

2238

HHESS

HB 191

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HB 192

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- Number 0334 Rep. Tischer contended that the bills will help hospitals create a cost effective balance.
- Number 0350 Mr. Tirador pointed out that while 9,000 hospitals have billing processes, the federal government is not a part of any of them.
- Number 0358 Co-Chair Tischer indicated that she would appreciate a motion to move the bills out of committee. Discussion followed regarding federal involvement and the lack of hospital representation during hearings of the two bills.
- Number 0380 In regards to HJR 35, Martin Tirador recommended encouraging the federal government to contract with 3rd party payers when appropriate.
- Number 0401 Rep. Goll moved the amendment of Section 2 of HB 257 to read "The act takes effect January 1, 1984, and applies to all policies issued or renewed on or after that date." Discussion followed.
- Number 0414 Rep. Goll withdrew his previous motion and moved to accept the corrected version of CSHB 257 in place of HB 257, and to pass CSHB 257 out of committee.
- Number 0436 Rep. Davis pointed out the cumbersome wording of the effective date clause. The committee agreed to let the drafter of the corrected CS for HB 257 word the clause in the appropriate manner.
- Number 0445 Co-Chair Tischer called for the previous question. There being no objections, the motion passed.
- Number 0476 Rep. Fritz moved to pass HJR 35 out of committee with individual recommendations. There being no objection, the motion passed.
- Number 0495 Co-Chair Tischer announced SSHB 191 as the next item on the committee calendar, and introduced the prime sponsor of the bill.
- Number 0513 Rep. Hurlbert, District 24, explained the rationale behind the changes in SSHB 191; stated his conviction that certificated employees should be payed according to

merit. Rep. Hurlbert argued that good teachers presently are not payed enough because the wage scale also includes the incompetent teachers. Rep. Hurlbert contended that SSHB 191 is conceptual because it is an attempt to quit paying teachers as if they are all doing a good job.

- Number 0543 Rep. Miller argued that line 14 of the sponsor substitute changes the intent of the original bill. According to Rep. Miller, HB 191 allowed for the addition of a bonus based on merit to an already established pay scale; whereas, SSHB 191 uses merit as the basis for a teacher's total pay.
- Number 0560 Rep. Tischer read both versions of the bill aloud.
- Number 0575 Rep. Miller stated a possible conflict of interest because his wife is a teacher; and asked to be excused from voting.
- Number 0582 Rep. Davis objected.
- Number 0585 Rep. Hurlbert explained that SSHB 191 mandates that performance and merit be the criteria for raises.
- Number 0595 Rep. Tischer contended that HB 191 encouraged raises above and beyond the regular pay; whereas, SSHB 191 would allow school boards to increase pay for some while keeping it the same for others.
- Number 0620 Rep. Goll suggested implementing a bonus system instead of eliminating a standardized pay structure.
- Number 0632 Rep. Hurlbert supported the bonus system idea and other ways to reward those who excel in teaching. He stated that good teachers should be payed better in order to keep them in education.
- Number 0658 Elizabeth Morris, Fairbanks citizen, agreed with SSHB 191; stated that some teachers should not be in the school system and that good teachers should be rewarded. Ms. Morris said that she sent her children to private schools because of the poor quality education in public schools especially with regards to native children.

Number 0675 Ms. Morris described the problem native students encounter in public schools.

Number 0688 In response to committee members' questions, Ms. Morris stated that the drop out rate for native students is 50% in Fairbanks, and 70% in Anchorage. According to Ms. Morris, a greater number of native teachers would benefit native students.

Number 0723 Bob Greene, Association of Alaska School Boards, testified in favor of SSHB 191 as long as the merit scale was one component in the method of determining teacher pay. Mr. Greene said he would not approve if the merit scale was the only measure used to determine teacher pay. Mr. Greene contended that teachers are not payed fairly presently, and suggested adding a merit component to the experience, additional education, and annual components presently used. Mr. Greene said he was unsure how the system would work or be implemented, but that it was worth a try.

Number 0801 Mr. Greene contended that teachers in Juneau are presently well payed, but anticipated that salaries would decline in the future. Mr. Greene argued that an incentive will be necessary to keep good teachers in education, but stated he was opposed to giving higher salaries to all teachers regardless of performance. Mr. Greene also predicted a nationwide shortage of teachers.

Number 0856 Rep. Goll asked Mr. Greene for his explanation of why 90% of the teachers in Hydaburg quit last year. Mr. Greene answered that it was partly due to salary. Rep. Goll responded that the teachers he knew left not for money but because of poor management.

Number 0870 Rep. Goll suggested that teachers could be manipulated and punished if SSHB 191 were enacted; questioned what would safeguard against teacher manipulation.

Number 0907 Mr. Greene agreed that teachers presently leave the state for reasons other than money, and stated that SSHB 191 was futuristic legislation because 10 years from now teachers might leave for more money.

Mr. Greene concluded that SSHB 191 did not include a mechanism to determine criteria for merit in order to allow individual boards the opportunity to do so. Mr. Greene asserted that the statute for binding arbitration on grievance procedures would automatically protect staff members to some degree.

- Number 0948 Rep. Goll suggested replacing "shall" with "may" on Line 12 of SSHB 191 so that agreements would not be forced.
- Number 0955 Bob Greene opposed Rep. Goll's statement; contended that the bill would be unnecessary.
- Number 0958 Discussion regarding the shortage of physical sciences teachers in the lower '48. Bob Greene contended that the same proportion of teachers exists in Alaska, but that there was only a shortage of teachers in Bush areas.
- Number 0976 General discussion about incentives to teach in the Bush and Bush teachers pay scales.
- Number 0999 Steve Hole, Department of Education, said the department opposes SSHB 191. Mr. Hole stated concern about the lack of criteria and questioned who would determine merit, as well as do process rights under SSHB 191. Mr. Hole also questioned the meaning of "shall include criteria" on Line 12; asked to what extent performance would determine merit and pay.
- Number 1014 Rep. Miller asked if the department opposed both the original bill and the sponsor substitute. Mr. Hole responded that the department was less concerned about HB 191 than SSHB 191 because of the nebulous language in SSHB 191.
- Number 1032 Rep. Tischer said she presumed teachers would have input into determining the criteria on a local level.
- Number 1037 Steve Hole agreed that it would be up to each locality to enact the criteria, but pointed out that under SSHB 191 it would be mandatory to include a merit provision in all negotiated agreements regarding salary.

- Number 1059 Mr. Hole suggested a scenario where teachers come with some criteria suggestions and the board comes with a set of criteria which meets their own needs, and the two parties are unable to negotiate. Mr. Hole testified that as a teacher he had been evaluated in part on the length of his hair, his style of dress, and the way he voted on bond issues. Mr. Hole asked how such impasses would be resolved equitably.
- Number 1090 Rep. Tischer said that she hesitated to believe that negotiations between teachers and boards were actually that low.
- Number 1113 Rep. Fritz commented that people are human, and asked Steve Hole if he had any recommendations for a set of objective criteria by which to judge the quality of teachers.
- Number 1132 Mr. Hole responded that quality is often in the eye of the beholder, and that what is good in the way of teachers in one school is different for another.
- Number 1156 Rep. Goll recognized that conflict exists between school boards and teachers and stated that if SSHB 191 were enacted it would need to provide for instances where people do not follow the law. Rep. Goll stated that the criteria would have to be worded carefully as it could be used negatively to punish those who do not perform according to the school board's wishes.
- Number 1197 Jean Krause, National Education Association, Alaska reminded the committee and previous witnesses that groups other than teachers also negotiate their salaries, such as principals. Mr. Krause contended that SSHB 191 was a poor vehicle for forcing out incompetent teachers, and opposed the hidden intent of SSHB 191 to lower teacher salaries and control local bargaining procedures. Ms. Krause stated that NEA supports written, consistent evaluation procedures, and agrees that the best educators ought to be payed more but did not agree that merit pay was the appropriate means to that end. Ms. Krause also argued that the anticipated teacher shortage was not a good reason for the bill, and stated that many other factors

than money deter people from teaching in the Bush. Ms. Krause pointed out that no state in the USA has a statewide merit pay plan for teachers, and indicated that states which had tried the plan has rescinded them soon after.

Number 1230

In addition, Ms. Krause contended that SSHB 191 would engender problems in education such as increased harassment, favoritism, bureaucracy, more "yes people", and competitiveness among teachers. Ms. Krause said that the merit pay plan would discourage cooperation among teachers, and affect the morale of all certificated staff members.

Number 1264

Ms. Krause stated her support for strong evaluation procedures, changes in teacher preparation programs, and the creation of a talent bank of teachers to teach preparatory classes for prospective teachers.

Number 1273

In response to Rep. Tischer's questions regarding the present use of teacher evaluations, Ms. Krause stated that the philosophy behind evaluations was to improve teacher performance and aid in decisions about future employment for specific teachers.

Number 1300

Discussion regarding teacher evaluations and recent changes in education.

Number 1347

Rep. Tischer asked why merit pay programs were rescinded in other states. Ms. Krause responded that they were rescinded because they did not work.

Number 1358

Rep. Miller commented that evaluations in Fairbanks were conducted by principals, and that what one principal liked, the other disliked because they had different ideas of quality.

Number 1372

Rep. Davis agreed with Ms. Krause's comments regarding the fallacies of the merit pay system, and the need to revise evaluation procedures. Rep. Davis also requested written material on the failure of merit system in other states.

Number 1386

Co-Chair Tischer adjourned the meeting at 3:16 p.m.

Original sponsors: Hurlbert, Lindauer,
Fuller, et al

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 191 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to school board negotiations with
7 certificated employees."

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

9 * Section 1. AS 14.20.550 is amended by adding a new subsection to
10 read:

11 (b) Salary schedules or other pay provisions negotiated under
12 this section that take effect on or after July 1, 1984, shall include
13 performance and merit criteria, among others, that shall determine pay
14 increases for individual certificated employees.

16 B. Duene:

17 "Evaluation System" - for tenured & non-tenured teachers requirements
18 is in place.
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HOUSE HESS
COMMITTEE MEETING
AGENDA

DATE: May ³¹ ~~29~~, 1983

TIME: 1:00 p.m.

I. Call Meeting to Order

- A. Note Committee Members Present
- B. Welcome Those Observing
- C. Remind those wishing to testify to sign up, and those giving testimony to speak up and state their names.

II. Announce Legislation Under Consideration:

HB 347 An act relating to the licensing of practitioners of naturopathic medicine; and providing for an effective date.

HB 194 An act relating to the education of exceptional children; and providing for an effective date.

SSHB 191 An act relating to school board negotiations with certificated employees.

Other notes or reminders:

ED FUNDS SET AT \$15 BILLION

Appropriations for the Dept. of Education have been set at \$15 billion for the remainder of fiscal 1983 (to Sept. 30). This is the Senate version of ED funding, about \$700 million higher than the House voted. It also is more than \$5 billion over President Reagan's initial request for ED.

In the MX missile and jobs program debates that dominated the continuing resolution, little attention was paid to issues in ED funding, with the sentiment in both the House and Senate obviously against the administration's \$9.8 billion request for education funding.

Within the ED figure, there are some ups and downs. Chapter I (compensatory education) will receive \$3.2 billion, up from \$2.74 billion in the 1982 budget (also a continuing resolution). State grants for the handicapped increase from \$931 million for 1982 to \$970 million.

Chapter II, the block grants, didn't do as well, however, confirming fears that block grants become an easy target for cuts. The House would have held the appropriation at the 1982 figure of \$483 million. The Senate amount prevailed, however, which allocates \$475 million for the consolidated programs.

Although the House would have been slightly more generous, the new continuing resolution, nevertheless, gives vocational and adult education a big boost--from \$743 million in 1982 to \$823 million.

Because of protracted budget debates, ED has not had a formal appropriation since 1979, existing instead on a series of continuing resolutions. ED funding is part of the health and human resources appropriation measures, the largest in the federal budget after defense.

BELL KEEPS PUSHING TEACHERS' MERIT PAY

In at least two speeches this month, ED Secy. Terrel Bell has called for a new

version of merit pay--an executive-level salary for "master teachers."

Speaking at Teachers College of Columbia U. (N.Y.) and again at the Southern Assn. of Colleges and Schools in Atlanta, the secretary said "we need to bring about the death of teacher salary schedules that allow no deviation or change."

He proposed that elementary schools establish "endowed chairs," like higher education institutions, for outstanding teachers, supplementing their salaries with donations from businesses and other sources. In New York, Bell mentioned a figure of a salary of \$40,000 and up for the master teachers.

Bell admitted, however, that such a plan would be difficult to get by the teachers' unions, which have opposed merit pay plans because they say they fear favoritism in such a system.

The reaction of Georgia teacher groups to the proposal when it was made there, for example, was unanimously negative. Merit pay, said a Georgia Assn. of Educators spokesperson, could be used "to punish people who are not cooperative with the administration."

BRIEFLY STATED

- The Dept. of Justice says it will support the Boston Firefighters Union suit to overturn a federal court order requiring dismissal of white employees and retention of blacks with less seniority. A similar order forced Boston to lay off more than 1,000 teachers, but a Boston Teachers Union appeal of the order was rejected by the U.S. Supreme Court.

- The acting administrator of the Office of Juvenile Justice and Delinquency Prevention, Alfred Regnery, assured a House subcommittee hearing last week that he supported his agency's programs. Youth advocates fear that the former aide to conservative Sen. Paul Laxalt (R-Nev.) will seek to end the \$70-million program.

- The National Science Foundation will begin a training program for high school math and science teachers next month.

Good teachers deserve a sweeter deal

By David R. Carlin Jr.

A FEW YEARS back, when I was a member of my local school board, I overheard one of our administrators explain that although he had loved being a classroom teacher, his family responsibilities—and his desire for more professional esteem—eventually required that he seek a more lucrative position as a school administrator.

"I was an excellent classroom teacher," he said, "and very much enjoyed my work. Administration, on the other hand, was never my cup of tea. Yet when the chance to become an administrator came along, I had to take it. After all, the pay was so much better than a teacher's pay. As a man with family responsibilities, how could I turn it down?"

It's a classic dilemma many talented and dedicated public school teachers have had to face: Either advance into a managerial position—and cease teaching forever—or remain in the classroom doing the thing you love best and watch others vault over you to positions of higher esteem, influence, and income. This strikes me as a no-win career advancement system. More to the point, I think this promotion system hurts the image of schools, and I suggest we revise it. Here's why:

The image we attempt outwardly to promote about our public school priorities is at odds with the subliminal message we foster. The official line is that the teacher is the key person in the system, the one performing the schools' most important function—helping kids learn from day to day, on a face-to-face basis—with administrators supplying necessary, though perhaps less noble, support.

But our two-tier structure, with administrators above and teachers below, belies this carefully crafted image. When school administrators outrank classroom teachers in prestige, power, and pay, you'd have to be simpleminded, indeed, to believe that teachers belong to the more important group. And I doubt many teachers are fooled when we tell them that we regard them, and not their more privileged administrators, as the most important group in the schools.

David R. Carlin Jr., a member of the Rhode Island state senate, teaches sociology at the University of Rhode Island and is a former member of the school board in Newport, R.I.

More significant than any affront or dilemma our two-tier structure causes for teachers, however, is this bilevel system's implied depreciation of teaching. When any social system ranks one group above another, it sends a message that the characteristic activity of one group is considered more valuable than the characteristic activity of the other group. In other words, the structure of our school system implies—regardless of our earnest protestations to the contrary—that we consider the act of teaching inferior to the act of administering.

What follows is worse yet. If the act of

Here's an article you might find controversial. Let us—and your colleagues on school boards across North America—know what you think. Jot down your thoughts about the article on a piece of paper and mail it to *The American School Board Journal*, 1055 Thomas Jefferson St. N.W., Washington, D.C. 20007. We'll peruse your responses and publish a roundup in a future issue.

teaching is a second-rank activity, then what of teaching's correlate, the act of learning? It, too, our subliminal message says, is an inferior or second-class activity. And don't imagine that students—with those invisible antennae that give them their marvelous capacity for picking up unspoken signals—fail to get this message.

What can be done to remedy the situation? Surely, we can't eliminate administrators (although inevitably there are moments, usually hours into a difficult board meeting, when every school board member has the ephemeral wish that this could be done). And we probably can't cut administrators' pay and prestige radically, to equalize their lot with that of teachers. Nor, I suppose, can most school systems afford to give teachers radical increases in pay, to raise them to the salary level of administrators.

One solution we might try, however, has proven successful in industries involved in manufacturing high technology products. Some research-and-development people employed by these firms, though committed to advancing in their careers, have no desire to become managers; they prefer to stick with their firms, loves, science and engineering. Many firms consequently have created two-

track systems for career advancement: one track for those who want to abandon research-and-development work to become managers, the other track for those who want to continue being scientists and engineers.

I suggest that public schools try a similar two-track system. In addition to the traditional track, in which a teacher is promoted into administration, we could develop a career track in which a regular classroom teacher would advance to become a "master" teacher, with pay, prestige, and perhaps even influence as great as those of administrators. Not only would a two-track system be a boon to teachers who want to stay in the classroom, but—more significantly—it would broadcast the message that we don't regard teaching and learning as second-rank activities in our schools.

Let me assure you that I'm under no illusion that putting this rather simple idea into practice will be easy. Some tradition-bound taxpayers will resist paying higher salaries to a new class of master teachers, saying, "They didn't have them in my day, and look at me—I turned out just fine."

Teacher unions are likely to be more skeptical of my proposal. They have tended to oppose using any criterion other than seniority to grant advancement, privileges, or extra pay to teachers, and they probably would object to a two-track system on the ground that favoritism, not merit, might determine who moves ahead and who doesn't. To short-circuit this fear, any plan along the lines I've suggested naturally would have to be worked out together with teachers and their unions; it could not be imposed from above. An innovation of this magnitude has no chance of working unless it's supported by teachers, administrators, and board members.

The difficulties inherent in implementing a two-track promotion system are not insurmountable. Considering the probable outcome—retaining creative, motivated, and dedicated classroom teachers and encouraging only the best of the management-oriented teachers to administer schools—we would be remiss not to try to narrow the gap between the official doctrine and employment practices. Teachers must be allowed to become first-class citizens in their own school systems. □

BELL SUPPORTS EXTRA PAY FOR "MASTER TEACHERS"

Education Secretary Terrel Bell this week called on states and local schools to upgrade the teaching profession by rewarding outstanding teachers, whom he dubbed "master teachers," with higher pay.

At a news briefing Tuesday afternoon, Bell acknowledged that the prospect of a low salary discourages many would-be teachers, who turn instead to more lucrative professions or trades.

(more)

13-YEAR-OLD COMPUTER WHIZ TURNS TABLES ON TEACHERS

That creeping suspicion that students know more about computers than their teachers do is true in Havre, Mont., at least for eighth-grade computer whiz Mike Hamaoka.

The school district has hired Hamaoka, 13, to teach three in-service sessions on computer literacy. He is the only student on the four-member teaching team.

Assistant Superintendent Jim Longin said that in planning the courses he found he had three teachers who were knowledgeable enough about computers to train their peers, but that he needed one more. So he turned to Hamaoka. "I was afraid Mike might be threatened by working with adults or that adults might not like to have stuff laid on them by a kid. We really went through that."

But everything turned out fine in the one session held so far, with "very positive" reactions coming from the teachers, he said. "Mike has the kind of personality that's not at all arrogant. He's a very disciplined kind of guy. The teachers thought it was neat that he was willing to participate."

Everybody Learns Hamaoka is being paid about minimum wage for each of the six-hour sessions, said Longin. He added that, although the salary is less than regular in-service teachers get, the experience is a learning one for Hamaoka.

In an interview between classes at Havre Junior High this week, Hamaoka said he began to study computers in the sixth grade and that he "just kept reading more and more" about them. He also practices on friends' home computers, and finally, he said, "it got to the point where I knew more than most of my teachers."

Longin agreed with that assessment, saying, "He's taken a lot of work with his instructor at the junior high, but he's beyond that." Hamaoka, who has a straight A average and wants to make a career out of computers, also has been researching the subject at the nearby Northern Montana College library and is seeking access to the college's computer system--so far, without luck.

Hamaoka seemed unfazed by the idea of teaching a group of adults, some of whom are his former teachers. He merely said of the ones who had taught him: "We knew each other better." In general, he said, teaching adults is "pretty good, because adults learn faster than kids." --RW

BELL SUPPORTS EXTRA PAY FOR "MASTER TEACHERS" (Cont.)

"We're not attracting the desired numbers of bright and talented people into the teaching profession," he said. Unlike the ranking of college faculty, "we don't have anything in our system beyond the single salary schedule, and we don't have a method of rewarding our truly outstanding teachers."

Master teachers, as Bell conceives them, would be chosen by their peers and would serve as mentors for other teachers and for student teachers. Their rank would enable them to earn "significantly more" than other teachers, perhaps as much as \$40,000 a year, Bell said.

Teacher salaries now range from about \$11,000 for beginning teachers to top pay of between \$20,000 and \$25,000, according to Education Department staff. The graduated salary schedule is based on academic credentials and time in the field.

Bell said he had "floated" the idea to two education groups at recent meetings in Atlanta and New York and had got mixed reactions. His plan drew similarly mixed responses from the education community yesterday.

Unions Opposed Teachers unions, which have staunchly defended the existing salary system, were predictably opposed to Bell's notion. "To take a whole occupation that's severely depressed and offer a bonus to a mere handful is just silly," said Albert Shanker, president of the American Federation of Teachers.

Shanker said various schemes for merit pay have been tested in school districts, but all have been abandoned "because they just didn't work. We haven't seen any scheme that would not create more problems than it would solve."

Sharon Robinson, director of instruction and professional development for the National Education Association, called the master teacher idea "a grandstand ploy" and took issue with the ED secretary's model of college ranking and promotion.

In academe, "the tradition of peer review goes hand in hand with faculty participation in governance," Robinson said. "That opportunity has been denied at the elementary and secondary level. If teachers are qualified to decide who is most able, why shouldn't they be part of other policy decisions?"

Some Distinction Needed But a representative of another teachers' group saw things differently. "There needs to be some distinction for teachers who distinguish themselves; I'm all for it," said Jane Christensen, associate executive director of the National Council of Teachers of English and a former Denver schoolteacher. The question, said Christensen and others, is who decides, and on what basis?

The National School Boards Association is generally supportive of the idea "as a way of attracting the most qualified academicians and teachers," although it opposes a national mandate, according to Michael Resnick, NSBA assistant executive director of congressional/government relations. "If well-designed incentives could be instituted equitably, I would support them," agreed William Aldridge, executive director of the National Science Teachers Association.

Nevertheless, education representatives were not as sanguine as Bell that already-strapped states would rush to allocate additional funds for master teachers. Bell Tuesday urged states to make changes in school finance formulas to do so.

Said one disgruntled education association official, who asked not to be identified, "It's just another instance where they [federal officials] want to give advice and not provide any money. They're squeezing the hell out of state and local governments. And now they want them to fork out more?" --HHH

Newsfronts

NORTH CAROLINA, FLORIDA MOVE TOWARD REFORMS

The North Carolina and Kentucky state boards of education have voted to increase high school graduation requirements to 20 credits, an addition of two.

Beginning next year, North Carolina seniors must complete the extra courses. The board also voted to endorse "in principle" a scholars program to recognize students who earn at least 22 credits and maintain a "B" average.

In Kentucky, the board decided the extra credits should be in English and math. It also will ask the legislature to require beginning teachers to pass a competency test and serve a one-year internship before being certified.

Meanwhile, the Florida Dept. of Education reported it might need a 2% hike in the state sales tax to implement changes proposed by a blue-ribbon panel. The money raised--\$1 billion--would be needed to upgrade equipment, update curriculum, recruit and train new math and science teachers and pay them better salaries, it said. But the panel's chairperson said the department was using the report to "pry loose more money.... Ninety percent of our report requires courage, not money," said B. Frank Brown of the Kettering Foundation.

MASTER TEACHER PLAN PROPOSED IN TENNESSEE

Tennessee Gov. Lamar Alexander has been traveling the state urging support for a \$210-million, 10-point plan to improve public education, including a master teacher plan with incentive pay.

The plan would set up four career stages--apprentice, professional, senior and master teacher. The first two steps would remain the same as currently. For the third, the state would pay 30% more, and for a master teacher, 60% more. A master teacher would have at least 13 years of experience and additional duties, such as evaluating teachers.

The State Dept. of Education said about 60% of current teachers would be

eligible for the master teachers category. They would have to renew their licenses every five years and be recommended by a new Master Teacher Certification Commission. Alexander announced a similar plan for principals which would focus on instructional skills.

STUDENT STRESS SAID NEARLY INTOLERABLE

High school students are under nearly intolerable levels of stress, research presented to the National Assn. of Secondary School Principals annual meeting last week shows.

Beth Jackson, principal of Kentridge Senior High School in Kent, Wash., said a survey of 1,200 10th-to-12th graders turned up as many as 350 "stresspoints," while 140-150 are about normal. The stresses, she said, come from worries about nuclear war, pressure from parents for good grades, peer pressures about drugs and sex and family problems, such as illness or divorce.

As many as one-half of the students reported frequent cases of depression or "blue days" and health problems such as back pain, colds, hives and stomach irritations, Jackson said. She urged educators to help students deal with abnormal amounts of stress through changing diets, increasing exercise and rest, learning relaxation techniques, developing more positive attitudes toward life and learning problem-solving skills.

BEST STUDENTS LOST, WHILE OTHERS GAINED, NAEP SAYS

The better students lost ground academically in the 1970s, while the less-able students made the biggest gains, the National Assessment of Educational Progress reported last week.

In a comparison of assessment scores five years apart, NAEP found the gap between high-achieving and low-achieving students is narrowing. Blacks were more likely to gain although they still remain behind whites.

For example, 9-year-olds in the

Tenn. Governor Presses Master-Teacher Proposal

N.E.A. Affiliate Opposes Concept, Offers Alternative

By Thomas Toch

Correspondent Jim O'Hara contributed to this report.

Gov. Lamar Alexander of Tennessee is mounting a carefully crafted, eclectic lobbying effort to win state legislative approval for his bold plan to introduce a statewide merit-pay system for teachers.

His initiative has attracted the close attention of the two leading national teachers' unions, whose leaders say the passage of the Tennessee plan may kindle similar moves in other states.

After announcing the so-called "master teacher" plan in January, the Governor began touring the state to promote it among civic clubs, parent-teacher associations, and school administrators; he even made the plan the topic of an address to the state manufacturers' association—which has since endorsed it.

12-Person Task Force

A 12-person task force of officials "on loan" from the Governor's office and other state agencies—six of whom have worked on Mr. Alexander's two successful gubernatorial

campaigns—has been set up to push the plan. It has established a speakers' bureau and toll-free telephone hotlines, and has spent \$17,000 printing and mailing a four-page flier on the 45 most-asked questions about the plan. Some Tennessee state legislators have dubbed the task-force members "Alexander's political operatives."

The Governor also made an unprecedented appearance before a joint meeting of the state's House and Senate education committees in a hearing room packed with supporters of the master-teacher plan, many of whom sported buttons reading "Master Teacher Now."

And Governor Alexander, seeking support beyond the education community, wooed a dozen of Tennessee's top lobbyists with a reception at his executive residence. Representatives of the state's beer, liquor, insurance, grocery, and real-estate industries were among those who heard the Governor's pitch on master teachers.

Local political observers said lobbyists have not been personally courted like that since the days of the administrations of Gov. Frank Clement in the 1950's and 1960's. The reception occasioned quips in the hallways of the state capitol about "master lobbyists."

The Governor's efforts have apparently already paid off. The master-teacher plan, which would replace the state's current two-tier teacher-certification system with a four-level plan designed to identify and reward top-level experienced teachers, has been endorsed by the Tennessee School Boards Association, the Tennessee Principals Study Council, the Tennessee Superintendents Study Council, the Memphis Board of Education, and the Tennessee Children's Services Commission, as well as by the manufacturers' group.

In addition, Mr. Alexander, a Republican, has won support for the master-teacher plan from the leadership of both chambers of the Democratically controlled Tennessee Legislature, and from other influential

Continued on Page 16

Tenn. Governor Presses for Master-Teacher Idea

Continued from Page 1

Democratic legislators.

One prominent Democratic representative, Stephen Cobb, who supported Governor Alexander's unsuccessful Democratic opponent in last November's gubernatorial election, said, "If the Governor is willing to go out on the limb for this one, I'll sit there with him."

Legislation containing Mr. Alexander's master-teacher proposal, as well as nine other less-controversial school-improvement provisions that he is urging, has been submitted by both Democratic and Republican sponsors in both houses of the Tennessee legislature, where they will be referred to the education committees.

Recertification Based on Ability

The Governor's master-teacher plan is based on the principles that better teachers should be paid higher salaries and that teacher certification—in particular, re-certification—should be based on proven ability rather than on academic credentials.

The plan would allow teachers to assume, over a period of years, progressively more responsibility, increased prestige, and considerably higher pay if they meet its standards.

About 15,000 (35 percent) of the state's 46,000 teachers would receive higher salaries under the plan by time it is fully implemented in 1986-87. The estimated cost for the pay supplements is \$116.4 million annually.

Governor Alexander has proposed a 1-percent increase in the state's 4.5-percent sales tax to fund the program. And he has promised to veto any general tax increase that is not used to fund the master-teacher plan.

Incentive-Pay Plan

The master-teacher plan, according to Commissioner of Education Robert L. McElrath, began to evolve in January, 1981, when Governor

Alexander told the newly appointed commissioner to develop some kind of incentive-pay plan.

The formulation of the plan began last spring, Mr. McElrath said, and was done by Donald England, the state's director of teacher certification; Carol Furtwengler, director of research in the state education department; John Folger and Chester E. Finn Jr. of Vanderbilt University's Institute for Public Policy Studies; and Keel Hunt, an aide to Mr. Alexander.

The group presented the Governor with a general outline of the plan in October.

The committee's support for the potentially controversial certification structure and pay scale was reinforced, according to Mr. McElrath, when members learned that the Carnegie Foundation for the Advancement of Teaching, which will publish a two-year study on public schooling this fall, was considering a recommendation calling for the adoption of similar merit-pay scales in every state.

Mr. McElrath said the four-tier system is similar to the ranking of university faculty.

Outright Rejection

The National Education Association's (N.E.A.) Tennessee affiliate, which represents over 80 percent of the state's 46,000 teachers, is vehemently opposed to the master-teacher section of Mr. Alexander's 10-point school-improvement plan. But, though politically powerful, the union has been almost alone in its outright rejection of the Governor's proposal.

The leaders of the Tennessee Education Association (T.E.A.) have been in daily telephone contact with N.E.A. officials in Washington, according to Sharon Robinson, director of professional development for the N.E.A. Caught off guard by the Governor's initiative, the T.E.A. in less than two weeks drafted an alternative bill, which will be considered by legislative committees this week.

The proposal calls for an across-the-board pay raise of 10 percent for every teacher in the state with a minimum of three years' experience and five years of college education. It would retain the current two-tier teacher-licensing procedure, except that a teacher would be granted the second, more permanent license by a proposed professional certification board controlled by teacher members of N.E.A.

N.E.A. Spent \$200,000

The N.E.A. has spent close to \$200,000 in the past several months to promote the establishment of similar N.E.A.-dominated certification boards in nine other states—Virginia, Indiana, Michigan, Texas, Arizona, Montana, Kansas, Alabama, and Iowa.

The T.E.A. bill, which also calls for more rigorous admission and graduation standards for teacher-training programs, does not mention incentive pay.

Ms. Robinson said that the N.E.A. is providing technical assistance, but not direct political support, to the T.E.A.'s efforts to defeat the Alexander bill.

Both the N.E.A. and the American Federation of Teachers (A.F.T.) are paying close attention to the fate of Governor Alexander's plan.

"Whatever happens in Tennessee will have implications for the rest of the country, so we are watching the situation very carefully," said Marilyn Rauth, director of educational issues for the A.F.T.

The Tennessee Federation of Teachers, which represents a small number of Tennessee teachers, and the Tennessee Federation of Labor have adopted resolutions rejecting Governor Alexander's master-teacher plan.

The A.F.T., Ms. Rauth said, is not opposed to "exploring" the idea of paying superior, experienced teachers higher salaries. Both unions say their fundamental objection to past incentive-pay plans and to Governor Alexander's plan is what they describe as the plans' lack of sufficient-

ly defined, objective criteria for deciding why one teacher should be paid more than another.

The Tennessee plan seeks to address this concern.

It calls for the evaluation of teachers who want to be considered for a higher-grade certificate by master teachers from outside their school system using an "observation instrument" based on research on effective schools now being developed by the state's education department. These master teachers will be appointed by one of three regional certification commissions, which will each have nine members: four master teachers, two master principals, one master supervisor, one person from a higher-education institution in the region, and one lay person.

The regional commissions will in turn report to a 13-member state certification system appointed by the Governor and confirmed by the state Senate and House. Three members of this body will be "distinguished lay persons" and four will be master teachers.

In addition, there will be two master administrators, one master supervisor, two "distinguished" representatives of higher education, and the commissioner of education.

State Commission

Decisions on an applicant for a master-teacher certificate will be made by the state commission. The regional commissions will make the initial recommendations for certification in the cases of apprentice, professional, and senior teachers.

Other procedures for certifying teachers under the master-teacher law would also include a review of evaluations by supervisors and others in authority, a personal interview, consideration of pupil performance, an examination of inservice and other professional-development activities undertaken by applicants, proficiency tests of the teachers' knowledge where applicable, and an assessment of additional criteria for the senior and master candidates.

\$1-Billion Scheme for 'Efficient' Schools Accepted by W. Va. Judge

Continued from Page 1

among counties, and orders extensive renovations and new construction of school buildings.

sociated with education in this state should not be interpreted as an abdication of judicial responsibility, but instead as a good-faith attempt to allow these branches the opportunity

partment in developing legislative support.

The judge "hasn't threatened us with dates, but he has called upon us to make an honest effort to provide

mit the state board of education—which was a defendant in the case but declined to appeal after it lost to draw up the master plan.

Linda Martin, director of the citizens' group, has charged that the



Maine School Management Association

NEWSLETTER



EXECUTIVE DIRECTOR
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LABOR RELATIONS/INSURANCE
Paul S. Harlburt

LR823-7

LABOR RELATIONS

February 1983

PAY TEACHERS ACCORDING TO PERFORMANCE

A public school teacher's pay should be tied to classroom performance and not just college credits and seniority, recommends a commission set up by the Maryland State Board of Education to study ways to attract, train and keep high-quality teachers in the Maryland schools.

The panel, which included leaders of the state legislature and county school superintendents as well as parents and teachers, also called for rigorous licensing exams and a two-year internship for new teachers, higher pay for fields where there is a shortage of teachers, and tougher standards in college teacher training programs.

"Teachers in Maryland are under-prepared, under-managed, and under-rewarded," said Stephen W. McNierney, a Baltimore business executive who headed the commission. "No one believes at every teacher does an equally good job. Stop paying them as though you believe that. Above all, clearly and visibly reward superior effort and [teacher] performance."

Its recommendations, which come after 18 months of study, hearings and debate, drew warm praise from the state school Superintendent David Hornbeck but stiff criticism from the state's largest teachers union, the 36,000 member Maryland State Teachers Association.

Hornbeck said the recommendations will lead to better teaching and better learning, and said he would make specific proposals to the state board in December for carrying them out. "In almost any other profession that exists, evaluation is done and those who are superior are paid more," Hornbeck said. "Why should the schools be different? I don't understand that. They do it in colleges every day."

But Janice A. Piccinini, president of MSTA, declared that the proposals were unfair and discriminatory.

"There should be equal pay for equal work," Piccinini said. "There's no objective criteria for determining who is better than whom. We think only good teachers should be in the classroom."

The MSTA is an affiliate of the National Education Association, which has strongly opposed merit pay and licensing exams throughout the country.

One version of such a pay plan was endorsed by the District of Columbia Board of Education a decade ago as part of a school improvement proposal by Psychologist Kenneth B. Clark. Another plan was tried briefly by Montgomery County schools. Both plans were eventually scrapped after being strongly opposed by teacher groups.

Teacher licensing exams, however, have been adopted during the past five years in about 18 states, including Virginia. In Maryland briefer tests in basic reading and mathemtic skills are now required in Montgomery and Prince George's counties.

Last winter the Virginia State Board of Education, under prodding from the state legislature, adopted a plan requiring all new teachers to get satisfactory ratings after a two-year provisional period, which is similar to the internship proposal in the Maryland panel's plan.

Only three members of the panel filed a dissenting report - Daniel Collins, Carol Miller and Beverly Stonestreet, all leaders of MSTA.

"It's just mildly outrageous," McNierney, senior vice president of Black and Decker said, "for people in a profession that specializes day after day in grading and evaluating people to say that teachers themselves can't be graded and evaluated."

- Educators Negotiating Service, 11/82

TEACHER QUALITY, DIFFERENTIAL PAY

A five-year program to upgrade standards for all employees in Houston includes pay differentials for teachers in critical shortage subject areas like math and science, "compressed" salary schedules, tests for new teachers and new evaluation procedures to grade teachers in such areas as use of instructional time, ability to motivate students, discipline, classroom management and student test scores.

The district is also developing specified competencies for every job category from custodian to superintendent and testing procedures for existing employees. Those who fail to meet the criteria will be offered extensive training to upgrade their skills.

Under the salary system, teachers who meet proficiency requirements will be placed on an "enhanced" salary schedule, while others will have their salaries frozen. Moreover, the district hopes to "grow its own teachers" by opening two magnet high schools for the teaching profession by the fall of 1983.

- School Administrator, 1/83



NEA - ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

For my HESS File

Jean Krause, President

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Frank Holmes
Director at Large
Box 103
Halnes, Alaska 99827

To: Representatives Mae Tischer, Milo Fritz,
Co-Chairmen, members of the House HESS
Committee

April 14, 1983

Re: **SSHBI91** "An Act Relating to School
Board Negotiations with Certificated
Employees."

I. NEA-Alaska has several concerns and questions regarding SSHBI91.

A. Questions:

1. Is it the intent of the bill to cover all educators or just teachers?

a). If to cover all educators then a means must be found to include administrative groups and individuals who do not bargain collectively.

b). If intent to cover only teachers it is inequitable.

2. Is it the intent to find a means to force out incompetent educators? If so it is unnecessary because:

a). There is in the Department of Education Regulations (Chapter 19) specific statements regarding purpose, scope, method, use and development of evaluation procedures as well as training in the use of those evaluation procedures. The stated purpose of evaluation is to improve the quality of instruction, to facilitate the learning process and "serve as a method for gathering data relevant to subsequent employment status decisions pertaining to the person evaluated (4AAC 19.010)."

b). Local Boards of Education currently have statutory authority to hire and fire and tenure does not protect incompetent ed-

educators (AS 14.20.030) (AS 14.20.175).

- c). There currently exists in statute clearly defined language for non-retention and dismissal proceedings. (AS 14.20.170; 14.20.175; 14.20.180; 14.20.205; 14.20.207).
 - d). There currently exists in statute provision for a Professional Teaching Practices Act (Section 14 Article 5 and AS 14.20.030) that allows the revocation of certificates held by incompetent educators.
3. Is it the intent to lower education salaries by paying only a few? If so I would point out:
- a). AS 14.17.081 requires a minimum expenditure of 55% of its school operating expenditures in each fiscal year on the instructional component of the district budget. The 55% rule includes classroom teachers' salaries in its computation and excludes administrative and classified salaries.
 - b). 16 school districts were granted waivers in February by the State Board of Education (30.769% of the districts in the state spend less than 55% of their budget on teacher salaries benefits, text books and teaching supplies).
 - c). Based on the FY 82 audit the most any school district spent on its instructional component was Juneau at 69.8%.
 - d). Teacher salaries are not a disproportionate share of the districts' budgets; they are not comprising even 1/2 of most of the school district' costs.
4. Is it the intent to direct local bargaining? If so I find it ironic that those who cry out for local control in all other matters are so supportive of this bill since it does interfere with local control.
5. What is meant by a general pay scale for all employees?
6. Have the sponsors considered that school districts currently have the right to introduce this concept and relevant language to the bargaining table? It may be significant that the only district to

have bargained the concept and language (Anchorage) has since abandoned it.

B. Concerns:

1. This concept has been tried and rejected in other parts of the country as well as Anchorage:
 - a). There is not a single state in the country that has a statewide merit pay plan for teachers in existence today. It was mandated for all school districts in Florida; however, it was later rescinded by the state legislature. The legislature enacted a merit pay plan in the State of New York and later rescinded it. Similar experiences occurred in Delaware, and South Dakota. Studies were conducted in North Carolina in pilot school systems; however, it was concluded that merit pay for teachers should not be implemented statewide.
 - b). Experience with merit pay shows that morale is lower; team spirit is lost; competition becomes vicious; joint efforts, team efforts and mutual support disappear; suspicions run rampant; distrust increases; paper work increases; and politics are evident or at least believed to be evident.
2. We believe this concept will distort and diminish the positive uses of evaluation procedures in that it will provide more opportunity for subjectivity, favoritism, harrassment, punishment for personality differences and sycophantic behavior.
3. Opinions vary widely about what constitutes a "good" teacher and what constitutes a "bad" teacher. No one personality is going to please or be effective with all other personalities in any setting and that includes schools.
4. Teachers do not control most of the factors in education generally or in their classrooms. For example we do not control:
 - which students and how many of them are put into our classrooms;
 - access to all of the teaching materials we need (particularly media);
 - who is administrating the schools and districts in which we teach;

- the quality of reliable administrative supports for our efforts;
- support services (secretarial/clerical);
- community support/parental support;
- funds available to the school district;
- and frequently we do not control what classes or grades we will teach.

5. Finally, one might think that "good" teachers would be demanding a merit pay proposal; they are not. Teachers do not support the concept because they recognize the inherent divisiveness, subjectivity, and political ramifications of merit pay. They also recognize that their salaries become dependent on the whims of powerfully placed individuals.

C. Recommendations:

1. NEA-Alaska has long advocated:

a. Evaluation procedures implemented in every district that are:

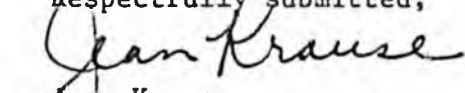
- (1). clearly written;
- (2). developed jointly with the teaching staff;
- (3). applied equitably;
- (4). provide training in their use;
- (5). available to the public; and
- (6). recorded with the Department of Education.

b. Strengthening teacher training programs:

- (1). Earlier and more extensive exposure to classroom experiences for persons aspiring to become teachers;
- (2). More rigorous criteria for admission and graduation; and
- (3). application of standards to teacher preparation programs and the initial certification of teachers should be governed by the teaching profession.

We believe there are many ways to improve and enhance education and the teaching profession, but we do not believe merit pay is one of those ways. Indeed, we believe and experience has shown, merit pay to impact negatively the educational process and professional relationships. We urge you not to support this concept or this bill.

Respectfully submitted,


Jean Krause
President

JK/mj

Proposed HESS committee substitute for HB 191

Change Section 1 new subsection s

Add the following paragraphs

- (c) The parties may agree to waive the requirement that pay scales for certificated employees include criteria based upon performance and merit.
- (d) In the event a negotiations dispute between the parties is not resolved through mediation either party may submit the issues in dispute to last best offer arbitration, item by item, according to the interest arbitration procedures of the American Arbitration Association. The decision of the arbitrator will be final and binding on the parties.
- (e) ~~The objective criteria used to evaluate performance and award merit pay increases and class size and pupil/teacher ratios shall be established by the parties through the collective bargaining process.~~

Alaska State Legislature



House of Representatives

REPRESENTATIVE
RAMONA L. BARNES

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HOUSE MAJORITY LEADER

MEMBER

RULES COMMITTEE

JUDICIARY COMMITTEE

LEGISLATIVE COUNCIL

POLICY COMMITTEE

ALASKA REPRESENTATIVE

STATES RIGHTS COORDINATING COUNCIL

WESTERN LANDS TASK FORCE

CITIZENS ADVISORY COMMISSION

ON ALASKA LANDS

April 13, 1983

To: Representatives Tischer, Fritz, Co-Chairs
Health and Social Services Committee

From: Representative Barnes
Majority Leader *Ramona L. Barnes*

Subj: Priority Bill
SSHB 191

The above referenced bill is a personal priority of Representative Vern Hurlburt. I would appreciate your moving it out of committee.



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
Pouch 6-614
Anchorage, Alaska 99502
[907] 333-9561

April 15, 1983

Ms. Jean Krause
President, NEA-AK
174 South Franklin, #201
Juneau, AK 99801

Dear Jean:

I am aware that you testified before the Legislature last week on merit pay for administrators. What you are probably not aware of is the fact that I was involved in merit pay for principals for two years when I previously served as supervisor for elementary principals in the Anchorage School District. For your information, this provision was included in the negotiated agreement between the principals and the District.

It is interesting to note that while the concept seems to be worthwhile and would probably provide equity in compensation for our administrators, you should also note that the administration of a merit pay plan is cumbersome, inequitable and subjective. I would not recommend merit pay for teachers or administrators now or in the near future.

Should you need further information on the provisions of our merit pay plan, please call me.

Sincerely,

Rita R. Strachan
Rita R. Strachan
Director of Personnel Services

ms

SCHOOL BOARD

PRESIDENT
Lyle Gorsuch

VICE-PRESIDENT
Ken Buchanan

CLERK
Alyce Hanley

CLERK PRO TEM
Mark Wadsworth

TREASURER
A Schelenberg

ASST. TREASURER
PAST PRESIDENT
Jim Robinson

PARLIAMENTARIAN
Betty Davis

DEPARTMENT
(Gene) Davis, Ed. D.



Anchorage Principals' Association

ANCHORAGE, ALASKA 99501

April 15, 1983

APR 15 9 1983

Ms. Jean Krause, President
NEA-Alaska
147 S. Franklin #201
Juneau, Alaska 99801

Dear Ms. Krause:

The Anchorage Principals' Association strongly opposes merit pay. We experienced three years of merit pay during the tenure of our previous negotiated agreement with the Anchorage School District. As a result of this experience, the principals had as their number one priority, during negotiations for our present agreement, the elimination of all merit pay items.

Merit pay drove a wedge between supervisors and staff at all levels. It interfered with effective employee evaluation, making it extremely difficult to maintain a trusting, working relationship between supervisor and subordinates.

In theory, merit pay sounds like a great way to provide incentive and reward for top performance. In practice, it is a means to favor those who follow, without question, and it divides the ranks, causing an atmosphere of mistrust and non-sharing of good, innovative, successful educational and managerial practices.

Respectfully yours,

William Frick
President

jm

H B

192

STAFF REPORT

HB 192, PROTECTION OF THE ELDERLY

MARCH 10, 1983

Purpose: To protect the elderly from abuse by requiring those working with elderly to report to the Department of Health and Social Services, evidence of abuse when it is observed.

The bill specifies numerous health professionals, and others, who are required to report evidence of abuse. "Abuse" means the infliction of physical pain, injury, or mental anguish, or the deprivation by a caretaker of services that are necessary to maintain the physical and mental health of an elderly person.

The Department of Health and Social Services suggests a change to add the word "willful" before the word "deprivation". The drafter of the bill suggests that since the bill is directed at the reporting of abuse, not the prosecution of those inflicting the abuse, the determination of intent should not be left up to the reporter. Thus, the addition is not necessary.

Failure by those obligated by the bill to report abuse is classed as a "violation" (AS 11.81.900). A violation is a non-criminal offense punishable by fine, but not imprisonment or other penalty. No jury trial or public defender is authorized. In the event that immediate harm seems imminent, the report of abuse must be made to a police officer who must act to protect the subject.

A person making a report of abuse in good faith is immune from civil or criminal liability.

The DHSS must investigate and report on each case of abuse brought to it. The DHSS must provide protective services as are available to the elderly. The Department is authorized to implement regulations to carry out the act. The regulations must be approved by the Older Alaskans Commission.

"An Act relating to protection of the elderly."

OVERVIEW

This Bill includes provisions for mandatory reporting of cases of physical harm to elderly persons, investigation of reports of harm by the Department of Health and Social Services, and the offering of appropriate protective services to elderly persons in an effort to prevent or alleviate physical harm.

STATEMENT OF THE PROBLEM

In the past few years there has been increasing awareness across the nation including Alaska, of the problems of elder abuse and neglect, as well as those elderly persons who are unable to protect or care for themselves. In 1981 an Elder Abuse Task Force was created in Anchorage and a pilot project grant was awarded to the Anchorage Community Mental Health Clinic Geriatric Unit to address the issue of elder abuse. In 1982, Elder Abuse Task Forces were created in Fairbanks and Juneau.

Elderly Alaskans in need of protective services are served by the Division of Family and Youth Services under its Adult Protective Service program which serves adults age 18 and over. Adult Protective Services are provided on a voluntary basis by a mandate under Title XX of the Social Security Act. Division social workers respond to voluntary reports of harm, investigate the circumstances of abuse, neglect, and exploitation, and offer appropriate protective services. If an adult client does not consent to services and is not incapacitated as defined under AS 13.26.005, the guardianship statute, the Division has no legal authority to intervene. If, however, an investigation indicates that an adult is incapacitated, the Division may petition the court for a guardian.

Division of Family and Youth Services' staff have actively participated in the Elder Abuse Task Forces. As a part of the Division's Fiscal Year 1983 Adult Protective Services Training Program, the issues of elder abuse, guardianship and conservatorship have been addressed. Community agencies, including programs serving older Alaskans, were invited and participated in these sessions which were conducted in Anchorage, Bethel, Fairbanks, Juneau, Ketchikan, and Nome.

Since reporting of abuse or physical harm to elderly persons is not mandatory, not all known cases are reported to a single agency. As a result, the actual extent of the problem is not known. Should the number of cases reported under the mandatory requirement significantly impact caseloads, the Division will include necessary documentation to

support the need for additional staff and service dollars in the FY 85 budget. If additional staff and service dollars become necessary but not available, the Division may not be able to meet the intent of the legislation.

RECOMMENDATION

The Department strongly endorses efforts to promote the independence and well-being of those elderly persons in need of protection. The procedures outlined in the Bill for action on reports, provision of protective services, review and referral, and confidentiality are in accordance with procedures established by the Department of Health and Social Services.

The Department recommends an amendment to Section 47.24.100(2), the definition of abuse. The Department recommends that the definition be amended as follows:

"abuse" means the infliction of physical pain, injury, or mental anguish, or the willful deprivation by a caretaker of services that are necessary to maintain the physical and mental health of an elderly person.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE:

3/2/83

APPROVED BY:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner

DATE:

3/4/83



ASSOCIATION OF
OLDER
ALASKANS
PROGRAMS

APR 7 1983

Office of the Senior Citizen Ombudsman

April 1, 1983

Representative Mae Tischer
Alaska State House
Pouch V
Juneau, Alaska 99811

Dear Ms. Tischer,

Thank you for the time you spent last week listening to my concerns regarding HB-192. Not only was I interested to learn of your views regarding this piece of legislation but as a constituent of yours from Turnagain, I was very interested in hearing your philosophies regarding state government.

As we discussed, I am forwarding some statistics from the Anchorage study which indicates the real need for favorable passage of HB-192 by the Alaska State Legislature.

In 1981 the Anchorage Community Mental Health completed an informal survey of 75 documented cases of Elder Abuse in Anchorage. Conclusions of their study find the abused elder usually is a woman over 70 who lives with an adult child or family member. An abused person in Anchorage is usually more physically independent than on the national level, (40% in Anchorage and 25% nationally.)

Alcohol is more often the cause of abuse in Anchorage than nationally, (49 % in Anchorage and 28% nationally.) Stress caused by medical, psychological and economic factors are statistically comparable.

Two major differences surfaced regarding repeated abuse and the attempt to report abuse. In Anchorage, 90% of abusers repeat abuse whereas, nationally, 58% repeat the abuse. In Anchorage, 53% attempted to seek help versus 95% nationally sought to notify an agency or authority.

Furthermore, the study documented 43.3% of physical abuse compared to other kinds of abuse.

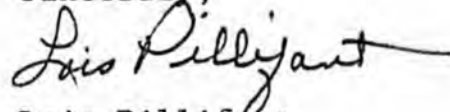
The Anchorage Task Force on Elder Abuse feels that this law will discourage repeated abuse (which we have shown is much more frequent in Anchorage than nationally.) Additionally

the Task Force believes that reporting will occur because of the protection of the reporter. (The study also shows that fewer reports are made in Anchorage than are made nationally).

As you know, Alaska has laws which protect children and spouses from abuse but until recently it has not specifically addressed the hidden problem - the problem of elder abuse.

I urge you to vote favorably on the passage of this bill when the opportunity arises. If I can offer further assistance please contact me.

Sincerely,



Lois Pillifant
Senior Citizen Ombudsman

Chair, Elder Abuse Task Force

LP:tp

cc: Ted Graham, President Association of Older Alaskans Programs
Jon Wolfe, Executive Director, Older Alaskans Commission
Senator Vic Fischer
Senator Joe Josephson
Representative Milo Fritz

HB 192

Teleconference

Margo Dick - German Elder Abuse Task Force

Charles Munday - Streets Unit

75 cases -

Psychological abuse

⊗ Not clear on investigation

Elizabeth Sutarain - HSS

1.

* Tom Scott - Ex Dir - EMS

Include → in Bill

Theodore Graham

Deanna Smith

1. Kelite line 10-13 Page 5
2. write recording of abuse - more than one person in institution - suggest deleting that last person generate a report

Charles McPherson - Staff Elder Abuse Commission

1. Speaks for Passage
2. Recommends: D "willfall" insert Pg 5
Pg 3 ~~line~~ Sec 47.24.020 as in Senate substitute
3. Kelite as Dehitt suggests.

(over)

Request Statistics

HESS - How many abuses reported in 1982

A. Mental

B. Physical



I want to hear specific cases demonstrated
+ the conclusion of the investigations.

Findings?

Reason for the abuse

Who does the abusing

JUNEAU ELDER ABUSE TASK FORCE
419 6th. St., C.C.S. Wing
Juneau, AK. 99801

Position Paper
House Bill 192
3/14/83

The Juneau Elder Abuse Task Force is an organization formed in response to the recognition of elder abuse as a serious problem nationwide and in the Juneau area. We organized in September of 1982 after a comprehensive training on Elder Abuse sponsored by the Older Alaskans Commission. The Task Force is comprised of representatives from 19 agencies in the Juneau area which provide a wide range of services including: social services, substance abuse prevention, health care, nursing home care, law enforcement, domestic violence and sexual assault programs, legal services, senior services and homemaker services.

Agencies represented on the Task Force have had comprehensive experience working with elders in the Juneau area and in outlying communities. Many agencies have specific experience in cases of elder abuse and neglect. Most agencies' staff provide direct service, in one form or another, to elders. All agencies have knowledge and expertise as well as sensitivity regarding the needs of elders.

Based on our experience and expertise in the field of elder abuse, the Juneau Elder Abuse Task Force offers the following comments and recommendations regarding HB 192.

1. In Chapter 24, Sec. 47.24.010 (a)(6), page 2, line 5, we recommend that Village Public Safety Officers (VPSOs) be specifically included with police officers and that the definition of "police officers" be broadened by referencing to AS 01.10.060(6) rather than the narrow definition in AS 18.65.290(2). The reason for this is that in rural areas, law enforcement officers are usually not formal police officers and are instead VPSOs or other officers of lesser authority. This change will encourage maximum reporting of elder harm.
2. In Chapter 24, Sec. 47.24.010(7), page 2, line 6 we recommend that home health aides and homemakers be included with village health aides. Again, our purpose here is to cover all professionals working with elders and to encourage maximum reporting.
3. In Chapter 24, Sec. 47.24.010(e) on page 3 at line 1 we recommend that VPSO be inserted after police officer and that the definition of police officer be referenced to AS 01.10.060(6). (See our #1 recommendation for rationale). Further, we recommend that there be only one sentence rather than two and that the word "and" be inserted between the statute and "The police" so that it is clear that the police must take immediate action to protect the elder from imminent physical harm.
4. In Chapter 24, Sec. 47.24.020(a) on page 3, at lines 13 and 14 we recommend that the words "make a reasonable effort to..." be deleted and that on line 15 the words "unless the elderly person refuses to participate in the interview" be added. We feel that unless the elderly person does not wish to participate in the interview, the department should personally interview the elderly person during an investigation of abuse. This is recommended because an investigation would be ineffectual and superficial if the victim was not interviewed.

5. In Chapter 24, Sec. 47.24.030(b), on page 4 at lines 7 through 11 we recommend that language be inserted to the effect that the Department of Law will assist the elder in securing an injunction against a caretaker who is interfering with the provision of protective services. This is recommended because otherwise, the section is vague and it is unclear as to how the Department could assist the elder in legal proceedings. An alternative to inserting this language would be to address this issue in the regulations that will be drafted under Sec. 47.24.070 of this bill. Whether through the regulations or in this bill, the Task Force felt that the Department should have instructions as to how elders will be assisted.
6. In Chapter 24, Sec. 47.24.040 on page 4 at line 13 we recommend that 45 days be inserted and 90 days be deleted unless this will create undue fiscal burden. We make this recommendation because 90 days is an awfully long time to wait before reviewing a case and may allow for inadequate monitoring of protection provided to an elder.
7. In Chapter 24, Sec. 47.24.070 on page 5 at lines 7 through 9 we strongly support the requirement that the Older Alaskans Commission approve regulations to implement Chapter 24.
8. In Chapter 24, Sec. 47.24.100(2) on page 5 at lines 22 through 25 we recommend that the words "...by a caretaker" on line 23 be deleted. We make this recommendation based on the direct experience of many Task Force members that persons other than caretakers often deprive elders of money, food, possessions, etc. It has come to our attention that the Department of Health and Social Services and the Older Alaskans Commission may recommend that the word "willful" be inserted in line 23 between "the" and "deprivation". We are opposed to this addition because adding "willful" will create significant proof problems in any case of illegal elder abuse. Rather, to address the issues of unintentional abuse or harm caused to an elder due to poverty of caretakers, we recommend that language addressing the problem of poverty and consequent harm to elders be inserted as an exception to "abuse".
9. In Chapter 24, Sec. 47.24.100(7) on page 6, line 10 we recommend that the words "...an elderly person or ..." be deleted so that neglect is only actionable when it is caused by an elderly person's caretaker. We recommend this to protect the freedom of choice regarding lifestyle and the right to privacy of elderly persons.

In general, the Task Force supports the purpose, intent and principle of HB192. We only offer the few preceding comments to make the proposed legislation as good and as effective as it can possibly be. Thank you for considering our comments.

OLDER ALASKANS COMMISSION
POSITION PAPER

Senate Bill 122 / House Bill 192
"An Act relating to protection of the elderly"

The Older Alaskans Commission urges passage of this legislation in order to provide protection and assistance to older persons who are unable to care for themselves.

Twenty other states currently have mandatory reporting laws for elderly abuse. During the past year both Delaware and New Mexico have passed this type of legislation. The Commission feels that mandatory reporting is essential in order to reach vulnerable persons who may be physically, psychologically or financially unable to help themselves.

Historically elder abuse has been a hidden social problem but it is one that is encountered statewide by Commission funded senior projects. The Commission's senior ombudsman program received sixteen reports of abuse during FY 1982.

In 1981 the Administration on Aging funded a study of elder abuse in Anchorage through the Commission. Twenty agencies surveyed by the Anchorage Community Health Center for this study reported contacts with elder abuse cases. Seventy-five cases of elder abuse were reported in all. In 75% of these cases, the abuse had been going on for some time. In 53% of the cases the victims did seek help. The remaining victims who did not seek help are significant to the passage of this legislation.

The Commission recommends that "willful" be inserted before "deprivation" under Definitions, Sec. 47.24.100, (2) line 25. The purpose of this insertion is to ensure that poverty and other circumstances beyond a caretaker's control will not be considered as abuse. Staff also questions the intent of line 13 in Section 47.24.020 which states "The Department shall make every reasonable effort to personally interview the elderly person during the investigation". This could be construed to imply that the Department could make decisions about an abused person without contacting him.

The Commission is aware that a major criticism of elderly abuse mandatory reporting laws is that the necessary services may not be in place to meet the demand for them. The Commission does not concur. Elder abuse is not a problem that can be denied or ignored. We hope to work closely with DFYS to assist in putting those necessary services in place.

We ask your support of this bill and in making the health and dignity of our elderly a major state priority.

3/14/83



*Elder Abuse in
Anchorage, Alaska
A Survey of Service Providers*

Teri B. Spires B.S.

Charles R. Mundorff M.S.

October, 1981

*Project of Anchorage
Community Mental
Health Center
Geriatric Unit*

ANNEX

ELDER ABUSE IN ANCHORAGE, ALASKA

ELDER ABUSE IN ANCHORAGE, ALASKA

Teri Spires, B.S. and Charles Mundorff, M.S.

Anchorage Community Mental Health Center, Anchorage, Alaska

This study was done in response to the phenomenon of elder abuse in the State of Alaska. This particular study, focused in the Anchorage area, was designed to assist in establishing parameters to the problem. Thirty agencies, 16 physicians, and four medical clinics were contacted. Seventy-five cases of elder abuse were documented. There were 34 cases of physical abuse, 53 cases of psychological abuse, 43 cases of material abuse and 18 cases of violation of rights.

Introduction

Abuse of the elderly by their spouse, family or caretaker is a problem often observed by service providers in the Anchorage area. Elder abuse in the past has not been addressed as a specific issue in Anchorage until the last year. Previous to this study, no research had been done in Alaska, but nationally a few studies have been conducted. These studies provide a good data base that exposes the incidence of elder abuse and the need for concern in our society. Unfortunately, elder abuse has not been addressed in Alaskan domestic violence programs. Consequently, the Region X Office on Aging targeted Anchorage as a pilot city for study and community planning in elder abuse.

In November 1980 a meeting of representatives from Alaska, Idaho, Washington and Oregon was called by Chisato Kawabori (Ph.D.), Director of Region X Aging Network, and Willard Mollerstrom (Ph.D.), Region X Director of N.I.M.H. Charles Mundorff of Anchorage Community Mental Health Center (A.C.M.H.C.) attended this meeting in Seattle. At this meeting, A.C.M.H.C. was considered a focal point for the problem of elder abuse in the State of Alaska.

At this time, A.C.M.H.C. was given the opportunity to receive a VISTA (Volunteer in Service to America) to research the problem and make recommendations for mental health programming for abused elders. The following study is a result of the VISTA's effort. These findings are compared to national results in order to lend a clear picture to service providers. This procedure will help determine any differences between Alaska and other states.

National Findings

Three major elder abuse studies have been done since 1979. They are from Boston, The University of Maryland and the University of Michigan. The latter were partially funded by the federal government. In June of 1979 there was a briefing by the House of Representatives Select Committee on Aging entitled Elder Abuse: The Hidden Problem. This briefing was held in Boston, Massachusetts. On April 28, 1980, a briefing on the same subject, domestic abuse of the elderly, was held in Union, New Jersey. The early research findings of these efforts are remarkably consistent, despite great differences in research approaches and settings.

The major studies of elder abuse point out the tentativeness of their results. Yet, the completed studies provide an excellent approach to the problem, and a profile of the victim and the abuser emerges.

The Massachusetts study, Block's Battered Elder Syndrome, and the Lau-Kosberg study points out the victim tends to be an older elderly person. The Massachusetts survey finds 55% of the citations are persons older than 75 years. All three studies agree that abuse is observed to be of elderly women (87% in Lau-Kosberg, 80% in Massachusetts, and 81% in The Battered Elder Syndrome). The majority of victims live with an adult child or other family members who become the abuser.

Usually the victims suffer from one or more disabilities which place them in a vulnerable position. Of the Massachusetts study respondents, 75% said the victim had physical or mental disabilities which kept him or her from meeting basic daily needs. Marilyn Block finds 62% of the victims could not prepare food, 54% could not self-medicate, and 62% needed help with personal hygiene. Besides physical impairment Lau and Kosberg report 41% are either partially or totally confused or senile. It is easy to imagine from the research that a victim of abuse is usually a person who may need constant attention and skilled care. These two factors can and do cause stress for the caretaker, who is at risk of becoming an abuser.

The Massachusetts survey finds in 75% of the abuse cases, the abuser lives with the victim; 86% of the abusers are relatives of the victim. The Battered Elder Syndrome finds close correlation: 81% of the abusers are related to the victim. Block also finds women, more often than men, are abusers. The figure cited is 58% of abusers are female. The Massachusetts study finds sons (24%), husbands (20%), and daughters (15%), make up the largest categories of abusive relatives. Lau and Kosberg find 30% of abusers are daughters, 14% are sons, 14% are grand-daughters, 12% are spouses, and 12% are siblings (usually a sister).

The Massachusetts study finds the abuser is usually experiencing stress when the abuse occurs. The study finds 28% suffer from alcoholism or drug addiction, 18% complain of long-term medical problems, 16% struggle with long-term financial stress and 9% suffered from lack of needed services. The Battered Elder Syndrome points to psychological (58%) and economic (31%) factors leading to abuse. The Massachusetts survey finds 63% of respondents feel that the vulnerable elder,

requiring a high level of emotional and financial support, is a source of stress. In 58% of cases studied, abusers tend to repeat the abuse, according to Block.

One of the most remarkable statistics to come out of these studies has to do with the attempt to make cases of abuse known. Block finds in 95% of the cases studied, some attempt was made to communicate the existence of neglect or abuse to some authority. This fact points to the poor communication skills of the abuser and to the low self-esteem he or she may feel. After a failed attempt to get needed services, the abuser may give up. After a failed attempt to get help, the victim may, out of fear of reprisal, or removal from the home, resolve to live with the situation. This fact also points out the failure of social services systems to recognize cries for help from both the victim and the abuser.

Methods and Designs

From March 1, 1980 to June 30, 1981, A.C.M.H.C. conducted a survey of service providers concerning elder abuse. Thirty agencies, four clinics and 16 physicians were contacted.

Those who said they had seen cases were further contacted. They were asked to relate cases they had seen from January 1, 1980 to June 30, 1981. They were asked to give the first name and last initial of each person in every case. This was done to prevent duplication of information from agency to agency.

The cases were recorded on the form used by Marilyn Block and Janice Davidson in their study, The Battered Edler Syndrome. All questions were asked for each case (see Appendix A). One additional question was asked of each respondent concerning every case: is alcohol a problem in the situation?

The definition of elder abuse used in this study is the one used by Marilyn Block and Janice Davidson in their study.

Abuse refers to one or more of the following acts:

physical abuse, including direct beatings, lack of food, lack of medical care, and lack of supervision;

psychological abuse, including verbal assault, threat, fear, and isolation;

material abuse, including theft or misuse of money or property and;

violation of rights, including forced removal from home, or forced entry into a nursing home.

We are concerned with people who are 60 years or older. These are people who are in some way dependent on a son, daughter, other relatives or caretaker.

There is a high degree of interviewer reliability since only one person conducts the interviews. Agency contacts, mailings and interviews were all done by the same person.

The data obtained from the survey is summed and the percentages calculated. Thus the data is descriptive in nature and not intended to be baseline data. It must be stressed that the figures obtained from the agency contacts are estimates of what the professional feels are abusive situations. Estimated are based on second-hand knowledge so these results cannot be generalized beyond the agencies cooperating.

Results

Two major groups were contacted for this study. First, 30 agencies who showed an interest in senior citizens or are service providers were initially interviewed in order to assess which agencies had seen cases

they were willing to relate. The following is the contact list and some preliminary information about each (see below).

Agency Contacted	a.	b.	c.
1. Salvation Army	11	yes	yes
2. Nakoyia	2	yes	yes
3. Adult and Aging Services	5	yes	yes
4. Mable T. Caverly	3	yes	yes
5. Studio Club	2	no	yes
6. Municipality Senior Programs	1	yes	yes
7. Providence Hospital	6	yes	yes
8. Older Persons Action Group	5	yes	yes
9. Legal Services	2	yes	no
10. Home Health Agency	5	yes	yes
11. Chugiak Senior Citizens Center	2	yes	yes
12. Senior Companion/Foster Grandparent	1	yes	yes
13. Alaska Hospital	2	yes	yes
14. S.T.A.R. Standing Together Against Rape	2	yes	yes
15. R.S.V.P. Retired Senior Volunteer Program	1	yes	yes
16. C.I.N.A.. Cook Inlet Native Association	2	yes	yes
17. Anchorage Police Department	1	yes	1*
18. Catholic Social Services	1	yes	yes
19. A.W.A.I.C. Abused Women's Aid in Crisis	3	yes	yes
20. Women's Resource Center	1	yes	no
21. Public Health Nurses	11	yes	yes
22. State Senior Citizen Ombudsman	1	yes	yes
23. Easter Seals Homemakers	2	yes	yes
24. Alaska Native Hospital	7	yes	yes
25. A.C.M.H.C.	6	yes	yes
26. Equal Rights Commission	1	yes	no
27. Palmer Pioneer Home	1	yes	yes
28. Palmer Senior Nutrition Site	2	yes	yes
29. University Justice Center	1	yes	no
30. AK. Public Interest Research Group	2	yes	no

Key to Headings:

- a. Number of persons contacted.
- b. Does agency feel that elder abuse is a problem in Anchorage at this time?
- c. Has agency seen any abuse cases since January, 1980?

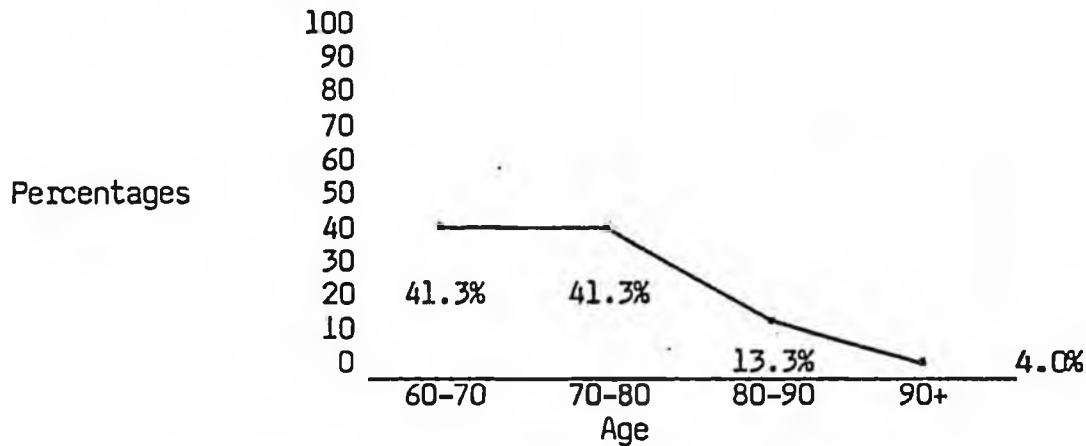
*1. No record-keeping methods.

The second group contacted were physicians and clinics. A letter (see Appendix B) was sent to 16 physicians and four medical clinics. The names of 12 of the physicians were given to A.C.M.H.C. by the Municipal Senior Citizens Division. These physicians treat many older people or have expressed an interest in aging patients. The letter asked the physician or clinic to relate any cases of elder abuse they may have seen. Of the twenty contacted, none responded.

Twenty agencies related elder abuse cases. Seventy-five in all were related to the interviewer. This breaks down to an average of 3.75 cases per agency. The most cases in one agency was eight, the least was one. Of the 75 cases reported, 34 or 43.3% had some element of physical abuse. The most common physical abuse is not violent in nature. Lack of personal care constitutes 17.3%, bruises and welts 13.3% and lack of food 10.7%. The remaining percentage in all categories are found in Appendix C. Psychological abuse is found in 53 cases or 70%. Material abuse occurs in 43 cases or 57.3%. There is violation of rights in 18 cases or 24%.

The age of the abused elder in the Anchorage area is younger than in the Lower 48. Unlike the national studies, the exact ages of the victims can not be determined. Most professionals know only the general range of their client's age. Of the 75 cases, 82.6% were under 80 years. This statistic is not surprising considering the general youth of the Anchorage population. The abuser in our area is also younger than in other urban areas. The abuser is under 50 years old in 65.4% of the cases related to the interviewer.

Figure I. Percentage of Abused by Age



The abused elder is most likely to be female. In 76% of the cases the victim is a woman. This percentage is comparable to the national statistics. Also similar to the national statistic is the sex of the abuser. In Anchorage 53.4% of the abusers are women. In Marilyn Block's study 58% of the abusers are women. Daughters are first on the list at 22.7%, sons second at 21.3%, husbands are third at 10.7% and daughters-in-law are fourth at 9.3%.

The abused elder is most often observed to be White (69.3%). The statistic for the Native population is 18.7%; the Black population figure is 9.3%; and the Hispanic figure is 1.3%. Because the elder in most cases lives with a spouse or family member (55%), the statistic concerning the ethnic group of the abuser is almost exactly the same as the victim.

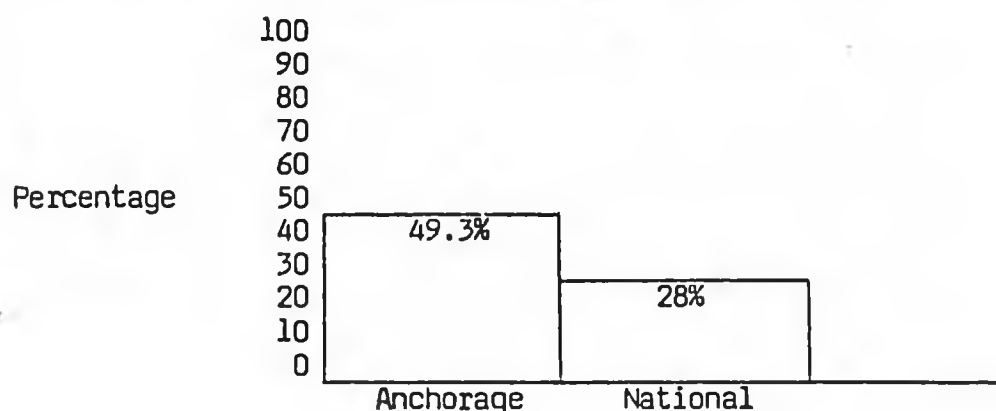
In most cases given to us, both the victim and abuser are low-income. Of the 75 cases, 54% of the victims and 44% of the abusers fit this category.

A question concerning the impairment of the victim was asked of all respondents. In 38.7% of the cases the abused elder is physically or mentally disabled to a great degree. In 21.3% of the cases the person

needed assistance with the Activities of Daily Living. In 40% of the cases the victim is physically self-sufficient.

Alcohol as a contributing factor in elder abuse seems to be a much greater problem in Anchorage than other areas. The national statistic is 28%, and in Anchorage it is 49.3%.

Figure II. Percentage of Alcohol as a Contributing Factor



In most of the cases observed (74.7%) the abuse had been going on for a long time. In some cases the abuse continued for years. In 53% of the cases the victim did seek help. But, just as significantly, 41.3% of the cases had not asked for assistance. The agencies responding found out about the abuse in any number of ways. The most common way was from the client (49.3%). Other reporting sources were hospitals or clinics (27.2%), private physicians (5.3%) and public or private social service agencies (12%). The agencies, when contacted by a reporting source, in most cases, responded to the victim with the services that the agency provides. In some cases the agency referred the clients to other agencies that could respond to other areas of need. Case studies are an excellent way to better understand how cases were being handled at the time of the survey.

Abuse Report Form

M. _____ W. _____
First Name Last

I. Information on Victim

A. Age at time of incident 82
Sex M
Race or ethnic group caucasian
Religion unknown
Economic status high
Who resides at the same address girlfriend

B. Physical Abuse Sustained

<input checked="" type="checkbox"/> none	<input type="checkbox"/> bone fracture
<input type="checkbox"/> bruises, welts	<input type="checkbox"/> direct beating
<input type="checkbox"/> sprains dislocations	<input type="checkbox"/> lack of personal care
<input type="checkbox"/> malnutrition	<input type="checkbox"/> lack of food
<input type="checkbox"/> freezing	<input type="checkbox"/> medicine withheld
<input type="checkbox"/> burns, scalding	<input type="checkbox"/> no medicine purchased when prescribed
<input type="checkbox"/> abrasions, lacerations	<input type="checkbox"/> no false teeth when needed
<input type="checkbox"/> wounds, cuts, punctures	<input type="checkbox"/> no hearing aid when needed
<input type="checkbox"/> internal injuries	<input type="checkbox"/> no glasses when needed
<input type="checkbox"/> dismemberment	

Comments _____

C. Psychological Abuse Sustained

verbal assault
 threat
 fear

D. Material Abuse Sustained

theft of money or property
 misuse of money or property
 other trying to get him to sell his property

E. Violation of Rights

- forced from home
- forced into nursing home
- forced social isolation
- other _____

F. Rating of Environment

- dirt in house
- vermin in house
- inadequate heat
- smell of urine
- no food in house
- other _____
- none

G. Degree of Physical Impairment

- bedridden
- cannot perform basic personal hygiene without help, bathing, toilet
- cannot prepare own food
- cannot take own medicine
- none

II. Information on Abuser

A. Relationship to victim girlfriend

Age at time of incident 62
Sex _____
Religion unknown
Race or ethnic group caucasian
Economic status low
Occupation on disability
Does the abuser live with the victim? Yes No

B. What led to this mistreatment as far as you know?

She wants his money

1. Is alcohol a problem in this situation? no

C. Has this mistreatment happened before?

no 4 or more times

once

2 or 3 times

III. Reporting of Incident

A. How did you know about the case?

self report

private medical M.D.

hospital or clinic

police

public social service agency

private social service agency (nursing home)

public health

other by ongoing therapy

B. Did the victim ever attempt to seek help? no

What help? _____

C. Action taken (what did you do for this case?)

Provide mental health services

D. Additional comments:

E. Violation of Rights

- forced from home
- forced into nursing home
- forced social isolation
- other _____

F. Rating of Environment

- dirt in house
- vermin in house
- inadequate heat
- smell of urine
- no food in house
- other _____

G. Degree of Physical Impairment

- bedridden
- cannot perform basic personal hygiene without help, bathing, toilet
- cannot prepare own food
- cannot take own medicine
- none

II. Information on Abuser

- A. Relationship to victim husband
- Age at time of incident 62
- Sex _____
- Religion unknown
- Race or ethnic group native
- Economic status middle
- Occupation laborer
- Does the abuser live with the victim? Yes No

- B. What led to this mistreatment as far as you know?
- Gets angry when drinking, fighting.
- _____
- _____
1. Is alcohol a problem in this situation? yes

C. Has this mistreatment happened before?

- no 4 or more times
 once
 2 or 3 times

III. Reporting of Incident

A. How did you know about the case?

- self report
 private medical M.D.
 hospital or clinic
 police
 public social service agency
 private social service agency (nursing home)
 public health
 other _____

B. Did the victim ever attempt to seek help? yes
What help? Admission to Pioneer Home.

C. Action taken (what did you do for this case?)
Helping her to get a divorce and assist with Pioneer Home admission.

D. Additional comments:

Conclusions and Recommendations

From the study done by A.C.M.H.C. several conclusions and recommendations can be made. Most results are similar to the national statistics, but there are some differences.

The abused elder in the Anchorage area is most likely to be a White, low-income woman over 70. She lives with an adult child or family member. A person in Anchorage is more likely to be physically independent than the national counterpart. The abuser is apt to be a middle aged White, low-income woman. In a sense, she is a victim of her situation. In many cases she is experiencing stress due to crowded living conditions, inadequate income, health problems, ignorance about services and feeling as if she is parenting a parent.

These stresses can result in many kinds of abuse. Physical mistreatment is clearly acknowledged as abuse. The results of physical abuse are more obvious and often deemed more serious than the results of other types of abuse. Psychological abuse may be less obvious but it is no less damaging to the elderly person. Cases of psychological abuse were sited far more frequently than other types. All 20 agencies reported cases involving some form of psychological abuse. Of the 75 cases of elder abuse, 70% involved this abuse.

The dependence of elderly people on others leaves their financial affairs open to misuse and theft. Because some elderly feel as if they are a burden or they may be left alone, they do not always move to remedy a case of economic abuse. In Alaska, the existence of the longevity bonus, native claims settlement payments and a high incidence of alcohol abuse make elders prime candidates for financial exploitation by caretakers.

Alcohol as a contributing factor to elder abuse is much greater than in other areas of the United States. Alcohol abuse is not limited to the

abuser. In some cases the elder abuse victim misuses alcohol and in other situations it is family-wide. A.C.M.H.C. as well as other service providers feel that this possibility should be considered when providing services to abused elders and caretakers.

Agencies surveyed believe that there are some things that can be done that would help them deal more effectively with the problem of elder abuse. A list of these actions follows:

1. An elder abuse mandatory reporting law.
2. Improving low-income housing opportunities for the elderly.
3. Beginning an adult day care center in the Anchorage area.
4. Some provisions for in-home respite care.
5. More staff for protective services.

There was one major problem in doing a study of this nature in Alaska. The group studies is age 60 and older. The older native population has a gap in that age group because many of that generation died during the tuberculosis epidemic. There is a lack of information concerning elder native Alaskans because of this factor.

Though some conclusions about abusers and victims can be made, these people come from any race, social or income group. The elder abuse cases given to the A.C.M.H.C. are only a few of the cases that enter the social service system. The real numbers are still to be discovered. Through a pilot project, A.C.M.H.C. is launching a concentrated program of public education. We hope to encourage a public awareness that will foster voluntary reporting by service providers and the general public. We are far from solving the problems of elder abuse, but by using some of the same methods used by child abuse researchers in the 1960's we hope to gain a better understanding of and form a methodology for dealing with the serious social problem of elder abuse.

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APPENDIX A
ELDER ABUSE REPORTING FORM

Abuse Report Form

First Name

Last

I. Information on Victim

- A. Age at time of incident _____
Sex _____
Race or ethnic group _____
Religion _____
Economic status _____
Who resides at the same address _____

B. Physical Abuse Sustained

- | | |
|-------------------------------|--|
| _____ none | _____ bone fracture |
| _____ bruises, welts | _____ direct beating |
| _____ sprains dislocations | _____ lack of personal care |
| _____ malnutrition | _____ lack of food |
| _____ freezing | _____ medicine withheld |
| _____ burns, scalding | _____ no medicine purchased when presented |
| _____ abrasions, lacerations | _____ no false teeth when needed |
| _____ wounds, cuts, punctures | _____ no hearing aid when needed |
| _____ internal injuries | _____ no glasses when needed |
| _____ dismemberment | |

Comments _____

C. Psychological Abuse Sustained

- _____ verbal assault
_____ threat
_____ fear

D. Material Abuse Sustained

- _____ theft of money or property
_____ misuse of money or property
_____ other _____

E. Violation of Rights

- forced from home
- forced into nursing home
- forced social isolation
- other _____

F. Rating of Environment

- dirt in house
- vermin in house
- inadequate heat
- smell of urine
- no food in house
- other _____

G. Degree of Physical Impairment

- bedridden
- cannot perform basic personal hygiene without help, bathing, toilet
- cannot prepare own food
- cannot take own medicine
- none

II. Information on Abuser

- A. Relationship to victim _____
Age at time of incident _____
Sex _____
Religion _____
Race or ethnic group _____
Economic status _____
Occupation _____
Does the abuser live with the victim? Yes _____ No _____

- B. What led to this mistreatment as far as you know?

1. Is alcohol a problem in this situation? _____

C. Has this mistreatment happened before?

- no 4 or more times
 once
 2 or 3 times

III. Reporting of Incident

A. How did you know about the case?

- self report
 private medical M.D.
 hospital or clinic
 police
 public social service agency
 private social service agency (nursing home)
 public health
 other _____

B. Did the victim ever attempt to seek help? _____
What help? _____

C. Action taken (what did you do for this case?)

D. Additional comments:

APPENDIX B

LETTER TO PHYSICIANS AND CLINICS



Dear Doctor:

During the last few months Anchorage Community Mental Health Center has been researching the problem of elder abuse in the Anchorage area. We are very interested in any experience you may have had with your patients or their families. The information is purely for research purposes. Names are not necessary and all reports are confidential.

We are using the definition used by Marilyn R. Block and Janice L. Davidson in their study The Battered Elder Syndrome.

Abuse refers to one or more of the following acts:

physical abuse, including direct beatings, lack of food, lack of medical care, and lack of supervision;

psychological abuse, including verbal assault, threat, fear and isolation;

material abuse, including theft or misuse of money or property and

violation of rights, including forced removal from home, or forced entry into a nursing home.

When you are searching your mind for cases that you believe may qualify as elder abuse, keep in mind that the age we are referring to is 60 or older. These are people who are in some way dependent on a son, daughter, or other relative or caretaker.

Any response or comment by you is considered essential to this study. Please call me by August 21, 1981 at A.C.M.H.C. 276-5400.

Teri Spires
Research Specialist

MAE - (Monday)

CSHB 192 - PROTECTION of

Elderly IS READY - WE

could squeeze it in next

FRIDAY MARCH 25^B if you

WANT to schedule it

ANNOUNCE today & I'll

hand out copies

HOUSE HEALTH, EDUCATION & SOCIAL SERVICES
STANDING COMMITTEE
March 21, 1983
1:11 p.m.

Members Present: Rep. Tischer, Co-Chair
Rep. Fritz, Co-Chair
Rep. M. Miller, Vice-Chair
Rep. Koponen
Rep. Davis

Members Absent: Rep. Cato
Rep. Goll

COMMITTEE CALENDAR

CSSB 96: "An Act reducing a FY 83 appropriation and making a special appropriation to the Department of Health and Social Services for hepatitis-B inoculations; and providing for an effective date."

HB 192: "An Act relating to protection of the elderly.
WORKSESSION

WITNESS REGISTER

Dr. E.S. Rabeau
Director
Division of Health & Social Services
Pouch H-06
Juneau, Alaska 99811
465-3090

Position Statement: Stated the Department's support for CSSB 96; urged quick passage of the bill.

Rep. Clocksin
District 12-B
State Capitol Building
Pouch V
Juneau, Alaska 99811
465-3704

Position Statement: Testified in favor of HB 192; proposed numerous amendments to HB 192.

PREVIOUS ACTION

CSSB 96: First Reading - 3/9/83

Committee Referrals - HESS and Finance
Committees.

No previous action in HESS.

HB 192:

First Reading - 2/11/83

Committee Referrals - HESS and Finance
Committees.

See HESS minutes of March 14, 1983.

ACTION NARRATIVE

TAPE#20
Recording
Number 0001

Co-Chair Tischer called the meeting to order at 1:11 p.m. Representatives Fritz, M. Miller and Koponen were present. Representative Davis arrived at 1:22 p.m. Representatives Cato and Goll were excused due to illness. Co-Chair Tischer announced the committee calendar and then called for testimony on CSSB 96.

Number 0038

Dr. E.S. Rabeau, Department of Health & Social Services, said the the Department supports CSSB 96, which causes a delete-add appropriation from the surplus funds. Dr. Rabeau urged quick passage of the bill in order to prevent pulling money from other funds to cover testing and vaccinating activities which have already begun.

Number 0070

Dr. Rabeau explained that the money involved in implementing CSSB 96 would come from surplus funds not the permanent fund.

Number 0121

Rep. Fritz moved to pass CSSB 96 out of committee with a do pass recommendation. There being no objection, the motion passed.

Number 0137

General discussion regarding Hepatitis-B vaccinations and testing.

Number 0155

Co-Chair Tischer read the names of individuals available for questioning during the work session on HB 192 and invited Rep. Clocksin, sponsor of HB 192, to address the committee.

Number 0180

Rep. Clocksin testified in favor of HB 192; spoke to proposed HB 192 amendments. Rep.

Clocks in supported deleting the word "employees" on Page 2, Line 2 and adding subsections (11) Village Public Safety Officers, (12) Emergency Medical Technicians and Mobile Intensive Care Paramedics, (13) persons under Homemaker and Home Health Aide Programs to Page 2 after Line 9.

Number 0227

Rep. Tischer questioned the inclusion of "conservators" on Page 2, Line 4. Rep. Clocksin explained that conservators are appointed and thereby responsible by law for the protection and care of one unable to care for him or herself.

Number 0254

Rep. Clocksin reported that physicians assistants are also required to report elder abuse under HB 192.

Number 0263

Rep. Clocksin pointed out the necessity of carrying over previous amendments to Page 3, Section (e) to include "Village Public Safety Officers". Rep. Clocksin also favored eliminating the requirement of a "reasonable effort" on Page 3, Line 13 and substituting the following language change: The department shall personally interview the elderly person during the investigation unless the person is unconscious or otherwise physically or mentally impaired to such an extent as to be unable to respond to questions.

Number 0290

Rep. Clocksin recommended deleting the phrase "that is certified by the state" on Page 5, Line 1.

Number 0332

After discussion regarding the question of privilege, Rep. Clocksin responded that privilege is designed for doctor-patient confidentiality and informed the committee that the Senate deleted the entire privilege section (47.24.075). Rep. Clocksin suggested adding the following language instead: The physician-patient privilege and psychotherapist-patient privilege are waived to the extent that AS 47.24.010 and 020 require reporting of abuse, neglect or abandonment. Dr. Fritz agreed with the intention to waive the privilege for the purpose of reporting the abuse only.

Number 0362

Discussion regarding child abuse laws and reporting mandates. Rep. Tischer suggested

comparing child abuse laws with HB 192 in order to promote uniformity.

- Number 0370 Rep. Clocksin spoke in favor of changing the definition of abuse by inserting "requiring medical treatment" after "anguish" and deleting the phrase "by a caretaker" on Page 5, Line 23.
- Number 0436 Rep. Clocksin's amendment was submitted with the intent that "requiring medical treatment" apply only to "mental anguish".
- Number 0454 Rep. Clocksin supported deleting "by an elderly person or" on Page 6, Line 10.
- Number 0470 Rep. Clocksin testified in opposition to a proposed amendment which would add "willful" before the word "deprivation" on Page 5, Line 23. Rep. Clocksin explained that the purpose of that definition relates to reporting abuse not determining its criminal nature.
- Number 0509 According to Rep. Clocksin, there are 3 possible courses of action under HB 192; criminal prosecution, investigation by the department and subsequent provision of protection services, and the decision that the claim is unfounded.
- Number 0553 In response to Rep. Tischer's stated concerns with unnecessary program expansion and false reports of abuse, Rep. Clocksin explained the bill's minimal fiscal impact and stated that new services will be provided only when justified by statistics. As such, he asserted that HB 192 requires and provides for documentation.
- Number 0580 Discussion regarding the need for HB 192. Rep. Clocksin cited an Anchorage study on elder abuse and the many unreported cases.
- Number 0600 Rep. Clocksin mentioned a Senate proposal which mandates reporting all elder abuse to the prosecutor in the Department of Law. Rep. Clocksin said he had no position on the proposal; however, he expressed concern with unnecessarily burdening the prosecutor with too many reports.
- Number 0650 General discussion about regulation changes.

number 0672 Rep. Davis moved to amend HB 192 as proposed by Rep. Clocksin. Co-Chair Tischer asked Rep. Davis to withdraw his motion and suggested letting staff members draw up a Committee Substitute for the committee's review. Rep. Davis withdrew the motion.

Number 0696 Rep. M. Miller moved to insert "willful" before "deprivation" on Page 5, Line 23, and then withdrew his motion. Rep. M. Miller then moved to insert "intentional" before "deprivation" on Page 5, Line 23. Rep. Davis objected.

Number 0708 Rep. Tischer called for a roll call vote on the motion. The motion to insert "intentional" passed by a vote of 3 to 2. HESS Committee staff was then instructed to draft a Committee Substitute for HB 192 to address amendments proposed by Rep. Clocksin.

Number 0725 Discussion regarding Section 47.24.075.

Number 0750 General discussion about the definition of an elderly person on Page 6, Line 3.

Number 0790 Rep. M. Miller moved to amend the 60-year age requirement to 65 years of age. Discussion followed.

Number 0851 Co-Chair Tischer moved the previous question. The motion to change "60" to "65" on Page 6, Line 3 passed by a 3 to 2 vote.

Number 0874 Rep. Tischer commented on definitions of mental health and read the definition of neglect under child abuse laws.

Number 0891 Rep. M. Miller expressed concern over the definition of mental anguish.

Number 0944 Rep. Fritz requested information on elder abuse laws in other states.

Number 0980 The committee discussed the fiscal note for HB 192.

Number 1013 Rep. Tischer commented on reasonable cause. Discussion led to the conclusion that reasonable cause is already identified by law, consequently it is not necessary to include it in HB 192.

Number 1023

The meeting adjourned at 2:45 p.m.

HOUSE HEALTH, EDUCATION & SOCIAL SERVICES
STANDING COMMITTEE
March 14, 1983
1:00 p.m.

Members Present: Rep. Fritz, Co-Chair
Rep. Tischer, Co-Chair
Rep. M.W. Miller, Vice-Chair
Rep. Cato
Rep. Goll
Rep. Davis

Members Absent: Rep. Koponen

COMMITTEE CALENDAR

HB 117: "An Act relating to sexual abuse of a
minor."
HB 107: "An Act relating to the right to a natural
death."
HB 192: "An Act relating to protection of the
elderly."

WITNESS REGISTER

Rep. Clocksin
State Capitol Building
Pouch V
Juneau, Alaska 99811
465-3704
Position Statement: Sponsor of HB 107 and HB 192.

Dr. Rodmar Wilson
Department of Health & Environmental Protection
Box 6-650
Anchorage, Alaska 99502
264-4621
Position Statement: Agreed with the concept of not prolonging
death; said that HB 107 would be meddlesome;
disapproved of HB 107 because of the
possibility of a patient changing his/her
mind.

Prent Gazaway
1521 W. 14th
Anchorage, Alaska 99501
277-2073
Position Statement: Urged quick passage of HB 107; stated
support for HB 192.

Delcey Kinny
Alaskans for Life
9118 Nagoon
Juneau, Alaska 99801
789-0683

Position Statement: Testified against HB 107; explained her opposition to the living will concept.

Florence Orr
3000 E. 15th Avenue
Anchorage, Alaska 99501
279-3001

Position Statement: Said the living will has been a legislative priority of the Older Persons Action Group for 2 years.

Irene Hedstrom
1521 N. Street
Anchorage, Alaska 99501

Position Statement: Supported HB 107; disagreed with prolonging life when no hope for recovery exists.

Lola Reed
831 W. 19th
Anchorage, Alaska 99503
279-3006

Position Statement: Testified in favor HB 107; asserted that HB 107 grants people the right to choose a natural death.

Theodore Grahm
Chugiak Senior Center
Chugiak, Alaska
688-2677

Position Statement: Stated that Chugiak senior citizens support HB 107; endorsed the passage of HB 192.

Pasquale M. Benigno
9715 Trapper's Lane
Juneau, Alaska 99801

Position Statement: Spoke against HB 107; argued that people already have the right to a natural death.

Virginia Blanchard
923 W. 11th Avenue
Anchorage, Alaska 99501
276-3075

Position Statement: Supported HB 107; reminded previous witnesses that participation in the program is voluntary.

Dr. E.S. Rabeau
Division of Public Health
Department of Health & Social Services

Pouch H-06
Juneau, Alaska 99811
465-3090

Position Statement: Testified that the Department supports the intent of HB 107; agreed that the bill addresses patients' rights.

Dove M. Kull
Older Alaskans Commission
326 4th Street
Juneau, Alaska 99801
586-2670

Position Statement: Supported passage of HB 107; testified to the immediate need for HB 192.

Mary Horton
2516 Scott Drive
Juneau, Alaska 99801
789-9222

Position Statement: Contested the need for HB 107.

Lou Osmond
Pioneers Home
923 W. 11th Avenue
Anchorage, Alaska 99501
276-3414

Position Statement: Spoke in favor of HB 107.

Leona Pfisterer
Pioneers Home
923 W. 11th Avenue
Anchorage, Alaska 99501
276-3414

Position Statement: Approved HB 107; testified to the emotional and practical costs of keeping people alive with extraordinary means.

Margot Dick
Juneau Elder Abuse Task Force
419 6th Street
C.C.S. Wing
Juneau, Alaska 99801
586-6233

Position Statement: Supported HB 192; presented an overview of Task Force recommendations.

Charles Mundorf
Alaska Community Mental Health Center
120 E. 4th Street
Anchorage, Alaska 99501
276-5400

Position Statement: Testified to the need for HB 192.

Elizabeth Muktarian

Department of Health & Social Services
Pouch H05
Juneau, Alaska 99811
465-3208

Position Statement: Spoke for the Department in favor of passing HB 192; recommended amending the definition of abuse on Page 5, Lines 22-25 of Sec. 47.24.100.

Tom Scott
1135 W. 8th, #7
Anchorage, Alaska 99501
274-3651

Position Statement: Recommended amending the list of health care providers in HB 192.

Dennis Murray
Senior Citizens of Kodiak
Box 315
Kodiak, Alaska 99615
486-6181

Position Statement: Supported HB 192; said it heightens awareness of elder abuse and provides a mechanism for dealing with the problem.

Dennis DeWitt
Alaska State Hospital Association
319 Seward
Juneau, Alaska 99801

Position Statement: Presented recommendations for possible amendments to HB 192; called attention to possible problems with multiple reporting and the privilege clause.

Barbara McPherson
Older Alaskans Commission
Pouch C
Juneau, Alaska 99803
465-3250

Position Statement: Stated the commission's support for passage of HB 192; recommended adding the word "willful" to the definition of abuse; supported previous comments on multiple reporting and the privilege clause.

Beth Bishop
Southeast Senior Services
4181 6th Street
C.C.S. Wing
Juneau, Alaska 99801
586-6233

Position Statement: Supported HB 192 and language changes addressing the possibility of multiple reporting; disapproved of adding "willful"

to the definition of abuse.

Rosemary Haffner
615 H Street
Anchorage, Alaska 99501
272-9431

Position Statement: Conveyed support of the Ombudsman for HB 192; opposed adding "willful" to the definition of abuse; stated that multiple reporting could be addressed through regulations.

PREVIOUS ACTION

HB 117: 1/26/83 - First Reading.

Committee referrals - HESS, Judiciary, Finance and Rules Committees.

See HESS minutes of February 9 and 28, and March 11, 1983.

HB 107: 1/21/83 - First Reading.

Committee referrals - HESS, Judiciary and Rules Committees.

No previous action in HESS Committee.

HB 192: 2/11/83 - First Reading.

Committee referrals - HESS, Finance and Rules Committees.

No previous action in HESS Committee.

ACTION NARRATIVE

TAPE#18
Recording
Number 0001

Co-Chair Fritz called the meeting to order at 1:00 p.m. Representatives Tischer, M.W. Miller, Cato and Goll were present. Representative Davis arrived at 1:25 p.m. Co-Chair Fritz announced the committee calendar and cited HB 117 as the first order of business.

Number 0030

Rep.M.W. Miller moved to postpone action on HB 117 until further notice. There being no objection, the motion passed.

- Number 0035 Co-Chair Fritz opened the floor to testimony on HB 107. Rep. Clocksin, sponsor of HB 107, explained that HB 107 gives legal recognition to the rights of the terminally ill and establishes a procedure for the declaration of will form. Rep. Clocksin dispelled possible arguments about the religious significance of the bill; stated that all surveyed religions support the right to a natural death.
- Number 0100 Rep. Clocksin then testified as the sponsor of HB 192. Rep. Clocksin explained that the bill applies only to physical abuse of the elderly and requires the victim's consent before beginning an investigation. Rep. Clocksin informed the committee about elder abuse in Alaska and referred to the limited fiscal implications of HB 192.
- Number 0162 Dr. Rodmar Wilson, Department of Health and Environmental Protection, spoke against HB 107; stated that the bill was meddlesome. Dr. Wilson expressed sympathy with the concept of not prolonging death, but disagreed with HB 107 because doctors can not accurately predict when death will occur and patients may change their minds after signing living wills.
- Number 0291 Rep. Goll pointed out that patients can revoke their statements.
- Number 0377 Prent Gazaway, Anchorage citizen, stated his belief that HB 107 meets the wishes of senior citizens associations and gives people freedom. Mr. Gazaway urged a quick passage of HB 107 and also stated his approval of HB 192.
- Number 0426 Delcey Kinny, Alaskans for Life, stated AFL's opposition to HB 107 and the living will concept. Ms. Kinny argued that the right to a natural death already exists, and that living wills cause havoc in the doctor - patient relation and underwrite the rights of those who do not sign. In addition, Ms. Kinny spoke against State involvement with a person's decision regarding death.
- Number 0546 Florence Orr, Older Persons Action Group, stated that the living will has been a APAG legislative priority for 2 years; asserted that the previous witness was confused about

peoples' rights.

- Number 0582 Irene Hedstrom, Pioneers Home, supported HB 107; said that most people at the Pioneers Home are not afraid of death, but are afraid of prolonging death through the use of machines especially when no hope for recovery exists; cited the burden to the individual, family and Medicare.
- Number 0632 Lola Reed testified in favor of HB 107; stated that the right to a natural death is an issue of personal choice. Ms. Reed asserted that HB 107 grants people that choice.
- Number 0662 Theodore Graham, Chugiak Senior Center, stated that Chugiak senior citizens support HB 107.
- Number 0678 Pasquale Benigno spoke against HB 107; argued that people already have the right to die without the use of extraordinary means.
- Number 0701 Rep. Coll asserted that currently doctors who "pull the plug" in response to a patient's request can be charged with a criminal offense.
- Number 0736 Virginia Blanchard supported the right to a natural death; stated that people do not have to participate in the program; asserted her intention to sign a living will if the bill passes.
- Number 0755 Dr. Rabeau, Department of Health & Social Services, stated that the Department supports the intent of HB 107; said that the bill addresses the rights and wishes of patients.
- Number 0779 Dove M. Kull, Elder Alaskans Commission, said she believes in the right to die with dignity and wants for the world to let her go when she is ready; supported passage of HB 107.
- Number 0797 Mary Horton contested the need for HB 107; said the right to a natural death is already an inalienable right under the constitution.
- Number 0851 Lou Osmond supported HB 107; said she does not wish to use a life support system nor to wait around for relatives to decide whether

- or not she will be allowed to die.
- Number 0893 Leona Pfisterer spoke in favor of approving HB 107; testified that keeping people alive with extraordinary means is too costly in terms of emotions as well as money.
- Number 0917 There being no further witnesses to testify on HB 107; Co-Chair Fritz opened the floor to testimony on HB 192.
- Margot Dick, Juneau Elder Abuse Task Force, supported HB 192 for the Task Force; presented an overview of their recommendations for amending HB 192.
- Number 1020 Charles Mundorf, Alaska Community Mental Health Center, testified to the need for HB 192. Mr. Mundorf informed those present of the recent documentation of 75 cases of physical abuse of elders in Anchorage and the widespread problem of psychological abuse of the elderly. He also stated that currently reporting of abuse is poor.
- Number 1068 Discussion regarding the verification of psychological abuse.
- Number 1084 Elizabeth Muktarian, Department of Health & Social Services, conveyed the Department's recommendation to pass HB 192. Ms. Muktarian acknowledged the growing awareness of elder abuse and asserted that the procedures outlined in HB 192 are in accordance with departmental policies. Ms. Muktarian said the Department recommends amending the definition of abuse on Page 5, Lines 22-25 of Section 47.24.100 to read the "willful deprivation".
- Number 1130 Tom Scott, Emergency Medical Services in Anchorage, recommended amending the HB 192 list of health care providers to include EMS paramedics and Emergency Medical Technicians.
- Number 1145 Theodore Graham, Chugiak Senior Center, endorsed the passage of HB 192.
- Number 1150 Dove Kull, Older Alaskans Commission, stated her awareness of the psychological and economic abuse of elders; said she knows of people who are in need of the bill's protection now.

- Number 1173 Dennis Murray, Senior Citizens of Kodiak; supported HB 192 as an individual; said the bill heightens awareness of the problem and gives a mechanism to deal with the problem. Mr. Murray stated he sees more psychological and economic abuse as a professional than physical abuse, but agreed that HB 192 is at least a beginning.
- Number 1187 Dennis DeWitt, Alaska State Hospital Association, recommended requiring only those who are trained to report abuse under the law, further defining "verifying", and preventing the possibility of multiple reporting. Mr. DeWitt also suggested that the patient-physician privilege clause is open to misinterpretation and should therefore be reviewed.
- Number 1266 Barbara McPherson, Older Alaskans Commission, said the commission urges passage of HB 192 to provide protection for the elderly; recommended inserting the word "willful", and mandating that the victim be contacted before beginning an investigation. Ms. McPherson also stated support for the previous remarks on the privilege clause and multiple reporting.
- Number 1297 Rep. Tischer requested statistics on abuse of the elderly. Ms. McPherson said accurate statistics are not available because of the lack of mandatory reporting in Alaska.
- Number 1314 Beth Bishop, Southeast Senior Services, supported HB 192 and language changes to address the possibility of multiple reporting; informed the committee that 90% of abusers repeat and that reporting abuse is very difficult especially in small towns. Ms. Bishop supported the Juneau Task Force recommendations; however, she disagreed with adding "willful" before "deprivation", suggesting it would be too difficult to prove.
- Number 1347 Rosemary Haffner, Alaska Legal Services - Attorney for Seniors, conveyed the support of the Ombudsman for HB 192; stated opposition to adding "willful"; suggested addressing the issue of poverty in some manner. Ms. Haffner asserted that multiple reporting could be addressed through regulations.

Number 1377

Co-Chair Fritz thanked the witnesses and observers for their participation and patience.

The meeting adjourned at 3:03 p.m.

SENATE JUDICIARY COMMITTEE

Meeting Minutes
May 9, 1983

ng was called to order by Chairman Ray at 1:35 p.m. All were present.

First order of business was the Committee Substitute (HESS) for Bill 122--Protection of the elderly, as to which Senator Ray announced that the bill was in the Senate Rules Committee when a problem arose with the term "mental anguish" in the definitions section, at page 5, line 27. Senator Josephson, one of the bill's prime sponsors, explained that he is fully aware of the problem and has no objections to deleting that term. Senator Ray concurred and then suggested that the term "economic exploitation" be added to cover the type of exertion of undue influence and economic coercion that was involved in the Groucho Marx case in California. Senator Pettyjohn, however, questioned the inclusion of this new term and concept and stated that it may create an unduly heavy burden in trying to enforce the legislation. Senator Pettyjohn also raised some questions about the procedures set forth in the bill and a discussion was had on these points with Senators Ray and Josephson joining therein.

Dove M. Kull, a member of the Older Alaskans Commission, testified in favor of the bill, emphasizing that the lack of statutory authority is the biggest hindrance to states being able to assist abused elderly persons and that many other states have enacted or are considering enacting similar legislation.

Beth Bishop, with Southeast Senior Services, testified in favor of the bill, focusing on the types of problems encountered and the other types of programs that are also needed to adequately protect the abused elderly.

John Wolfe, Executive Director of the Older Alaskans Commission, testified in favor of the bill and offered to answer any questions the members of the Committee may have. Senator Eliason asked a question about the language at page 3, line 29, of the bill and Mr. Wolfe responded by explaining the basic purpose and intent of the language.

By concurrence of a majority of the members of the Committee, it was agreed that the bill will be amended (and the amendments will be incorporated into a new committee substitute) so that the term "economic harm" will be inserted wherever appropriate and will be defined as "intentional economic exploitation by theft, fraud and coercion." Also, as previously agreed, the term "mental anguish" will be deleted from the definition section, at page 5, line 27.

Senator Eliason asked a question about the language at page 3, line 8, regarding immunity for reporting instances of harm to the elderly and why these provisions are necessary. A discussion was had on this point

CORRECTION

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SENATE JUDICIARY COMMITTEE

Meeting Minutes
May 9, 1983

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Senator Eliason asked a question about the language at page 3, line 8, regarding immunity for reporting instances of harm to the elderly and why these provisions are necessary. A discussion was had on this point

with Senator Josephson joining therein and pointing out that the provisions in question merely parallel what has been done in the child abuse area and only provide a qualified immunity because a good faith requirement is built into the bill.

Senator Pettyjohn asked why mentally and physically handicapped persons aren't included in the bill and a discussion was had on this point with Senators Ray, Josephson and Ziegler joining therein, whereupon Senator Josephson moved that the bill, as amended (with the amendments incorporated into a new committee substitute) pass out with individual recommendations. Senators Ray, Josephson, Ziegler and Eliason voted Do Pass. Senator Pettyjohn voted No Recommendation.

The second order of business was the proposed committee substitute (Berrier draft dated 5/7/83) for Senate Bill 257--Legislative ethics, as to which Senator Ziegler stated that it is the worst piece of legislation he has ever seen and that he has the following specific objections to it regarding which discussion was had wherein all Committee members participated:

The provisions starting on page 3, line 21 relating to fundraisers;

The provisions of section 24.60.080 on page 6 relating to gifts;

The provisions of section 24.60.100 on page 7 relating to representation;

The provisions of section 24.60.110 on page 7 relating to having to resign a conflicting position as it applies to an attorney legislator who is under an ethical duty not to withdraw from a case unless his client consents.

Senator Josephson concurred with Senator Ziegler's concerns about the fundraisers provisions and pointed out that they shouldn't apply to a legislator who is trying to raise funds for anything other than legislative campaigns; i.e., the prohibition shouldn't apply to a legislator who wants to run for statewide or congressional office. Therefore, Senator Josephson suggested that the word "legislative" be added in front of the phrase "campaign purposes" on page 3, line 24, of the proposed committee substitute.

Senator Pettyjohn stated that forcing legislators to hold fundraisers in their own district during session is too restrictive; therefore, he moved that the proposed committee substitute be amended to only prohibit fund raisers in Juneau during session. In his motion Senator Pettyjohn also incorporated Senator Josephson's prior suggested language addition. The motion passed after a vote was taken wherein Senators Josephson, Ziegler and Pettyjohn voted in favor and Senators Ray and Eliason voted against.

Senator Fahrenkamp testified and raised several concerns about the bill in its present form, including:

Subsection (g) on page 3, relating to fundraisers; and

Section 24.60.080 on page 6, relating to gifts, as to which a lengthy discussion was had wherein all Committee members participated and Senator Josephson suggested that the language of that section be changed to alleviate Senator Fahrenkamp's concerns.

Senator Mulcahy then testified and also expressed concerns similar to Senator Fahrenkamp's regarding the gifts section, explaining that travel to remote areas to attend conferences and meetings regarding matters of legislative concern is very important to bush legislators, whereupon Senator Pettyjohn moved--and the motion passed without objection--that the following sentence be added at the end of section 24.60.080:

"A gift of travel and hospitality received by a member of the legislature in obtaining information on matters of legislative concern is not prohibited by this section."

Senator Ferguson then testified and proposed that the following language be page 3, line 17, of the proposed committee substitute:

"Food or foodstuffs indigenous to the state that are generally shared as a cultural or social norm."

A motion was made to adopt Senator Ferguson's suggested amendment and the motion passed without objection.

Senator Ray moved that in subsection (f) of section 20.60.030, dealing with conflicts of interest, the words "with approval of the legislature" be added immediately before the word "establish" on page 3, line 18 of the proposed committee substitute. The motion passed without objection.

Senator Josephson moved that CSSB 257, as amended (with the amendments incorporated into a new committee substitute) pass out with individual recommendations. Senators Ray, Josephson and Pettyjohn voted Do Pass. Senators Ziegler and Eliason voted No Recommendation.

The third and final order of business was the following new subcommittee assignments:

SB 26	Civil immunity for rendering services in response to hazardous materials emergencies	Eliason
SB 290	Transfer of forfeited aircraft to Alaska Wing, Civil Air Patrol	Ray
CSHE 290	Harming a police dog	Ziegler

There being no further business the meeting adjourned at 2:50 p.m.