/04/81	02	0368	GOV TRANSMITTAL LETTER
03/04/81	03	0368	FISCAL NOTE SEN SUPPL 117
04/14/81	04	0736	HESS -- DP(CAM)04
06/18/81	05	1521	FIN -- OTHER05
06/19/81	06	1537	RLS -- OTHER06 TAKEN UP IMMEDIATELY
06/19/81	07	1542	SECOND READING
06/19/81	08	1542	AM01 ADOPTED BY UNAN CONSENT
06/19/81	09	1542	ADVANCED TO 3RD READING BY UNAN CONSENT
06/19/81	10	1542	THIRD READING
06/19/81	11	1543	PASSED BY DIV 19 00 01
06/19/81	12	1543	EFFECTIVE DATE VOTE SAME AS PASSAGE
****	**	**	*** ** *

SB 238 HOUSE ACTION 15 40 1/18/82 PAGE 3 OF
 DATE SEQ PAGE LEGISLATIVE ACTION

06/19/81	13	2259	FIRST READING -- COMMITTEE REPORTS HESS FINANCE RULES
****	**	**	*** ** *

MSG 82-00001666 PRY 1 01/18/82 12:24:29 ORIG: LA00 IN= 0006 OUT= 0062
FROM: CINDY, ANCH TO: JUNEAU INFO
TARGET: LJH2 SUBJ: POM PAGE 0003

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH
FROM: SUSAN LITTELL, SR BOX 3216 F, WASILLA, 99687 (376-6536)

THE SMALL NUMBER OF LICENSED PRACTICAL NURSES PRACTICING IN THE STATE DOES NOT WARRANT TWO LPN'S ON THE BOARD OF NURSING PROPOSED BY DENNIS DEWITT. LPN'S, BECAUSE OF THEIR LIMITED EDUCATION AND BY LAW, WORK UNDER THE SUPERVISION OF A REGISTERED NURSE. THEY SHOULD NOT BE IN A POSITION TO REGULATE NURSING PRACTICE. CONSUMER SAFETY WOULD BE JEOPARDIZED.

MSG 82-00001581 PRTY 1 01/18/82 10:10:49 ORIG: LA00 IN= 0002 OUT= 0030
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: LJM2 SUBJ: P O M PAGE 0001

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: LINDA SLONE, 6400 REED WAY, ANC 99502 (276 3073)

I STRONGLY URGE YOU TO SUPPORT HOUSE BILL 621 SO THAT OURS AND OTHER FOREIGN ADOPTED CHILDREN CAN BE ISSUED SUBSTITUTE BIRTH CERTIFICATES.

MSG 82-00001581 PRTY 1 01/18/82 10:10:49 ORIG: LA00 IN= 0002 OUT= 0030
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: LJM2 SUBJ: P O M PAGE 0007

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: JACULINE TORKELSON, P. O. BOX 551, CHUGIAK 99567 (688-2127)

IN SEPTEMBER WE ADOPTED A BABY GIRL FROM INDIA. PLEASE SUPPORT THE PASSAGE OF HOUSE BILL 621 AND MAKE IT POSSIBLE FOR OUR DAUGHTER TO GET A BIRTH CERTIFICATE. ALASKA IS OUR PERMANENT HOME. MY PARENTS MOVED HERE IN 1951 AND IT WILL BE OUR DAUGHTERS HOME FOR MANY YEARS. THANK YOU.

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northern alaska health resources association, inc.

TESTIMONY ON CERTIFICATE OF NEED - Committee Substitute for SB 255 (HESS)
May 27, 1981

My name is Dr. Charles Kaltenbach and I am here today representing the Board of Directors of the Northern Alaska Health Resources Association. Our Board is made up of 30 volunteers appointed by the Mayor of the Fairbanks North Star Borough, the Mayor of the North Slope Borough and by the chief elected officers of the Mauneluk Association in Kotzebue and the Tanana Chiefs Conference of Interior Alaska. As the agency responsible for health planning in northern Alaska, we have a definite interest in the Certificate of Need Law and how it is applied in this state.

First, let me say that our Board is keenly aware of the unique status the Pioneers of Alaska have earned in this State and we applaud it. Moreover, our organization has worked in support of senior citizen programs throughout our area and were in a great part responsible for developing the home health care services which are currently being offered to Seniors, among others, in the Fairbanks area. However, when it comes to consideration of legislation to exempt Pioneers' Homes from the Certificate of Need process, our agency is clearly in opposition with the Pioneers' position.

In 1979, our Board of Directors appointed a task force to study the whole issue of long-term care in northern Alaska. That is, they wanted to look at the whole array of long-term care services including skilled nursing care, residential care, home-health care, homemaker services, and chore services. The study resulted in a series of recommendations to the Board of Directors. The issue of the Certificate of Need exemption for Pioneers' Homes received a great deal of attention and discussion. I might add that many members of the Pioneers' Lodge and Auxillary from Fairbanks were involved in this process and although they did not totally agree with all of the recommendations, they definitely had a voice in the discussion.

As a result of this process, the Board adopted a position, which is stated as an objective in the 1980 Health Systems Plan for Northern Alaska, that "All long-term care beds in Alaska, regardless of ownership, should be considered within the Alaska State Certificate of Need Program." They stated further that "A consistent State policy should be established for the development of long-term care services."

In other words, the Board has taken a position that no long-term care facilities, Pioneers' Homes or others, should be exempt from a law which was put into effect to prevent duplication of expensive services and to assure that public funds are utilized in the most cost-effective way.

The Board expressed the sentiment that by overriding the Certificate of Need Law, the legislature would be setting up a situation in which one set of nursing home providers (private sector) would have to demonstrate financial feasibility and need before expanding services; while another set of providers (Pioneers' Homes) could seemingly expand without the same kind of review.

Testimony on Certificate of Need

May 27, 1981

Page Two

In addition, there was concern expressed that this exemption would put the State into competition with the private nursing home industry and that the State would have an unfair advantage in this competition.

Again, we oppose the exemption of Pioneers' Homes from the Certificate of Need law as provided for in CSSB 225 (Hess) and recommend that all long-term care facilities in this State be treated in an equitable manner.

Thank you for allowing me the opportunity to express our position on this important piece of legislation. I will make a copy of this testimony available to the Committee.

CK:bh

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COMMITTEE REPORT

HOUSE

6/17/81

FURTHER:

(5)

Date: 6/17/81

Mr. Speaker:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 256

"An Act repealing the requirement that the person managing or administering an Alaska Pioneers' Home be a licensed nursing home administrator, and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

CHAIRMAN

PIONEER HOMES:

47.25.020 provides a stipend of \$35.00/month to residents in need of funds.

Guest receipts Budgeted for FY 83:

Sitka	\$333.90
Fairbanks	\$313.00
Palmer	\$267.00
Anchorage	\$672.00
Ketchikan	\$147.00
	<u>\$1752.90</u>

Total FY 83 Operating (minus Kotzebue)	\$18,406.60
Projected residents	679
Annual costs/resident	\$27,108.00
Monthly costs/resident	\$ 2,259.00

Guest receipts: (% Of budget) = 10%
(18406.6 / 1752.90)

Employees:	F.T.	P.T.	Temp.	Total
Sitka	89	2	12	103
Fairbanks	69	7	4	80
Palmer	68	8	6	82
Anchorage	159	31	-0-	190
Ketchikan	45	10	-0-	56
				<u>511</u>

FY 83 Budget

	Continuation	Addition	Total \$	Total positions
Central Office	\$334.60	\$ 43.70	\$378.30	3
Anchorage	4210.60	1858.90	6069.50	190
Fairbanks	3324.40	21.00	3345.40	81
Ketchikan	1946.80	297.10	2243.90	56
Kotzebue	864.80	-----	864.80	0
Palmer	2917.00	47.60	2964.60	84
Sitka	3469.30	187.70	3657.00	103
Totals	\$17067.50	\$2456.00	\$19523.50	517
Longevity bonus	\$29197.70	\$14.50	\$29212.20	5
Division totals	\$46265.20	\$2470.50	\$48735.70	522

COST PER RESIDENT DAY
(excluding Central Administration)

Anchorage (based on full occ/239- approx. 10 vacant beds)	\$70.00
Fairbanks (" " full occupancy/ 106 beds)	86.00
Ketchikan (" " full occupancy/46- approx. 2 vacant beds)	134.00
Kotzebue (" " average annual occupancy of 10)	237.00
Palmer (" " " " " " 94)	86.00
Sitka (" " " " " " 118)	85.00

MEMORANDUM

State of Alaska

TO: Jack W. Buck, Chairman
Board of Nursing Home Administrators

DATE: September 16, 1981

FILE NO: J-66-170-82

THRU: Harry Treager, Director
Division of Occupational
Licensing

PHONE NO: 465-3600

FROM: Department of Commerce and
Economic Development

SUBJECT: Licensing of Administrator
of Intermediate Care Facility
for the Mentally Retarded
AS 08.70.080

WILSON L. CONDON
ATTORNEY GENERAL

By: 
Sarah T. Kavasharov
Assistant Attorney General

You have asked whether an administrator of a state owned and operated Intermediate Care Facility (ICF) for the mentally retarded must be licensed by the State of Alaska. The answer requires a formulation of policy by persons with expertise in the health care field. The following analysis of the legal issues involved will provide a framework to help the board and the Department of Health and Social Services to formulate their own answer to the question.

AS 08.70.080 provides in relevant part that "only a licensed nursing home administrator may manage, supervise or be generally in charge of a nursing home." Under AS 08.70.050 the Board of Nursing Home Administrators is required to adopt standards for nursing home administrators. "Nursing home" is defined in AS 08.70.180(5). 1/ Arguably, the definition is broad enough to include an ICF for the mentally

1/ AS 08.70.180(5) provides:

"nursing home" means a facility which is operated in connection with a hospital or in which nursing care, intermediate care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery within the state for the accommodation of convalescents or other persons who are not acutely ill but who do require skilled or intermediate nursing care and related medical services; the term "nursing home" is restricted to those facilities the purpose of which is to provide skilled or intermediate nursing care and related medical services for a period of not less than 24 hours a day to individuals admitted because of illness, disease or physical or mental infirmity;

Emphasis added.

retarded, if persons with expertise in the field of providing care for the mentally retarded agree that the purpose of such an ICF is "to provide skilled or intermediate nursing care and related medical services" on a 24 hour basis.

The question is not a legal one, however, and should be resolved on the basis of your expertise in the health care field, in consultation with the Department of Health and Social Services. You must be able to state reasonable grounds to show why you believe that the purpose of an ICF for the mentally retarded is or is not to provide "skilled or intermediate nursing care and related medical services." We strongly recommend that, once you have made your determination, you adopt a regulation which makes the point clear. Since the statute is ambiguous on the question whether a facility for the mentally retarded is a "nursing home," it would not be reasonable to enforce licensing provisions without first adopting a regulation.

Dr. Chalmers, medical review officer, at the Public Assistance Division of the Department of Health and Social Services informs me that in his opinion the primary purpose of an ICF for the mentally retarded is to provide education and a supervised living situation. Providing any needed medical care to persons in that living situation is, in this view, necessary but is not the purpose of the institution. Dr. Chalmers indicates that this is also the opinion of R. Branton, Director of the Division of Mental Health in his department. However, an institution may have more than one purpose and you may disagree with the department.

If on the basis of your expertise in the field of health care, you reasonably believe that an ICF for the mentally retarded comes within the statutory definition of "nursing home," then your board would be responsible for licensing the administrator. The federal regulations cited by Ms. Portia Kaufman (43 CFR 442.303 et seq.) apply for federal purposes (such as to determine whether a facility qualifies for use of federal funds); these federal regulations are not determinative of the question whether state licensing laws apply in a state owned and operated facility. The regulations of the Department of Health and Social Services, 7 AAC 12.0617 AAC 12.065, establish requirements for the licensing of an intermediate care facility, not of its administrator. Although 7 AAC 12.065 sets out minimum requirements of an administrator which must be met before the facility can be licensed, these regulations do not

purport to regulate the licensing of nursing home administrators. 2/

Only the Board of Nursing Home Administrators is authorized by statute to regulate licensing of nursing home administrators, and in fact is required by AS 08.70.050, 08.70.080 to do so. Therefore, if you find that an ICF for the mentally retarded fits within the statutory definition of "nursing home", regulations of your board covering the licensing of a nursing home administrator would take precedence over regulations in 7 AAC 12 (which would undoubtedly apply in the absence of your board's regulations). However, as noted above, we do not recommend your taking any enforcement action without first adopting a regulation. The notice and hearing process of regulation adoption will provide a forum for resolving any conflict of opinion regarding the purpose of an ICF for the mentally retarded, and provide a record to show the reasonableness of your board's action.

STK/jb

cc: Rick Robertson
AGO

Portia Kaufmann, Administrator
Department of Health and Social Services

Dr. Chalmers, Public Assistance Section Department of
Health and Social Services

2/ 12 AAC 46.900(6) defining "health care facility" as including a facility for the mentally retarded is not determinative of the question either. That definition is for purposes of 12 AAC 46.101 - 12 AAC 46.900, which does not cover the fundamental question whether a facility for the mentally retarded is a "nursing home."

MEMORANDUM

State of Alaska

TO: The Honorable W. R. Hudson
Commissioner
Department of Administration

DATE: February 26, 1980

FILE NO:

TELEPHONE NO:

FROM: Thomas M. Jahnke *TMJ*
Assistant Attorney General
Department of Law

SUBJECT: Katherine Patscheck
Application for admission
to Pioneers' Home
Our File: J-66-484-80

Mr. A. L. Renshaw has demanded that the Department of Administration pay the medical bills incurred by his mother-in-law, Mrs. Katherine Patscheck, by reason of her residence and treatment at a private nursing home since August 1979. Mr. Renshaw contends that Mrs. Patscheck is eligible for admission to a Pioneers' Home which could meet her needs and that if the department has no space in an adequate state facility it should accommodate Mrs. Patscheck in a private facility at state expense. It is our view that Mrs. Patscheck was not and is not qualified for admission to a Pioneers' Home. The state, therefore, could not be liable for the cost of her care at a private facility.

We assume for purposes of this memorandum only that the level of care provided Mrs. Patscheck is reasonably necessary. We are guided by the representations of Mr. Renshaw in his communications with the department, including his statement of Mrs. Patscheck's assets; for purposes of this memorandum we accept his figures as true.

AS 47.25.020(a) provides:

(a) Every worthy person residing in the state who has been a resident of the state continuously for more than 15 years immediately preceding his application for admission, and who is destitute and in need of the aid or benefit of the home because of physical disability or other cause, is entitled to admission to the home under the conditions, limitations and penalties prescribed by the regulations of the Department of Administration. No person may be admitted as a resident of the Alaska Pioneers' Home under the provisions of AS 47.25.010 --47.25.110, if the support and maintenance of the person is imposed by law upon a relative or member of the family of the person.

February 26, 1980

- 2 -

Of concern to us in this connection is the requirement that the applicant be "destitute."

While there are court decisions which make fine distinctions between various financial states of affairs, even the most liberal interpretation of "destitute" cannot describe Mrs. Patscheck. Even at her current rate of medical/nursing expenditures, her true assets would not be exhausted for one or more years.

A detailed accounting of Mrs. Patscheck's affairs is not necessary. Reference to only one of her recently-held assets tells the story. In March 1979, Mrs. Patscheck owned 8,671 shares of stock in Alaska Bank of Commerce. Mr. Renshaw placed their value at \$138,000. At that time she made application for aid under various public assistance programs. On one or more occasions she was found to exceed the income limitations of the programs. Thereafter, Mrs. Patscheck, through her son-in-law Mr. Renshaw, divested herself of the stock.

Effective July 26, 1979, 500 shares of stock were given to Mrs. Patscheck's son Gregory. On the same date 8,171 shares were purchased for \$8,791.98, "plus other valuable considerations." Mr. Renshaw placed the value of the stock in November 1979 at \$9.50 per share; but according to Foster and Marshall, at the time of the claimed purchase in July, the value of the stock was approximately \$13.50 per share.

The price paid for the stock (\$8,791.98) by Mr. Renshaw bears no relation to the market value of the stock. Rather, that figure is the net amount Mrs. Patscheck owed Mr. Renshaw for services, expenses and a cash advance. The "other valuable consideration" is nowhere specified. Thus, Mr. Renshaw received stock valued at perhaps \$110,308.50 (8,171 shares at \$13.50 per share) in exchange for forgiving a "debt" of \$8,791.98.

The stock transactions were clearly for the purpose of reducing Mrs. Patscheck's assets to qualify her for admission to the Pioneers' Home. As such, the transactions are void and Mrs. Patscheck is deemed to retain ownership of the bank stock. Other items which may constitute property owned by Mrs. Patscheck need not be addressed. With her substantial assets, it cannot be said that Mrs. Patscheck is "destitute." AS 47.25.020(a).

The Honorable W. R. Hudson, Commissioner
Department of Administration

February 26, 1980

- 3 -

AS 47.25.020(a) also denies admission to a Pioneers' Home to persons the support and maintenance for whom is imposed on a relative or member of the family. In that connection, I direct your attention to AS 25.20.030 and AS 47.25.230.

Mr. Renshaw and the private nursing home should be notified immediately that the Division of Pioneers' Benefits does not intend to pay for Mrs. Patscheck's care since she is not qualified for assistance.

TMJ:md

MEMORANDUM

TO: Honorable B.B. Allen, Commissioner DATE: January 12, 1979
Department of Administration

FILE NO.:

ATTN: Vernon L. Perry, Director TELEPHONE NO.:
Division of Pioneers' Benefits

FROM: AVRUM M. GROSS SUBJECT: Peter Frank account
ATTORNEY GENERAL (J-66-324-79)

By: Richard L. Peter *RLP*
Assistant Attorney General

You have asked what can be done to compel a Pioneers' Home guest with financial resources to apply as much of them as is needed to pay the costs of his maintenance.

We have twice proposed to your office that regulations be adopted to address this problem, but since they have not been promulgated under the Alaska Administrative Code your present regulations do not have the force of law, so we must depend for authority on the sparse and ambiguous statutes relating to Pioneers' Homes.

You describe a guest who has some \$13,000 worth (value at maturity) of United States Savings Bonds, as well as a bank account, and an income of \$150 a month in Longevity Bonus payments, but plans to dispose of these resources to his children.

In the first place, persons with resources should not be admitted as indigent. AS.47.25.030 provides:

A citizen of the United States over 65 years of age who is a resident of the state and has been a resident for not less than 15 years continuously immediately preceding his application, but who is not destitute, may on application be admitted to the home upon his agreement to pay to the state a sum for each day as the Department of Administration considers sufficient to compensate the state for the cost of care and support of the person at the home. When this agreement is entered into the Department of Administration may receive the security for the payments, which it considers expedient.

This contrasts with AS 47.25.020(a) which provides:

Every worthy person residing in the state who has been a resident of the state continuously for more than 15 years immediate-

ly preceding his application for admission, and who is destitute and in need of the aid or benefit of the home because of physical disability or other cause, is entitled to admission to the home under the conditions, limitations and penalties prescribed by the regulations of the Department of Administration. No person may be admitted as a guest to the Alaska Pioneers' Home under the provisions of §§ 10 -- 110 of this chapter, if the support and maintenance of the person is imposed by law upon a relative or member of the family of the person.

AS 47.25.020(b) is also pertinent:

Every person admitted to the Pioneers' Home, except a person admitted under § 30 [paying guest] of this chapter, who receives income from any source in excess of \$35 a month may be required by the Department of Administration to pay the excess . . . immediately upon receipt of the money in payment, or part payment, of the cost of his maintenance.

Neither the legislature by statute, nor your office by regulation, has provided guidance as to whether a guest admitted as destitute can later be determined as capable of paying toward his maintenance, or whether a paying guest who exhausts his resources is then considered to be a destitute guest. Undoubtedly there have been occasions in the past when a person admitted to a Pioneers' Home as a paying guest has run out of money. I would assume that in such an event he becomes a destitute guest and therefore subject to AS 47.25.020(b): i.e. he must apply his income to his maintenance costs. Your policy and procedures manual states: "When the resident's monthly income or other funds do not permit him to pay the established rate he will be charged only to the extent of his income."

That manual also explains:

A person may be considered "destitute" if he has less than \$1,500 savings, or property valued at less than \$35,000 and a total income not in excess of \$300 monthly. [No. 10-1 at 1]

In order to make this determination you apparently rely on the following statement which appears in your Information Handbook, and is presumably given to applicants and residents.

[E]ach [applicant] will be asked to list all property and income. Please be truth-

ful because failure to do so could lead to dismissal from the home. This does not mean that property must be turned over to the State of Alaska, but the State of Alaska does reserve the right to file a claim against the estate of a Pioneers' Home guest, provided the resident has not paid full charges while living there. [Emphasis in original]

We are told that the application form now in use permits the applicant to list ownership of property, but that applicants have not been required to do so. Because the statutes require that only destitute applicants be admitted without setting up a payment plan, this procedure should be tightened up to insist upon a listing of all resources, under the threat of possible dismissal that you have in the handbook. Even if there is no contemplation of selling a piece of property to pay Pioneer Home charges, it may be producing rental income.

We are pleased the declaration of property ownership is made under oath because the only judicial decision which is relevant, In Re Jackson's Estate, 15 Alaska 116 (1954), held that a welfare recipient's \$10,000 which had been transferred to her daughter without consideration, was still in the mother's estate subject to the territory's claim because she had declared under oath that she owned no property. But to assure due process this requirement should be adopted in the Alaska Administrative Code to provide sufficient notice of the effect of deliberate concealment of assets.

On the subject of income, we have seen that this is the only type of funds mentioned by AS 47.25.020(b): "income from any source". Your policy and procedures manual says "income and other funds" but it seems that you are foreclosed from tapping other resources. But "income" can be construed to include interest and of course dividends from the investment of resources. However, there are two types of income which may not be compulsorily applied to the costs generated by a destitute guest. This office has concluded in a memorandum issued August 25, 1977 (a copy of the pertinent portion is attached) that a resident of a state mental facility or a pioneers' home may not be required to pay money he receives under the Alaska Native Claims Settlement Act, or the Alaska Longevity Bonus toward his support. The longevity bonus may be reached in his estate after death, but the ANCSA funds which can be identified are ~~immune~~ and may never be attached by the state for a service the guest would be entitled to without cost were he not receiving ANCSA benefits. Although AS 47.25.020(b) says "any source", this option has been limited by the Alaska

Native Claims Settlement Act and AS 47.40.120.

Therefore, in regard to Mr. Frank's liability for payment, you must first determine what part of his resources and income can be traced to ANCSA and Longevity Bonus receipts. The bank account is apparently made up of native funds, but he does not list the bonds or other property. He was honest enough in revealing his plans to bequeath his assets to his children but we do not know if he read the Information Handbook. AS 47.25.070(a) provides in pertinent part: "An expense incurred for a person under §§ 10 -- 110 of this chapter with interest at the rate of six percent a year from the date of payment, is a debt to the state and may be recovered during the life of the beneficiary . . ." This means that Mr. Frank can be told the amount of his bill, and asked to pay it. Presumably he could be sued, and execution levied on non-exempt resources, but I am sure you would not consider such a course desirable, especially if most of his funds are exempt from attachment. It might be argued that once exempt funds are used to purchase government bonds, they lose their exempt status, but United States Savings Bonds are a form of savings device, and are analagous to a bank account which -- if it held only Longevity Bonus receipts, for example -- would be immune.

If Mr. Frank read and understood your Information Handbook and then concealed some resources at the time he applied for admission you may want to make good your threat and turn him out if he refuses to pay as much of his bill as he is able. You cannot consider the exempt funds as resources or income, but you can require him to be treated as a paying guest if the exemptions do not bring him into the destitute category.

It may not be possible to do much about Mr. Frank, but we would suggest that in the future, more attention be given to the property declaration when a guest is applying for admission. Unless you know what his resources and income are, it is impossible to determine accurately whether he is destitute or should be a paying guest. Applicants should be advised of the importance of this information, and it should be explained to them that even if they plan to bequeath certain assets to members of their family or others, until their death the resources must be listed as belonging to the applicants.

It may be necessary to amend your statutes to tighten the collection process but regulations authorized by present law will certainly be helpful. We would recommend that the Pioneers' Home Advisory Board be consulted to learn its ideas, because under the present procedure it is very difficult for us to assist you with collections.

ATTN: Richard Branton
Director
Division of Mental Health.

. . . for a period of twenty years after December 18, 1971, the stock, income rights thereto, and any dividends paid or distributions made with respect thereto may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated. . . .

But there was some doubt about the validity of government claims on the funds after they had been paid to the recipient. Originally 43 U.S.C. Sec. 1601(c) gave the only guidance. It declared:

no provision of this Act shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State of Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska. . . .

In 1976, however, Public Law 94-204 added a new section to the Alaska Native Claims Settlement Act. Codified as 43 U.S.C. Sec. 1626, it provides:

(a) The payments and grants authorized under this Act constitute compensation for the extinguishment of claims to land, and shall not be deemed to substitute for any governmental programs otherwise available to the Native people of Alaska as citizens of the United States and the State of Alaska.

(b) Notwithstanding section 5(a) and any other provision of the Food Stamp Act of 1964 (78 Stat. 703), as amended, in determining the eligibility of any house-

ATTN: Richard Branton
Director
Division of Mental Health

hold to participate in the food stamp program, any compensation, remuneration, revenue, or other benefit received by any member of such household under the Settlement Act shall be disregarded.

Subsection (b) enshrines in legislation the judicial decision in Hamilton v. Butz, 520 F.2d 709 (CA9 Alaska 1975), while subsection (a) imposes a broad prohibition against any claim for ANCSA funds to reimburse a government for a service which would have been provided without charge had those funds not been available to a Native.

But to be exempt from such claims, ANCSA funds must be identifiable and not commingled indistinguishably with other money. You state that the savings account balance in the particular case confronting you "is understood to be Native Land Claims money". This can be determined only by a study of deposits and withdrawals relating to the account. The ratio of ANCSA to other deposits should be found and then applied to the final balance. Withdrawals should be treated as representing a proportional drain on both kinds of funds. As such, the patient or his estate may not claim that the withdrawals have been all non-Native funds so that the entire remainder could be protected. /1

/1 Alaska Longevity Bonuses are likewise sheltered -- at least during the life of the recipient. AS 47.40.120 provides:

Bonuses received under this chapter are exempt from all state and political subdivision taxes except sales and use taxes and are not subject to execution, attachment, garnishment or other process. No bonus received under this chapter may be exempt from a federal tax requirement.

A mental hospital patient or Pioneer's Home guest may be requested to apply his bonus to his bill at the institution but he cannot be forced to surrender it. After his death if it is still in his estate it may be claimed to satisfy his debt to the state, because it is intended only to assist him to live his declining years in Alaska, and not to provide capital for his heirs.

ATTN: Richard Branton
Director
Division of Mental Health

Such a method would seem to be dictated by our determination that ANCSA funds may not be applied to state charges for otherwise free services, although there is no other authority for such a computation. The only rule in this area is that of "first in, first out" which is frequently applied to taxation of stock transactions, the handling of trust funds, and other special monies which may be deposited in the same account as general funds.

'[T]he first in, first out,' rule is not a rule of law or of logic, but a rule of thumb. It is a presumption of fact and really a regulation of the burden of proof. What is first sold is presumed to be what was first bought. [Or first deposited is first withdrawn.] Like every fact presumption, it is not conclusive, but yields to evidence, if there is any, of what the real fact is. 9th Bank & Trust v. United States, 15 F. Supp. 951, 952 (C.E.D. Pa., 1936).

In identifying ANCSA funds commingled with others, the rule may be helpful but is not mandatory and should yield to the more equitable approach suggested here so that any funds withdrawn to pay certain state charges would not diminish Native Claims receipts.

With respect to mental health care, we must point out, however, that, even if a claim may be made against all or a part of a patient's or his estate's property, an Alaska statute does limit a claim for recovery of money expended by the state. AS 47.30.270(a) provides:

A patient . . . shall pay or contribute to the payment of the charges for the care or treatment . . . in the manner and proportion which the department finds is not detrimental to the patient's rehabilitation and which is within their ability to pay The order of the department relating to the payment of charges by the patient . . . shall be charged within six months of the date on which the charge was incurred.

STATUTORY BASIS:

AS 47.25.010-110 Pioneers' Home

POLICY BUDGET PROGRAM GOAL(S), LONG TERM OBJECTIVES(S) AND POLICY DIRECTIVES WITH WHICH THIS BRU IS CONCERNED:

Program Goal: To provide eligible elderly Alaskans with an incentive to remain in Alaska in an acceptable lifestyle with maximum dignity and contentment.

Long Term Objective: To serve at least 5% of the citizens over 65 who are in need of assistance in their daily living.

Related Policy Directive: "To enhance and protect the quality of life of Alaskans to achieve their full potential."

BRIEF DESCRIPTION OF BRU ACTIVITIES AND THEIR RELATIONSHIP TO THE GOALS & OBJECTIVES:

The basic purpose of the Pioneers' Homes is to provide residential and nursing care to eligible elderly Alaskans. The Alaska Pioneers' Home system consists of 5 operating Pioneers' Homes, and has advisory and budgeting responsibility for a 16-bed Senior Center which is operated by a nonprofit organization at Kotzebue. The Sitka Home was established by Territorial statute in 1912, Fairbanks in 1967, Palmer in 1971, and Anchorage in 1977. Kotzebue opened in 1978. The Homes presently provide residential care capability for 355 pioneers and skilled nursing care for 179 pioneers. Capability for 29 additional nursing care residents and 20 residents in a home-like setting will be available at the new Ketchikan Home by approximately December 1, 1981. A wing at the Anchorage Home will be ready for occupancy by spring of 1982, providing capability to care for 96 pioneers in need of skilled nursing care. The statute mandates that any person who has been a resident of the State of Alaska for at least 15 years immediately preceding application for admission is entitled to admittance, if destitute and in need of health care, at a reasonable cost. A person not destitute, who is 65 years or older and who meets the requirements may be admitted on payment of the cost of care at the rate determined by the Department of Administration. Under a new admittance law, residents who have had a total of 30 years or more in Alaska cannot be disqualified due to absence if the Commissioner of Administration determines that the absence from the state was reasonable and the applicant is otherwise qualified.

AGENCY Administration

PROGRAM Social & Economic Assistance for the Aged

BRU Pioneers' Homes

1 DEFINITION STATEMENT

FY 83

000357

WHICH SHORT-RANGE PROGRAM OBJECTIVE IS BEING ADDRESSED? (FROM FORM P1A)	BRU FUNCTION NUMBER	HOW WILL THIS BRU CONTRIBUTE TO EACH PROGRAM OBJECTIVE BEING ADDRESSED?
<p>To provide a sheltered living environment which provides care in maximum comfort, dignity and safety for up to 679 aged Alaskans who can no longer cope with the problems of daily living without assistance.</p>	<p>1.</p> <p>2.</p>	<p>Coordinate with aging program administrators to identify and avoid gaps in service and duplication in state programs of service to the elderly</p> <p>Utilize new residential and nursing beds being built in Anchorage and Ketchikan as well as existing facilities.</p> <p>Apply standards of care consistently among all Pioneers' Home residents.</p>

AGENCY Administration

PROGRAM Social & Economic Assistance for the Aged

BRU Pioneers' Homes

FY 83

1A BRU OBJECTIVES

Alaska Statutes 47.25.010 - 47.25.110 mandate that the State shall maintain facilities to provide a sheltered living environment to those elderly persons in Alaska who are in need and desire such services. The five full-scale Pioneers' Homes at Sitka, Fairbanks, Palmer, Anchorage, and Ketchikan, and the Kotzebue Senior Center, provide such sheltered living environment. Most of the elderly residents need assistance to cope with the routine tasks of daily living. The average age of about 80 years on admittance is an indication that the services are being utilized, as originally intended, by needy Alaskans.

The need for the type of assistance provided by the Pioneers' Homes can be demonstrated by the fact that the 1970 census showed that well over 60% of Alaskan citizens over the age of 65 were living below the poverty level and that there are more than 1,200 Alaskans over the age of 80. Eligibility to enter the Homes is based on 15 years of continuous residence in Alaska immediately prior to the date of application, being over 65 years of age and having a need for the services. This need can be due to financial hardship or physical impairment. AS 47.25.020 also provides that persons who have lived in Alaska for 15 or more continuous years immediately preceding application may be admitted, regardless of age, if they are destitute and in need of the aid or benefit of the Home. Under AS 47.25.035 residents who have a total of 30 or more years in Alaska cannot be disqualified due to absence from the state if the Commissioner of Administration determines the absence was reasonable and if the applicant otherwise qualifies.

Each year there are more and more services and benefits available to assist elderly Alaskans. Among these are the Homemakers Service, Old Age Assistance payments, Longevity Bonus Program and various Senior Citizens programs throughout the state. These programs are, in many cases, successful in delaying the time when the elderly require the assistance of the Pioneers' Homes due to their more advanced age when they come to the Homes. More of the elderly are now married and have children, where formerly the vast majority of applicants were single men. These changes have resulted in a significantly larger number of the applicants needing intermediate and skilled nursing home care creating a need in the Homes for an expansion of this type of care for a larger percentage of the residents. Providing this type of care is, of course, more costly than providing room and board for fully ambulatory people.

By FY 83 there will be a total of 679 beds in all Homes. It is necessary to reserve several nursing beds for ambulatory residents who become incapacitated. Each Home has an inactive waiting list which consists of Pioneer Alaskans who want to enter at a future date.

Unlike a hospital which generally deals with short-term acute conditions, Pioneers' Homes are confronted with long term chronic maladies which, at best, one can only hope to arrest for an extended period. At this point in the aged person's life, each has developed a unique set of needs. If quality of life is to be preserved, then each

AGENCY Administration

PROGRAM Social & Economic Assistance for the Aged

BRU Pioneers' Homes

2 ANALYTIC STATEMENT

FY 83

000359

BRU FUNCT. NO.	MEASURE/PERFORMANCE INDICATOR	PRIOR YEAR FY81		CURRENT YEAR PLAN FY82	BUDGET YEAR FY83		
		PLAN	ACTUAL		CONTINUATION LEVEL	AGENCY REQUEST	GOVERNOR'S BUDGET
1.	Residents in the Pioneers' Homes Ambulatory Skilled Nursing Care Number of meals served at the Kotzebue Senior Center to Residents Nonresidents	296 156 5,475 1,350	303 160 17,250 7,280	355 179 17,520 7,280	365 189 17,520 7,280	375 304 17,520 7,280	
2.	Development of standards for the care of residents in the Pioneers' Homes.	100%	20%	80%			

AGENCY Administration

PROGRAM Social & Economic Assistance for the Aged

BRU Pioneers' Homes

3 BRU PERFORMANCE PLAN

FY 83

000361

STATE OF ALASKA -- OPERATING BUDGET SUMMARY

16139

3/03/82

M M M M M DEPARTMENT OF ADMINISTRATION M M M M M

SHORT
FORM
PAGE

BUDGET COMPONENT	FY82 ATH	CONT.	REQUEST	GOVERNOR	HOUSE	HOUSE - GOVERNOR COMPARISON	
EDUCATION							
2 TEACHER RETIREMENT MATCH	22041.5	25004.3	25004.3	25004.3	25004.3		
ADMINISTRATIVE PROGRAM SUPPORT							
4 RESOURCE EDUCATION PROJECT	84.4						
*** CATEGORY TOTAL ***	22125.9	25004.3	25004.3	25004.3	25004.3		
SOCIAL SERVICES							
6 LONGEVITY BONUS	26802.4	29197.7	29212.2	29214.5	28200.4	-1014.1	-3.5%
PIONEERS HOMES							
10 SITKA	3034.1	3469.3	3657.0	3621.4	3621.4		
12 FAIRBANKS	2977.4	3324.4	3345.4	3327.0	3327.0		
14 PALMER	2604.6	2917.0	2964.6	2919.3	2919.3		
16 KOTZEBUE	793.4	864.8	864.8	864.8	864.8		
18 ANCHORAGE	3059.8	4210.6	6069.3	6071.7	6071.7		
20							
22 KETCHIKAN	1244.8	1946.8	2243.9	2243.9	2243.9		
24 CENTRAL OFFICE	301.7	334.6	378.3	337.6	337.6		
*** PROGRAM TOTAL ***	14015.8	17067.8	19523.8	19385.9	19385.9		
28 OLDER ALASKANS COMMISSION	331.6	356.4	382.8	382.8	326.2	-56.6	-14.7%
32 AGING GRANTS	7989.1	7863.2	8805.2	8367.2	7227.2	-1140.0	-13.5%
*** CATEGORY TOTAL ***	138.9	54484.8	57923.7	57350.4	55139.7	-2210.7	-3.8%
ADMINISTRATION OF JUSTICE							
PUBLIC DEFENDER							
34 FIRST JUDICIAL DISTRICT	417.0	456.9	513.7	513.7	302.3	-121.4	-23.5%
38 SECOND JUDICIAL DISTRICT	397.2	430.7	487.6	487.6	425.8	-61.8	-12.6%
40 THIRD JUDICIAL DISTRICT	1543.8	1704.4	1923.3	1923.3	1948.3	25.0	1.2%
42 FOURTH JUDICIAL DISTRICT	882.9	967.6	1040.3	1040.3	906.9	-133.4	-12.7%
44 ADMINISTRATION AND SUPPORT	162.9	172.8	186.5	194.0	194.0		
*** PROGRAM TOTAL ***	3403.8	3731.6	4154.4	4158.9	3867.3	-291.6	-7.0%
DEVELOPMENT							
ALASKA ENERGY CENTER							
48 ALASKA ENERGY CENTER							
MUNICIPAL GRANTS							
52 CRAIG - BOROUGH STUDY	125.0						
54 KIANA-SURVEY & PLATTING	35.0						
56 KOTZEBUE-MARITIME STUDY	25.0						
58 DEERING-SURVEY & PLATTING	17.5						
60 NOME-SURVEY & PLATTING	210.0						
62 ARCTIC WINTER GAMES 1982	320.0						
*** PROGRAM TOTAL ***	3612.5						
*** CATEGORY TOTAL ***	3612.5						

STATE OF ALASKA -- OPERATING BUDGET SUMMARY

1980

3/03/82

M M M M M DEPARTMENT OF ADMINISTRATION M M M M M

BUDGET COMPONENT	FY82 ATH	CONT	REQUEST	GOVERNOR	HOUSE	HOUSE - GOVERNOR COMPARISON	
GENERAL GOVERNMENT							
COUNCIL ON SCIENCE/TECHNOLOGY	611.9	655.8	655.8	655.8	-655.8	-100.0%	
ALASKA STATEHOOD COMMISSION	392.5	370.5	332.5	332.5	-332.5	-100.0%	
PUBLIC OFFICES COMMISSION	423.7	461.9	608.7	608.7	100.0	-508.7	-83.5%
OFFICE OF THE COMMISSIONER COMMISSIONER'S OFFICE	-167.3	812.0	888.4	888.4	724.6	-163.8	-18.3%
ADMIN. SERVICES							
FISCAL/PERSONNEL	651.7	702.6	789.0	762.9	651.7	-111.2	-14.5%
WORD PROCESSING CENTERS	860.1	1003.6	1121.2	1126.5	847.3	-279.2	-24.7%
CENTREX	598.5	652.4	953.1	953.1	953.1		
*** PROGRAM TOTAL ***	2110.3	2358.6	2863.3	2842.5	2452.1	-390.4	-13.6%
TELECOMMUNICATIONS							
SYSTEMS	19706.5	9820.8	9820.8	9824.5	9543.1	-281.4	-2.8%
SERVICES	507.2	543.4	543.4	543.4	492.4	-51.0	-9.3%
*** PROGRAM TOTAL ***	20213.7	10364.2	10364.2	10367.9	10035.5	-332.4	-3.1%
PUBLIC BROADCASTING COMMISSION							
ACCOUNTING	6813.8	7525.8	7525.8	7525.8	6769.2	-756.6	-10.0%
PRE-AUDIT	396.3	428.5	437.5	440.2	396.3	-43.9	-10.0%
ACCOUNTING SERVICES	355.5	374.3	374.3	377.5	355.4	-22.1	-5.8%
PAYROLL ACCOUNTING	581.8	625.6	650.6	656.0	578.3	-77.7	-11.7%
ADMINISTRATION & SUPPORT	259.2	277.8	292.8	296.9	259.2	-37.7	-12.6%
FINANCIAL SYSTEMS	1853.3	2172.6	2545.9	2549.3	1852.7	-696.6	-27.2%
*** PROGRAM TOTAL ***	3446.1	3878.8	4301.1	4319.9	3441.9	-828.0	-20.2%
RISK MANAGEMENT							
OPERATIONS	377.0	567.2	567.2	567.2	567.2		
PREMIUMS/LOSS RETENTION	5308.0	13428.3	13428.3	13428.3	8428.3	-5000.0	-37.1%
LOSS RETENTION	7672.5						
*** PROGRAM TOTAL ***	13357.5	13995.5	13995.5	13995.5	8995.5	-5000.0	-35.6%
PERSONNEL & LABOR RELATIONS SV							
PERSONNEL	3164.8	3298.8	3358.8	3323.6	3159.6	-164.0	-4.8%
LABOR RELATIONS	749.6	885.4	885.4	815.4	749.6	-65.8	-8.0%
*** PROGRAM TOTAL ***	3914.4	4184.2	4244.2	4139.0	3909.2	-229.8	-5.5%
GENERAL SERVICES							
PURCHASING	1116.8	1162.7	1612.5	1411.8	1162.7	-249.1	-17.5%
PROPERTY MANAGEMENT	352.3	587.6	587.6	590.4	515.8	-74.6	-12.5%
CENTRAL MAIL & SWITCHBOARD	552.0						
CENTRAL DUPLICATING AND MAIL	1424.1	2030.6	2030.6	2033.3	1865.0	-148.3	-8.2%
ARCHIVES	693.8	792.2	792.2	792.2	693.8	-98.4	-12.3%
SURPLUS PROPERTY	163.5						
*** PROGRAM TOTAL ***	4302.5	4573.1	5022.9	4827.7	4237.3	-590.4	-12.1%
DATA PROCESSING							
COMPUTING SERVICES	9984.6	10944.2	15349.5	15371.1	11054.4	-4316.7	-28.0%
MANAGEMENT SERVICES	858.2	883.4	883.4	610.2	610.2		
*** PROGRAM TOTAL ***	10642.8	11547.6	15952.9	15981.3	11664.6	-4316.7	-27.0%
OFFICE OF INFO MANAGEMENT							
OFFICE OF INFO MANAGEMENT	457.0	515.4	515.4	518.6	457.0	-61.6	-11.8%

STATE OF ALASKA -- OPERATING BUDGET SUMMARY

16:40

3/03/82

***** DEPARTMENT OF ADMINISTRATION *****

SHORT FORM AGE	BUDGET COMPONENT	FY82 ATH	CONT.	REQUEST	GOVERNOR	HOUSE	HOUSE - GOVERNOR COMPARISON	
	LABOR SERVICES							
00	LABOR RELATIONS AGENCY	92.8	101.2	101.2	101.2		-101.2	-100.0%
02	EQUAL EMPLOYMENT OPPORTUNITY	492.7	533.2	721.3	533.2	492.7	-40.5	-7.5%
	*** PROGRAM TOTAL ***	585.5	634.4	822.5	634.4	492.7	-141.7	-22.2%
	RETIREMENT & BENEFITS							
04	RETIREMENT & BENEFITS	4057.5	4386.1	4808.8	4678.5	4659.8	-18.7	-0.3%
	BUILDING & EQUIPMENT SERVICES							
05	LEASING & FACILITIES	22888.7	25662.1	30769.0	30769.0	29769.0	-1000.0	-3.2%
00	EMPLOYEE HOUSING	1360.4	1509.0	1511.0	1511.0	1360.4	-150.6	-10.0%
	*** PROGRAM TOTAL ***	24249.1	27171.1	32280.0	32280.0	31129.4	-1150.6	-3.5%
	*** CATEGORY TOTAL ***	95411.0	93435.0	105182.0	104596.5	89068.8	-15527.7	-14.7%
*****	TOTAL EXPENDITURES	173692.1	176655.7	192264.4	191110.1	173080.1	-18030.0	-9.3%
*****	FUNDING							
	FED. RECEIPT	5631.1	4869.2	4869.2	4869.2	4869.2		
	GENERAL FUND	138264.9	139584.5	149645.7	148599.3	135277.8	-13321.5	-9.0%
	OTHER FUNDS	29796.1	32202.0	37749.5	37641.6	32933.1	-4708.5	-12.5%

and because they worked hard
and were determined Alaska is
what it is today.

I feel they have earned their
homes and the right to own and
their remaining years and elegantly
with people like themselves.

Ketchikan has a number of
senior citizens who are in need
of care and who have not received
it in Alaska and are being
sent to other states. Why
don't we have a program like this
here?

From the Pioneer Homes
for the Pioneer women were
probably the ones who started
the program in the first place
and improved it in the most
citizen homes for the next Pioneer
so to speak.

Ketchikan, Alaska
April 6, 1982

Rep. M. F. Mike Birnie

Parish I

Juneau, Alaska 99811

Dear Mr. Mike Birnie:

In reply to your letter of
March 21, 1982 I am sorry you
misunderstand Pioneer Homes,
and don't seem to realize that it
is not what you have or have
not that qualifies one to get it
there but it is the years spent
there in Alaska. The first steps
were many, but some were
not a threat when grand
in number of them have been
young

I'm appased to deny. of these
old Citizens of Alaska (Pioneer) the
distinction they have earned
honorably. My parents now
deceased, was some of those.
They helped make the Matanuska
area what it is today. It was
no electricity, no running water,
and there was no running
water when the young got built.

I hope you will change your
atitude & help them in their need.

Sincerely

Mrs Stella M. Mack.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAY S. HAMMOND, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

May 5, 1982

The Honorable Michael F. Beirne
Chairman, Health and Social Services Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Beirne:

During the April 30, 1982, Board of Nursing Home Administrators meeting, Senate Bill 256 was discussed. The board wishes to reaffirm it's original position, as indicated in my letter of April 14, 1981, that Pioneer Homes should continue to be required to have a licensed nursing home administrator.

Sincerely,

Jack W. Buck
Jack W. Buck, Chairman
Board of Nursing Home Administrators

Attachment

Board of Nursing Home Administrators
Pouch D
Juneau, AK 99811
April 14, 1981

The Honorable Charles H. Parr
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Parr:

The Licensing Board of Nursing Home Administrators has reviewed Senate Bill 256, and feels compelled to make these comments.

At the last session, Section 08.70.080 was amended to grandfather those Pioneer Home administrators who were not licensed at the time. The Director of the Pioneer program, Mr. Vern Perry, assured the House Committee that they supported licensing for new administrators, and under these circumstances the licensing board was pleased to cooperate in grandfathering their existing administrators.

With this in mind, we of the licensing board feel that SB 256 is an unjustifiable attack on the standards of health care in Alaska. The board is committed to setting and maintaining minimum standards for long-term health care administration in the firm conviction that all Alaskans in long-term care facilities have a right to a consistently high level of care. To intimate that our Pioneers do not enjoy the same rights is reprehensible.

Sincerely yours,
BOARD OF NURSING HOME ADMINISTRATORS


Jack W. Buck, Chairman

JWB:lcr

cc: Ms. Barbara Branson
Licensing Examiner