

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5665 HOUSE HEALTH, EDUCATION & SOCIAL SERVICES

are almost always present in indoor air, vary over a wide range of concentrations among residential and office buildings. The variability depends primarily on the rate at which each pollutant is emitted into the indoor atmosphere. A home with vented heating and cooking appliances (and without smokers), for example, will ordinarily not have high concentrations of combustion products in the air. Similarly, measurements of radon concentrations done in 100 U.S. houses in the late 1970's showed that differences in the entry rate of the gas accounted for most of the variability in the concentrations among the houses.

It is now understood that radon enters houses in the air that is drawn from the underlying soil by small differences in air pressure between indoors and outdoors. These pressure differentials (amounting to no more than .0001 atmosphere) arise in part from the "stack" effect: the tendency for air to rise whenever it is warmer than the surrounding atmosphere. (The stack effect is the working principle of a chimney.) Hence whenever it is warmer indoors than outdoors, air tends to flow in through the lower part and out through the upper part of a building's shell (its substructure, walls and roof). It does this by "infiltrating" through various openings, particularly around windows and doors and penetrations for pipes and wiring. Winds blowing against a building can also produce similar pressure differences—and thus airflows—across the building's shell, although the airflows exhibit a pattern substantially different from the patterns produced by the stack effect. Only a small part of the infiltrating air actually comes from the soil, but this is what carries the radon into houses. The entry rate of the gas therefore depends on the permeability of the soil to airflow, along with other geologic, meteorologic and structural factors.

The bulk of the infiltrating air actually comes from the outdoor atmosphere and accounts for the general ventilation of small structures such as houses. (In contrast, large structures such as office buildings usual-

MICROORGANISMS found in ordinary household dust, such as mites (top), fungi (middle) and bacteria (bottom), are classified as indoor air pollutants because they can cause allergic reactions and other illnesses, as more familiar pollutants do.



ly rely on fans, air conditioners and ducts to provide ventilation.) A surprising amount of outdoor air manages to leak into a house by means of infiltration. In most houses outdoor air replaces the volume of indoor air every one to two hours.

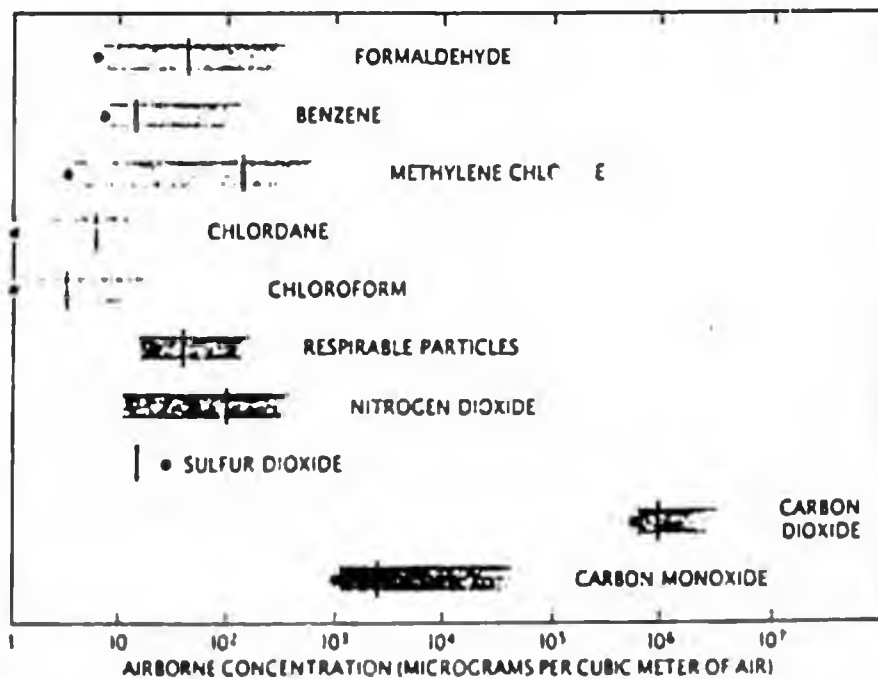
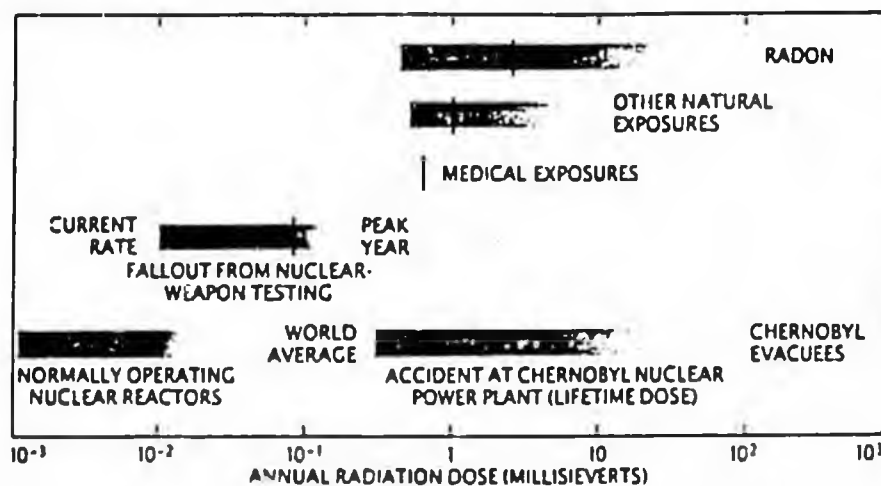
Such an exchange of air represents a constant energy "drain," since energy has to be expended to heat or cool the outdoor air as it replaces the indoor air. Consequently in the mid-1970's energy-conscious homeowners in the U.S. and elsewhere began to reduce infiltration by weather stripping, plugging openings in the building's shell and caulking around windows and doors. Studies indicate that these measures reduce ventila-

tion rates by roughly 10 to 30 percent, depending on how carefully the measures are implemented. While the modest decreases result in useful energy savings, the resulting changes in the concentrations of indoor pollutants are small compared with the ten- or hundredfold difference in concentrations observed between one house and another.

There is in addition a third factor that determines indoor pollutant concentrations: the rate at which a particular pollutant reacts with other airborne species or interior surfaces. Nitrogen dioxide, for example, is found to be removed from indoor air as much by such reactions as by ventilation. The chemical form and con-

centrations of radon's decay products (isotopes of polonium, lead and bismuth) also depend on the amount of airborne particles and the pattern of air movement in a particular building, influencing the radiation dose the products ultimately impart to the lungs when they are inhaled. Many other potentially important aspects of indoor-air chemistry remain virtually unexplored.

Taken together, the variability in entry rates, ventilation rates and reaction rates is the cause of an impressive range of concentrations for most indoor pollutants. No better example can be given than that of radon. In the U.S. concentrations in single-family houses vary over four orders of magnitude (factors of 10)—from a few becquerels per cubic meter of air to more than 10,000, with an average level of about 50 becquerels per cubic meter. (One becquerel is equal to one radioactive decay per second. Another common unit of measurement is the picocurie per liter, which is equal to 37 becquerels per cubic meter.) The average indoor level represents a radiation dose about three times larger than the dose most people get from X rays and other medical procedures in the course of their lifetime. Those exposed to higher levels receive proportionately higher doses. Indeed, hundreds of thousands of Americans living in houses that have high radon levels receive as large an exposure of radiation yearly as those people living in the vicinity of the Chernobyl nuclear power plant did in 1986, when one of its reactors exploded and released radioactive material into the environment.



INDOOR AIR-POLLUTION LEVELS (bars), measured in terms of radiation exposure due to radon (orange), concentrations of organic chemicals (blue) and concentrations of combustion products (green), span orders of magnitude (factors of 10). Furthermore, the average indoor levels (lines) are generally higher than the average outdoor levels (dots). Exposures from other sources of radiation (red) are shown for comparison.

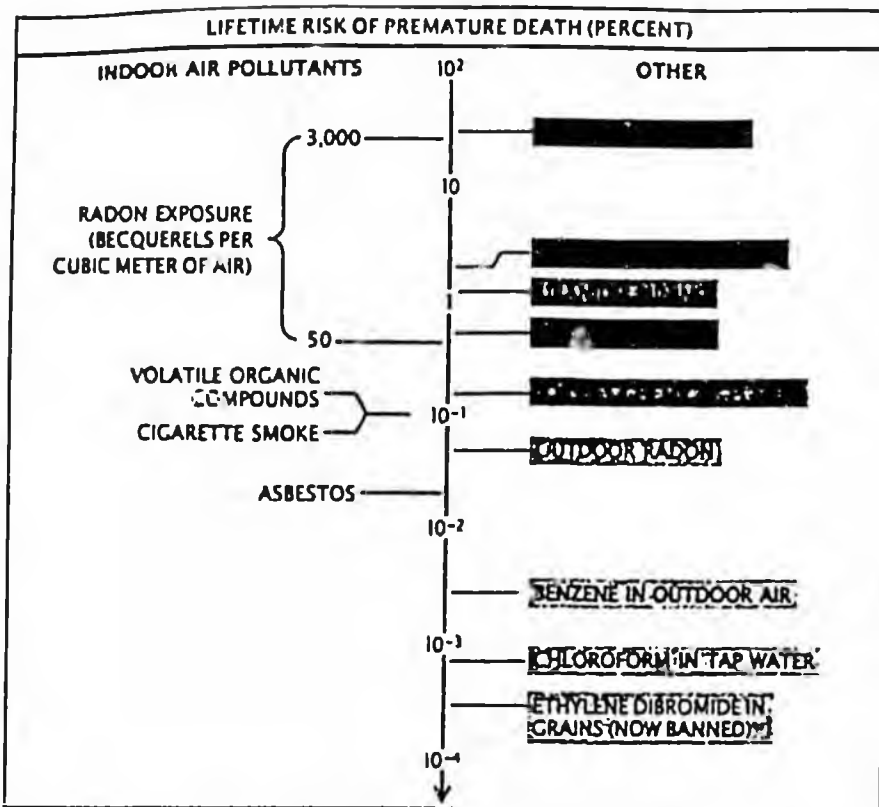
The wide range of pollutant types and concentrations entails a correspondingly wide range of health risks. Cigarette smoke, asbestos fibers, the decay products of radon, formaldehyde and many other organic chemicals are demonstrated or potential carcinogens. Most of these pollutants can also lead to chronic or acute diseases, such as respiratory infections and allergic responses, as can combustion products in general and a variety of indoor bacteria and fungi. Extremely high levels of carbon monoxide—a combustion product—can even result in immediate death. Yet only in a relatively few cases, such as acute allergic reactions or carbon monoxide poisoning, is there a clear-cut relation between a given exposure to an indoor pollutant and an associated health effect. More often than not a given instance

of respiratory disease or cancer cannot be directly attributed to a specific cause, environmental or otherwise.

Instead scientists study the occurrence of pollution-related diseases in heavily exposed groups (sometimes human beings but more often animals) in order to obtain probabilistic relations between exposures to pollutants and the chance that the diseases will appear in the general population. This approach provides the basis for estimating, albeit usually with substantial uncertainty, the risk of cancer and other diseases associated with the lower pollutant concentrations generally found in water and air, both indoors and outdoors.

In quantifying such health risks one must also consider the risk of suffering nonfatal diseases. Because these illnesses can occur with higher frequency, the overall risk they pose may be judged to be as important as, say, the risk of cancer. Yet it is difficult to treat all illnesses—fatal or otherwise—on a common basis; this would require an equivalence between days sick and days of life lost. It may also be inappropriate to do so, since acute illnesses such as allergic responses are immediately apparent to the sufferer, not merely hypothetical risks, as is the case with cancer.

In order to estimate the risks posed by indoor radon, for example, results from epidemiologic studies of underground miners who were exposed to high concentrations of radon's decay products are extrapolated to the lower exposures characteristic of a typical house. Based on these estimates, the average indoor concentration of radon in the U.S. corresponds to a chance of contracting lung cancer of about one in 250, or .4 percent, which would account for approximately 10,000 lung-cancer deaths per year in the country. Although the risk estimates for indoor radon exposure do have a degree of uncertainty, it is much less than for estimates of risk from other environmental-pollutant exposures, such as those from toxic chemicals, which are usually based on extrapolating doses and responses a thousandfold. In fact, no extrapolation is needed to estimate the health risks in houses with exceedingly high levels of radon. For example, people who have lived for 20 years in houses that have 1,000 becquerels of radon per cubic meter (which number in the tens of thousands in the U.S.) face an additional 2 or 3 percent chance of contracting lung cancer.



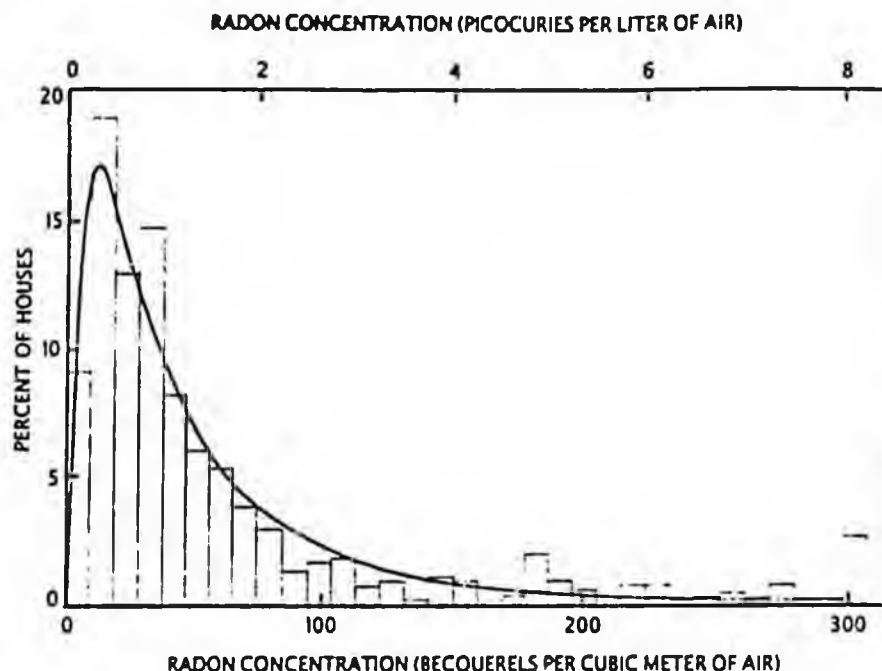
ESTIMATED PROBABILITY of suffering a fatal disease is substantially higher for exposure to indoor air pollutants (black) than for exposure to the pollutants in outdoor air, drinking water and food (pale red). The risk of death from exposure to indoor pollutants, however, is no more than that from certain voluntary activities (red), such as smoking, and occupational hazards (gray), such as those faced in mining uranium.

These figures are nothing short of remarkable. Pollutants in the outdoor environment are regulated so that the estimated risks of premature death from exposure to them are usually less than .001 percent. Indeed, just about the only environmental risks—at least for fatal disease—that are comparable to indoor radon arise from other indoor pollutants. Although the estimate is highly tentative, the risk of cancer arising from exposure to a wide range of organic chemicals in the indoor environment can be said to be about .1 percent. The risk of premature death due to typical exposures to asbestos is thought to be about .02 percent, with most of this risk resulting from indoor exposures. Both of these estimates require more than an order of magnitude greater extrapolation from epidemiologic or animal studies than the estimates of the risk associated with radon exposure. Finally, the risk of lung cancer attributed to breathing smoke from other people's cigarettes is estimated to be about .1 percent.

Yet the level of risk posed by pollutants at concentrations found in

doors is either in the same range as or lower than other risks that are accepted in exchange for some personal benefit. These risks include diseases caused by occupational exposures to toxic chemicals and work-related accidents as well as automobile accidents, which people are willing to accept—within reasonable bounds—in order to earn a salary or to have the convenience of personal transportation. The risk of death from automobile accidents, for example, averages about 2 percent in the U.S. People also seem willing to accept a .5 percent risk of dying in a fall or fire at home in return for the comfort of living indoors. Many are even ready to accept the 30 percent risk of premature death associated with smoking—a risk that is rivaled only by exposure to the highest indoor radon levels known—for the sake of personal pleasure.

How, then, can one approach the problem of indoor air pollution, which entails risks that exceed common "environmental" risks but not the risks people tacitly accept when driving, smoking or simply living



DISTRIBUTION OF RADON CONCENTRATIONS suggests that about 2 percent of the houses in the U.S. (numbering some one million) have concentrations greater than or equal to 300 becquerels per cubic meter of air, which is five times the average level.

In houses? Any overarching strategy for controlling the risks associated with indoor-pollutant exposures requires three basic, interdependent elements: a system of advisory or regulatory standards that determines the overall attack on the problem, a methodology for identifying the situations of greatest concern and a framework for selecting control techniques suited to each situation.

The underlying system of standards can take fundamentally different forms, depending on the objectives. One objective might be to control the average exposure of the entire population; a contrasting objective is to avoid extreme levels, thereby limiting individuals' risk of disease, fatal or otherwise. In any case, the objectives can be achieved by formulating standards that either control the factors affecting pollutant concentrations or establish limits on the concentrations themselves.

Actually both types of standard are applied in the control of outdoor pollution. The release of pollutants from automobiles and power plants, for example, has been controlled by standards that modify such factors as combustion processes. Concentration limits in turn are embodied in standards for outdoor air and water, which are meant to protect the population at large to a higher degree than individuals who are exposed to the same pollutants in the workplace.

Concentration limits for outdoor air usually apply to a large environmental region—an "air basin," such as that of Los Angeles—so that exposures are more or less consistently limited throughout a large population. Because conditions vary greatly from one building to another, a comparable approach to controlling indoor pollution would entail dealing with some 80 million air-quality-control "districts" in the U.S.—one for each building. As a result concentration limits for indoor pollutants are most effectively aimed at avoiding excessive individual exposure rather than controlling the average exposure of a population.

The fact that the indoor environment has significant inherent risks has to be recognized and near-term attention focused on the exceptional situations—including truly high levels of radon, organic chemicals or combustion products, as well as the occasional excessive levels of flaking asbestos and even house mites. This approach contrasts sharply with suggestions to limit formaldehyde concentrations to zero (within the limits of instrumental sensitivity) or to limit indoor radon concentrations to outdoor levels (about 10 becquerels per cubic meter of air). These proposals do not appear to recognize that the risks associated with average exposures to formaldehyde and radon are solidly within the range

of risks that are normally accepted.

Nevertheless, average exposures to indoor pollutants can also be gradually lowered as a long-term goal. This can be achieved by establishing standards that regulate the factors affecting indoor-pollutant concentrations. For this reason it is important to identify how source, ventilation and structural characteristics affect the concentrations. Such knowledge can be applied in the formulation of specific criteria for the design, fabrication and utilization of new buildings and furnishings that will ensure acceptable indoor air quality in the great majority of cases.

Studying the behavior of indoor pollutants also helps in the development of a methodology by which to identify buildings that have or are likely to have excessive pollutant levels. For example, knowledge that certain materials or appliances are often associated with high levels of organic pollutants or combustion emissions can lead to monitoring in buildings containing those products. Similarly, analysis of the general geologic, architectural and meteorologic factors affecting indoor radon concentrations might serve to identify regions where excessive levels are likely to occur.

Once a building has been identified as needing remedial action (whether it is already constructed or still in the planning stages), control techniques can be implemented. A number of control techniques have already been developed, corresponding roughly in both design and effectiveness to the fundamental factors affecting indoor concentrations. Given that the emission or entry rate is the primary determinant of concentration levels, measures to reduce pollutant sources provide the primary control—assuming that ventilation rates are in the normal range. Emissions of formaldehyde and other volatile organic substances, for instance, can be lessened by changing the way particle board, adhesives and other products are manufactured. Good burner and exhaust designs in heaters and cooking appliances can decrease the concentration of combustion products. Entry of radon from the ground can be diminished markedly by means of simple systems of pipes and fans that draw air from (or blow air on) the soil or gravel immediately under the substructure of a house.

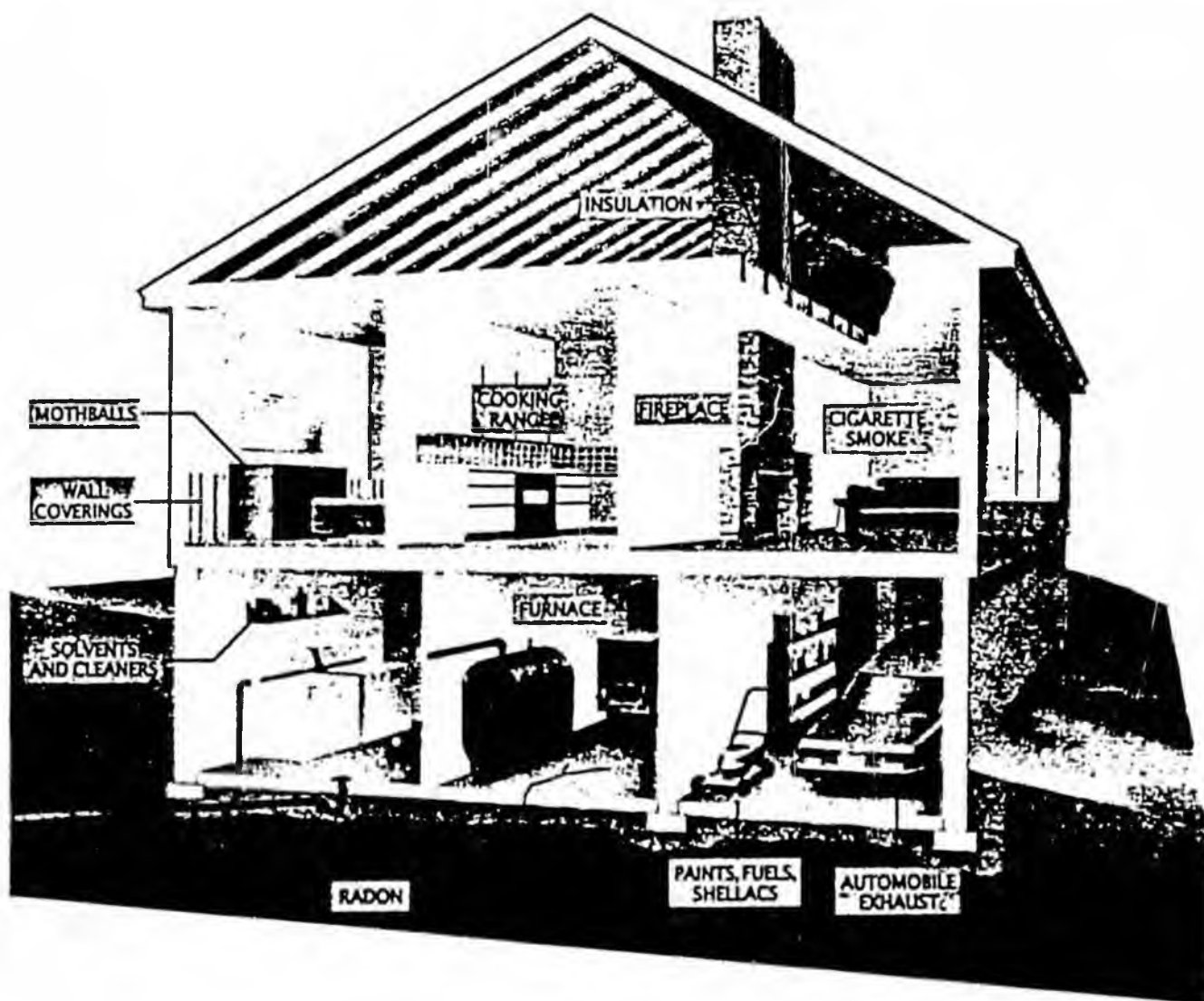
If it is determined that neither infiltration nor opening windows is suffi-

cient to ensure an adequate ventilation rate, mechanical systems can be installed. In large buildings these systems can be quite complex, designed to meet performance criteria that are often incorporated into building codes. In houses with little infiltration much simpler systems can be employed, such as a single exhaust fan. (To save energy the system can be designed so that exhaust and intake airstreams exchange heat.) Although infiltration and mechanical ventilation can provide a basic level of protection, they cannot be relied on to reduce pollutant concentrations substantially: the required increase in ventilation rate would ordinarily be more difficult and more costly to achieve than eliminating or

reducing the source of the pollutants. An alternative means of control might be to physically clean the air of airborne gases or particles. This approach suffers some of the same limitations as ventilation, namely that marked reductions in pollutant concentrations would require high rates of processing the air. In fact, many of the less expensive and popular tabletop air cleaners provide only very low and generally inadequate cleaning rates. Of more concern is the fact that better devices may not even reduce the overall exposure. For example, in drastically reducing the total concentration of radon's decay products, filter systems and electrostatic precipitators (which remove particles suspended in air by imparting an

electric charge to them) increase the fraction of the decay products that are not attached to airborne particles. Unfortunately the free decay products appear to cause the greater radiation dose to the lung. Hence in spite of the fact that air cleaning may reduce the total concentration of radon's decay products, it does not necessarily reduce the exposure to radiation.

Air cleaning may find a role in control of biologic particles, such as bacteria, fungi or residue from house mites, that do not behave like chemical or radioactive pollutants. In particular these organisms actually multiply given the right conditions, requiring a different perspective on control. The most effective approach

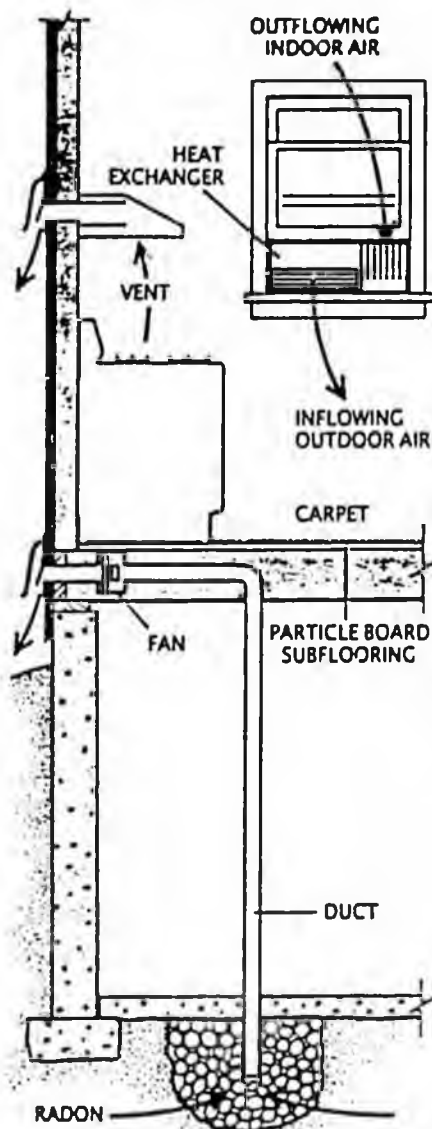


SOURCES OF AIRBORNE POLLUTANTS In a typical house are myriad. Combustion products (green) are traced to cigarette smoke, heating and cooking appliances and perhaps automobile exhaust. Organic chemicals (blue) are given off by substances in

paints, plywood, solvents and adhesives. Radon (orange) is drawn into a house by small differences between outside and inside air pressure: the gas seeps through cracks in the house's foundation and through openings around loose drainage pipes.

in their case would be to combine air cleaning or increased ventilation and a reduction in indoor humidity.

Current efforts to control indoor air quality have in fact followed the two basic approaches: setting spe-



CONTROL MEASURES seek to lower concentrations of pollutants by lowering the rate at which they enter the indoor atmosphere or by increasing the rate at which outdoor air replaces indoor air. The amount of formaldehyde released from particle board and carpets can be reduced by changing the resins and binders used in their manufacture. Venting a cooking range usually results in a marked drop in the concentration of combustion products. The rate at which radon enters a house can be lowered by reducing the air pressure under the building. This can often be done by means of a single fan and a duct. Finally, heat exchangers can improve a house's general ventilation rate without significantly increasing energy costs, since they heat or cool inflowing outdoor air with outflowing indoor air.

cific concentration limits and modifying the design and manufacture of buildings and their contents. The Netherlands has adopted standards limiting indoor formaldehyde concentrations to 120 micrograms per cubic meter, and Canada has set a limit of 150 becquerels per cubic meter for indoor radon in uranium-mining communities. West Germany and the U.S., on the other hand, have set standards that limit formaldehyde emission from wood products, such as plywood, and have considered regulating the emissions from unvented fossil-fuel heating appliances. Policymakers, however, have come to acknowledge their naiveté in adopting concentration limits as the primary basis for control: emission and ventilation standards have been found to be more workable.

Attempts have also been made in recent years to include optional concentration limits for identified classes of pollutants as part of the ventilation standards incorporated into building codes. This illustrates a dangerous tendency to expand each of the approaches in an overall control strategy to include the other, leading to an overt or implicit confusion of objectives. A self-consistent and comprehensive strategy would rely on the factors that determine ventilation and emission rates as "handles" for keeping concentrations within (implicitly) acceptable ranges in most new buildings and adopt explicit concentration limits mainly as criteria for reducing truly excessive levels found in existing structures.

In spite of the confusion in objectives, there at least is some consensus on where the major responsibilities lie for implementing control strategies. This consensus is important, because many actors are directly involved. They include national and local government agencies, professional organizations, manufacturers of building materials and household appliances, builders and contractors. For that matter anyone who is active in issues of health, environment, housing, energy and consumer products as well as in related areas such as demography, meteorology and geography should necessarily be involved.

Yet the success or failure of a program to control indoor air quality ultimately hinges on the behavior of the owners and occupants of buildings. At present occupants are often not aware of potential health problems caused by the way they use certain appliances or substances—or for

that matter of the effect they have on others by smoking cigarettes in enclosed spaces. Even building managers may not know for what activities the building was originally designed or how the ventilation equipment in the building is meant to be operated.

For this reason some local governments are considering requiring every manager of a building to conform to the assumptions made in its design. In this way a chain of responsibility from the engineer, architect and builder to the owner and occupants can be maintained. An important element in such a system might be a supporting document associated with a building, much like a deed, that describes the design assumptions relevant to indoor air quality and records changes in the building's occupancy or ventilation equipment. In the case of office buildings the document could list a building's smoking areas and indicate the extent to which furnishings that emit organic chemicals can be used.

A simpler document for private houses could maintain a record of radon measurements and of any remedial techniques and maintenance procedures that may be needed. It would be similar to the document required in many areas that certifies a house for sale is free of termites. Indeed, in areas where high radon concentrations have been reported real-estate transactions are already including this information. Such a document would be one of the more visible manifestations of a comprehensive control strategy.

The control of indoor air pollution goes beyond the conceptual basis of current regulatory structures, which were built for controlling exposures to pollutants in industrial or outdoor settings. The fact is that the health risks posed by indoor pollutants have to be considered in their own right, and the objectives and approaches for a rational pollution-control strategy must be thought out anew. Such rethinking depends on science to evaluate the health risks, elucidate the correlation between pollutant concentrations and the factors that influence them, develop methods for measuring pollutant concentrations and determine the effectiveness of control techniques. The resulting science and policy of indoor air quality might even change how we think about other pollutant exposures, leading to a more realistic perspective on environmental risks in general.

HB

305

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act regulating the practice of marital and family therapy
Sponsor: Reps. Gruenberg and Menard
Requestor: House HESS

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	5.4	5.4	5.4	5.4	5.4	5.4
TRAVEL	16.3	13.9	9.8	9.8	9.8	9.8
CONTRACTUAL	30.6	10.0	10.0	10.0	10.0	10.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	53.3	30.3	26.2	26.2	26.2	26.2

CAPITAL						
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REVENUE	7.5	0	7.5	0	7.5	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (GF/PR)	53.3	30.3	26.2	26.2	26.2	26.2
TOTAL	53.3	30.3	26.2	26.2	26.2	26.2

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) The bill establishes a five-member Board of Marital and Family Therapy to establish examination, training and education requirements for entry into the profession, and to issue licenses to qualified individuals. Information on file indicates there are approximately 25 practitioners who would be affected by this legislation upon passage. (CONTINUED)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
Division: Occupational Licensing Date: 2/23/90

Approved by Commissioner: Larry Mercurieff Date: 2/26/90
Agency: Department of Commerce & Economic Development

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS - HB 305

This fiscal note represents the cost of licensing marital and family therapists with a five-member board and an estimate of 25 practitioners who would seek and qualify for licensure. Costs of the program are projected based on the number of licensees. Therefore, 25 licensees of the marital and family therapy licensing program will be responsible to cover less than one percent (.010%) of the division's operating costs, in addition to other program costs required by the bill. A breakdown of these costs is as follows:

Personal Services: \$ 5.4

To provide administrative staff support.

Travel: 16.3

In FY 91, this funding will provide four face-to-face meetings, two in Anchorage and two in Juneau, assuming two members are from the Anchorage area, two from Juneau, one from Fairbanks; and three division staff (Director, Licensing Examiner, and Regulations Specialist) to attend each meeting. This funding will also provide travel to administer the licensing examination in various locations throughout the State.

In FY 92, funding provides for three board meetings and travel to administer the licensing examination in various locations throughout the State. (\$13.9)

In FY 93 forward, the licensing program will have been in operation for two years and, therefore, require fewer meetings to conduct its business. The number of board meetings is reduced to two meetings each year. This funding also provides for travel to administer the licensing examination in various locations. (\$9.8)

Contractual: 30.6

This funding provides \$20.0 for development of a professional licensing examination in the first year. An additional \$10.6 will fund printing, advertising, postage and communication costs.

Supplies: 1.0

Funding will provide standard office supplies.

Grand Total in FY 91: \$53.2

REVENUE:

The revenues are based on 25 practitioners paying a licensing fee of \$150 per year. Because licenses are issued on a biennial cycle, revenues are doubled every other year. As indicated, 25 practitioners will not support a licensing program with a five-member board unless licensees are willing to pay incredibly high annual licensing fees. As an alternative, the licensing program may have to be supplemented by general funds or fees from other licensing areas.

AS 08.01.065(c), Fees established by regulation, provide that the "department may establish a fee that is less than the cost of the activity for which the fee is charged if the department determines that it is not reasonable to impose the full cost of the activity on the applicant or licensee." Although fees from other licensing areas may currently support the marital and family therapy program, we are concerned that costs of licensing programs with small numbers of licensees will soon exceed the amount of additional funds generated by other licensing areas.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 7811

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 15, 1990

SUBJECT: Sectional Description
CSHB 305()

TO: Representative Max Gruenberg

FROM: Terri Lauterbach *TWL*
Legislative Counsel

Following is a sectional description of CSHB 305():

Sec. 1. Article 1 establishes the Board of Marital and Family Therapy and sets out its powers and duties.

Article 2 describes the various types of licenses that can be issued by the board and sets out the requirements that must be met for each type of license.

Article 3 contains general provisions relating to fees, confidentiality of communications, and imposition of disciplinary sanctions. It also contains the basic provision in Sec. 08.63.240 that, unless a person is licensed by the board, the person may not hold himself or herself out to be a licensed marital and family therapist. The bill does not require a person to be licensed in order to practice in the profession.

Sec. 2. Adds the new board to the list of boards in AS 08.-01.010.

Sec. 3. Adds licensed marital and family therapists to the listing in AS 08.02.010.

Sec. 4. Adds the new board to the list of boards in AS 08.-03.010, sunsetting it in 1994.

Sec. 5. Adds licensed marital and family therapists to the definition of "health care provider" in the statutes relating to the Medical Indemnity Corporation of Alaska (MICA).

Representative Max Gruenberg
Page 2
January 15, 1990

Sec. 6. Adds the new board to the list of agencies governed by the Administrative Procedure Act.

Sec. 7. Adds licensed marital and family therapists to the list of persons required to report suspected child abuse.

Sec. 8. Provides for initial appointees to the board.

Sec. 9. "Grandfather" provision.

Sec. 10. Delays until 1991 the requirement that a person not hold out to be a licensed marital and family therapist unless licensed under this new board.

Sec. 11. Effective date for remainder of bill.

Please let me know if you have further specific questions about the contents or effect of this bill.

TL:pl
wkp1/003



Alaska Association for Marriage and Family Therapy

A DIVISION OF THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

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ROBERT NELSON, Rel. D.
SARA GRIFFITH, M. Ed.
FREDERICK HILLMAN, M. D.

19 February 1990

Dear Senator or Representative:

Please excuse this general letter. I wish I had the time to sit down with you and talk with you personally about the need for regulating the profession of marriage and family therapy in the State of Alaska.

Enclosed you will find copies of House Bill 305 and Senate Bill 481, which would set up somewhat differing ways of regulating the profession. Also, you will find enclosed a copy of the Alaska Association for Marriage and Family Therapy Newsletter and letters from organizations and individuals around the State urging the passage of legislation in this field.

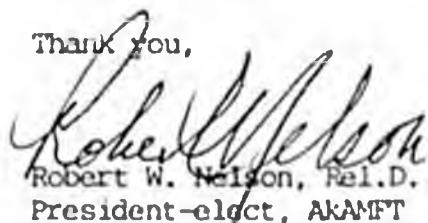
Marriage and family therapists are one of the major groups of clinical professionals not regulated and licensed by the State of Alaska. Psychiatrists, clinical psychologists, clinical social workers, and psychiatric nurses are all regulated at present. Twenty two other states presently regulate and license marriage and family therapists, and eighteen additional states are presently considering such legislation.

The Alaskan public deserves to know that its State government establishes standards and regulates the profession of marriage and family therapists.

I urge you to read this material. I will send some additional information to you in a few weeks. Please consider this legislation carefully and feel free to contact me if you have any questions.

I ask your support of HB305 and SB481.

Thank you,


Robert W. Nelson, Rel.D.
President-elect, AKAMFT



Alaska Association for Marriage and Family Therapy

A DIVISION OF THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

NEWSLETTER

SPECIAL BULLETIN FOR STATE LEGISLATORS

This special bulletin of the Alaska Marital and Family Therapists is being distributed to all state legislators and their staff. This is AkAMFT's way of thanking legislators for taking time to learn more about the practice and profession of marriage and family therapy; acquainting them with the many ways with which our profession impacts family life at both the national and state levels; and encouraging an atmosphere of mutual cooperation and assistance between AkAMFT and Alaska legislators.

AkAMFT and its members welcome future opportunities to provide assistance and information to legislators and staff in their efforts to increase the quality of life in Alaska.

Pandall G. Jones, M.A.
President-AkAMFT

LEGISLATIVE UPDATE:

Since the early 1980's, the Alaska Association for Marriage and Family Therapy has been engaged in the process of developing legislation which would license the mental health profession of marriage and family therapy. Founded on the belief that licensure is one of the most effective recognized vehicles at the state level to protect the public, AkAMFT is committed to the development of licensure for all health education professionals. Currently, there are six free-standing legitimate, fully-accredited, and educationally sound mental health professions which form the major component of mental health industry, i.e., psychology, marriage and family therapy, mental health counseling, and clinical social work, making up the non-medical arm, while psychiatry and psychiatric nursing form the medical branch.

The need for licensure arises out of several factors. All mental health professions, by whatever name they call themselves "dispense strong medicine" which takes many system-psychotherapeutic forms. The various therapeutic interventions have the power to profoundly impact the family relationship or individual for better or for the worse at the deepest levels. It is the mandated responsibility of the state to protect the (mental) health of its citizens. One way the state has chosen to protect its citizens is through the vehicle licensure. Four mental health professions to this date are licensed by the state. They are: psychiatry, psychiatric nursing, psychology, and social work. Unfortunately, instances where consumers have been disadvantaged or mistreated by those claiming to be mental health professionals are well-documented. It is our strong belief that by responsibly regulating all mental health professions by means of licensure, the state could effectively close many existing gaps which allow those who are untrained and unqualified to identify themselves, by the same time as those who are highly trained, competent, and ethical in their practice. Licensure would serve to better inform the public regarding qualifications, provide

approaches for a wide variety of emotional and behavioral disorders. For this and other reasons, the federal government has recognized marriage and family therapists for some time. For many years, marriage and family therapists have been eligible mental health providers under the Civilian Health and Medical Program of the Unified Services (Champus). Additionally, marriage and family therapists are listed as one of the core mental health professions by the National Institute of Mental Health, and under federal law (Public Service Act, PL100-6900), as one of the core mental health professions, training programs in marriage and family therapy are eligible to receive clinical training grants on the same basis as programs in medicine, psychology, social work, and nursing. Thus, there is a consistent consensus among federal agencies and national committees that MFT carries distinct status as a profession.

Unfortunately, however not all who provide family therapy services have attained the necessary training for the practice of the profession, nor have they necessarily agreed to be bound by a code of ethics established by their peers. Given the fact that the State of Alaska does not regulate our profession, there exists the potential for untrained individuals to present themselves as marriage and family therapists. This is a source of concern for the qualified professionals and members of the public. Since we know that psychotherapy of any kind can do damage, the public, without the capacity to distinguish qualified professionals, remains more vulnerable to mistreatment. The lack of regulation of the profession of MFT in Alaska may present a greater loss to the public than it does to our professional membership, since many of our members can identify with other professions.

A growing number of marriage and family therapists have received the most contemporary training developed in the field. Often this training is through graduate programs in marriage and family therapy. These mental health professionals are prepared to offer effective treatment options to Alaskan families, yet these professionals are neither recognized nor regulated. Trained family therapists, although sanctioned nationally as legitimate providers in mental health services, have no such status in Alaska. The result is that in many contexts, Alaskans do not have a real option to select a qualified family therapist for treatment because most reimbursement systems do not recognize unregulated providers. This denies freedom of choice for mental health services to Alaskans who may already be disadvantaged.

We do not believe this state of affairs, with the public being exposed to unqualified and unprofessional practitioners, and potentially prohibited from legitimate treatment options has been the Governor's nor the legislators' intent. Rather, it may be due to limited awareness of the part of state officials regarding the profession of marriage and family therapy. In a state known to be in the vanguard when it comes to protecting the general welfare of its citizenry, these seems unfortunate. As mentioned, some twenty states have now recognized the need to regulate and recognize the profession of marriage and family therapy. Alaska should not be among the last to do so. We strongly urge that you consider exploring with us ways to address this issue. Members of AkMFT are available to meet with you to discuss appropriate options. AkMFT members also stand ready to act as consultants with regard to a wide variety of issues relevant to families in Alaska. We hope you find the enclosed special issue of our newsletter helpful in increasing your knowledge of our organization.

Sincerely,

Randall G. Jones, M.A.
President-AkAMFT

CORRECTION

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



Alaska Association for Marriage and Family Therapy

A DIVISION OF THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

NEWSLETTER

SPECIAL BULLETIN FOR STATE LEGISLATORS

This special bulletin of the Alaska Marital and Family Therapists is being distributed to all state legislators and their staff. This is AkAMFT's way of thanking legislators for taking time to learn more about the practice and profession of marriage and family therapy; acquainting them with the many ways with which our profession impacts family life at both the national and state levels; and encouraging an atmosphere of mutual cooperation and assistance between AkAMFT and Alaska legislators.

AkAMFT and its members welcome future opportunities to provide assistance and information to legislators and staff in their efforts to increase the quality of life in Alaska.

Randall G. Jones, M.A.
President-AkAMFT

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The need for licensure arises out of several factors. All mental health professions, by whatever name they call themselves "dispense strong medicine" which takes many system-psychotherapeutic forms. The various therapeutic interventions have the power to profoundly impact the family relationship or individual for better or for the worse at the deepest levels. It is the mandated responsibility of the state to protect the (mental) health of its citizens. One way the state has chosen to protect its citizens is through the vehicle licensure. Four mental health professions to this date are licensed by the state. They are: psychiatry, psychiatric nursing, psychology, and social work. Unfortunately, instances where consumers have been disadvantaged or mistreated by those claiming to be mental health professionals are well-documented. It is our strong belief that by responsibly regulating all mental health professions by means of licensure, the state could effectively close many existing gaps which allow those who are untrained and unqualified to identify themselves, by the same time as those who are highly trained, competent, and ethical in their practice. Licensure would serve to better inform the public regarding qualifications, provide

identified and state-sanctioned avenues of redress of which there are none, should violation occur and establish minimal levels of education and supervision requirements. In addition, it is believed that the infusion of qualified professionals will affect the supply/demand ratio by possibly lowering or at least slowing the rise in the cost of services. The need and time is now to license marriage and family therapists.

AN OPEN LETTER TO ALASKA LEGISLATORS

Dear Legislator:

On behalf of the members of the Alaska Division of the American Association for Marriage and Family Therapy (AkAMFT), I am writing to introduce our organization and the profession it represents. As a prelude to a fuller discourse, some highlights are listed below.

1. Marriage and Family Therapy (MFT) is a well-established profession with a distinct body of knowledge and established code of ethics.
2. The scope of knowledge of marriage and family therapy and its related practice are unique in the relationship to other allied professions.
3. Many who provide family therapy services have not obtained the requisite training nor been introduced to the rigorous code of ethics necessary to maintain appropriate practice standards.

Marriage and family therapists provide necessary mental health services to individuals, children, couples, and families. Clinical members of the American Association for Marriage and Family Therapy (AAMFT) are well-trained professionals who subscribe to a rigorous code of ethics for the practice of their profession. Since 1942, the AAMFT has been involved with the problems, needs, and changing patterns of marital and family relationships. The AAMFT is a multi-disciplinary association which has members from all mental health professions (psychiatry, psychology, social work, nursing).

The AAMFT requires that all its members, regardless of discipline of origin, acquire specific and rigorous training including academic work and supervised clinical experience in marriage and family therapy. The AAMFT's membership requirements have become the standards acceptance throughout the United States by which the independent practice of marriage and family therapy is regulated. Currently, 20 states regulate the practice of marriage and family therapy through either licensing or certification. The training of marriage and family therapists is overseen by AAMFT's commission of accreditation for marriage and family therapy education. This commission has been reorganized since 1978 by the U. S. Department of Education as the sole accrediting body for marriage and family therapy education in the United States. In 1986, the Clearinghouse on Licensure Enforcement and Regulation (CLEAR), an affiliate of the council of state governments published a study which reviewed the credentialing of the behavioral science professions. According to that study, an important criteria for determining the existence of a profession is that there is a well-defined body of knowledge and set of skills which thus becomes the basis for defining a profession's scope of practice. In the review conducted by CLEAR, the scope of practice and sample of current regulatory laws of social work, psychology, and marriage and family therapy were examined. CLEAR concluded that while there was some overlap, all mental health professions provide services such as psychotherapy, each of the professions identified unique skills or practiced principles.

It is noteworthy that this non-biased source comprised of state regulators, believes that there is a separate profession of marriage and family therapy. A considerable body of research suggests that marriage and family therapy is an efficient and effective treatment alternative to traditional

approaches for a wide variety of emotional and behavioral disorders. For this and other reasons, the federal government has recognized marriage and family therapists for some time. For many years, marriage and family therapists have been eligible mental health providers under the Civilian Health and Medical Program of the Unified Services (Champus). Additionally, marriage and family therapists are listed as one of the core mental health professions by the National Institute of Mental Health, and under federal law (Public Service Act, PL100-6900), as one of the core mental health professions, training programs in marriage and family therapy are eligible to receive clinical training grants on the same basis as programs in medicine, psychology, social work, and nursing. Thus, there is a consistent consensus among federal agencies and national committees that MFT carries distinct status as a profession.

Unfortunately, however not all who provide family therapy services have attained the necessary training for the practice of the profession, nor have they necessarily agreed to be bound by a code of ethics established by their peers. Given the fact that the State of Alaska does not regulate our profession, there exists the potential for untrained individuals to present themselves as marriage and family therapists. This is a source of concern for the qualified professionals and members of the public. Since we know that psychotherapy of any kind can do damage, the public, without the capacity to distinguish qualified professionals, remains more vulnerable to mistreatment. The lack of regulation of the profession of MFT in Alaska may present a greater loss to the public than it does to our professional membership, since many of our members can identify with other professions.

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Sincerely,

Randall G. Jones, M.A.
President-AkAMFT

AAMFT and the National Conference of State Legislators

The American Association for Marriage and Family Therapy (AAMFT) was among the many exhibitors at the National Conference of State Legislators' Annual Meeting in Tulsa, Oklahoma from August 6th-11th. This year was the first time that AAMFT exhibited at the NCSL. This effort represented the Association's commitment to expanding its advocacy efforts for the profession of marriage and family therapy, mental health issues, and family centered social policies.

A significant change from last year's NCSL meeting was an increased awareness of marriage and family therapy among attendees. This awareness was demonstrated by specified inquiries regarding the profession and expressions of support for the work done by marriage and family therapists.

A growing number of states that have enacted or considered regulatory legislation for marriage and family therapists and legislative educational campaigns conducted by AAMFT and its members have supported this increased awareness. AAMFT members have also sought to share professional expertise with state legislators on a broad range of mental health policies.

"AAMFT and its members have worked closely with state legislators to help them to gain a better understanding of the practice and profession of marriage and family therapy. These efforts had dramatic results" said Michael Bowers, AAMFT Director of Division Affairs. "This year, state legislators were telling us now that we know more about you, we look forward to utilizing your members' expertise in a variety of policy development areas. This new direction provides both AAMFT and state legislators with opportunities that offer potential benefits for everyone."

States with Licensure or Certification for Marriage and Family Therapists:

Arizona	California
Colorado	Connecticut
Florida	Georgia
Maine	Massachusetts
Michigan	Minnesota
Nevada	New Jersey
North Carolina	Oregon
Rhode Island	South Carolina
Tennessee	Utah
Washington State	Wyoming

News from the National Office: Two states pass MFT regulatory laws

Two more states, Oregon and Maine, have passed legislation to regulate the profession of marriage and family therapy. These successes raise the number of states with regulation for marriage and family therapy to 20 (see chart above for complete listing of states).

The Maine Legislature Joint Standing Committee on Business Legislation initially considered a title protection law for marriage and family therapists, professional counselors, and clinical professional counselors. During the committee's hearing on the proposed legislations, representatives of the three professional groups provided important testimony outlining the need to protect consumers from unprofessional and unqualified practitioners. In one instance, the legislators were told of a state licensed mental health professional who had had his license revoked but continued to practice as "a marriage counselor." Based upon such testimony and other

considerations, the committee recommended that the bill be redrafted as a licensure law. The bill became law with the overwhelming support of the state legislature and the Governor.

The Oregon state legislature passed a multiple disciplinary regulatory law. The law prohibits the use of title of marriage and family therapy or professional counselor by uncertified practitioners and replaced a registration process for social workers with licensure. The law also includes provisions for privileged communication except in certain cases (such as suspected child abuse or neglect).

The original bill was the product of extensive negotiations between various mental health professional organizations in Oregon. Despite the withdrawal of one group from the bill and some change to the draft version, the bill became law with wideranging support. In other regulatory developments, Oklahoma governor, Harry Belimon, vetoed a bill designed to license marriage and family therapists in the state. At this time, the legislature is not in session. However, it is anticipated that the legislature may attempt to override the governor's veto.

Senate Marriage and Family Therapy Bill Introduced

Senator Daniel Monahan (D-NY) recently introduced the Community Mental Health Services Act, S.1591, to provide Medicare reimbursement for the services of marriage and family therapists, clinical social workers, and psychiatric nurses working in community mental health centers (CMHC). Medicare would also reimburse CMHC's for partial hospitalization services. Under current law, only hospitals may receive reimbursement for partial hospitalization services.

Enactment of this legislation would enhance access to marriage and family therapy and other mental health services for millions of elderly Americans who might benefit from mental health care, but who often do not receive services. It is especially important in states with large rural areas where access to outpatient mental health services is often severely limited and where the closest hospital providing partial hospitalization services may be hundreds of miles away. It will also have a positive impact on the ability of CMHC's in poor underserved urban communities to provide services to the Medicare eligible population.

Sponsors of the Community Mental Health Services Act include Senators Robert Dole and Spark Matsunaga (D-Hawaii) both high-ranking members of Senate Finance Committee which will consider the bill and Senator Daniel Inouye (D-Hawaii) a leader on the mental health policy. The Senate Finance Committee is expected to consider S. 1591 in late September and early October as part of the budget reconciliation package for fiscal year 1990. Other mental health provisions, including Medicare reimbursement for all services provided by psychologists and social workers will also be considered as part of the package.

Other Legislative News:

AAMFT endorsed Basic Health Benefits Act, S.768, received approval from the Senate Labor and Human Resources last July. The bill, authorized by Senator Edward Kennedy, would require employers to provide health care insurance for all of their employees who work at least 17.5 hours a week. (Requirements for small employers would be phased in.) Marriage and family therapists are recognized as "equivalent mental health professionals" for reimbursement purposes under the bill's mental health provision. There has been no action on the House version bill.

The provision of family therapy and the work of marriage and family therapists are recognized as crucial components in a substance abuse treatment, by drug treatment, and Crimes Reductions Act, HR 2456, authorized by Congressman Pete Stark (D-CA), Chair of the House Ways and Means Health Subcommittee. This innovative legislation would establish a separate addiction treatment services trust fund under Medicare to be financed through a minimal increase in excise taxes of

cigarettes and alcoholic beverages. Family therapy and family therapists would receive reimbursement for their services.

AkAMFT Announces 1990 Board Election Results:

Kathleen Holmes, AkAMFT's Nomination Committee Chairperson has announced the election results for AkAMFT board position. The three-year position recently vacated by Leon Webber will be filled by Lowell Roddy. Lowell is currently at the chaplain's office at Fort Richardson and has been involved with AAMFT for many years.

AkAMFT Board Members and Officers:

Randall G. Jones, M.A., President
4001 Dale Street, Suite 101
Anchorage, AK 99508

Robert Nelson, Rel.D., President-Elect
4502 Cassin Drive
Anchorage, AK 99507

John Pagan, M.S., Past President
2550 Denali Street, Suite 905
Anchorage, AK 99503

Vivian Finlay, M.Ed., Treasurer
P. O. Box 872433
Wasilla, AK 99687

Sara Griffith, M.Ed., Secretary
9292 Hiland Road
Eagle, AK 99577

Tim Sander, M. Ed.
P. O. Box 60635
Fairbanks, AK 9706

Lowell Roddy, M.Ed.
131-B Iliamna Avenue
Anchorage, AK 99505

Rhoda Vandervoort, M.A.
2131 Tudor Hills Court
Anchorage, AK 99507

STATE OF ALASKA
THE LEGISLATURE

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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 4-24-90

Original sponsor(s): REP. GRUENBERG, Menard

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 305 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regulating the practice of marital and family
7 therapy; and providing for an effective date."

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

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 63. MARITAL AND FAMILY THERAPY.

11 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

12 Sec. 08.63.010. BOARD ESTABLISHED. (a) There is established
13 the Board of Marital and Family Therapy.

14 (b) The board consists of three persons licensed under this
15 chapter and two members of the public.

16 Sec. 08.63.020. BOARD APPOINTMENTS. The governor shall appoint
17 the members of the board subject to confirmation by the legislature.

18 Sec. 08.63.030. MEETINGS. The board shall hold an annual meet-
19 ing and may hold special meetings at the call of the chair or a major-
20 ity of the board members.

21 Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may
22 remove a member of the board for good cause.

23 Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall
24 (1) establish objective examination requirements and train-
25 ing and education requirements for persons who apply for a license to
26 practice martial and family therapy;

27 (2) examine applicants and issue licenses to qualified
28 applicants;

29 (3) establish continuing education requirements for license

1 renewal;

2 (4) adopt a code of ethical practice for marital and family
3 therapy;

4 (5) hold hearings and order the disciplinary sanction of a
5 person who violates this chapter or a regulation of the board;

6 (6) establish standards for supervisors and supervision
7 under this chapter;

8 (7) report annually to the governor and the department on
9 the board's proceedings each year; the report must include the number
10 of licensure applicants, the number of examinations conducted, the
11 failure rate for each examination, a financial report, and other
12 information requested by the department;

13 (8) enforce the provisions of this chapter and adopt regu-
14 lations necessary to carry out its duties under this chapter.

15 Sec. 08.63.060. PROCEDURES. The Administrative Procedure Act
16 (AS 44.62) applies to regulations and proceedings under this chapter.

17 ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

18 Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a)
19 The board shall issue a license to practice marital and family therapy
20 to a person who

21 (1) applies on a form provided by the board;

22 (2) pays the fee required under AS 08.63.200;

23 (3) furnishes evidence satisfactory to the board that the
24 person

25 (A) has not engaged in conduct that is a ground for
26 imposing disciplinary sanctions under AS 08.63.220;

27 (B) holds a master's degree or doctorate in a mental
28 health field, or the equivalent, from an accredited educational
29 institution approved by the board for which the person completed

1 a course of study that included instruction substantially equiva-
2 lent to the following:

- 3 (i) courses in marital and family therapy;
4 (ii) courses in marital and family studies;
5 (iii) courses in human development;
6 (iv) a course in professional studies or

7 professional ethics and law;

8 (v) a course in research; and

9 (vi) one year of supervised clinical practice in
10 marital and family therapy;

11 (C) after receiving a degree described in (B) of this
12 paragraph, has

13 (i) practiced marital and family therapy within
14 three years of the person's application, including 1,500
15 hours of direct clinical contact with couples and families;
16 and

17 (ii) been supervised in the clinical contact for
18 at least 200 hours, including 100 hours of individual super-
19 vision and 100 hours of group supervision approved by the
20 board; and

21 (D) has passed a written or oral examination adminis-
22 tered by the board.

23 (b) under regulations adopted by the board, a person who holds a
24 master's or doctorate degree in a mental health field, or its equiva-
25 lent, from an educational institution approved by the board, but whose
26 course of degree study did not include all the courses or clinical
27 practice requirements set out in (a)(3)(B) of this section may substi-
28 tute post-degree courses or practice, as approved by the board, to
29 satisfy the requirements of (a)(3)(B) of this section.

1 (c) The board may not allow an applicant who fails an examina-
2 tion given under this section to take a subsequent examination for a
3 period of six months from the date of the examination that the appli-
4 cant failed.

5 (d) A license issued under this section expires two years from
6 the date of issuance. It may be renewed by payment of the fee re-
7 quired under AS 08.63.200 and by satisfaction of the continuing educa-
8 tion requirements established by the board for the renewal of licenses
9 issued under this section.

10 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board
11 shall issue a four-year license for the supervised practice of marital
12 and family therapy to a person who meets the requirements of AS 08.-
13 63.100(a)(1), (2), and (3)(A) - (B).

14 (b) A licensee under this section may practice only

15 (1) under the direct supervision of a supervisor approved
16 by the board under AS 08.63.120; and

17 (2) in a clinic, social service agency, or other setting
18 approved by the board.

19 (c) A license for supervised practice expires four years from
20 the date of issuance and may not be renewed.

21 (d) A licensee under this section shall submit to the board for
22 its approval a proposed plan for satisfying the supervision require-
23 ments of AS 08.63.100(a)(3)(C).

24 (e) A licensee under this section shall use the title "marital
25 therapy associate," "family therapy associate," or other title that is
26 approved by the board.

27 (f) The board shall revoke a license for supervised practice if
28 the person fails the examination required under AS 08.63.100 two or
29 more times.

1 Sec. 08.63.120. AUTHORIZED SUPERVISORS. (a) A person may not
2 supervise a person under this chapter unless approved by the board to
3 be a supervisor.

4 (b) A person who supervises a licensee under this section must

5 (1) have practiced marital and family therapy for five
6 years;

7 (2) be licensed under this chapter; and

8 (3) meet the minimum standards established by the board for
9 approved supervisors.

10 Sec. 08.63.130. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL
11 AND FAMILY THERAPY. (a) The board shall issue a temporary license
12 for the practice of marital and family therapy to an applicant who
13 satisfies the requirements of AS 08.63.100(a)(1), (2) and (3)(A), (B),
14 and (C) and has been approved by the board to take the marital and
15 family therapy examination.

16 (b) A person may practice under a temporary license until the
17 board issues the results of the first marital and family therapy
18 examination given after issuance of the person's temporary license and
19 either issues or denies a license under AS 08.63.100 to the person.

20 (c) If a licensee under this section fails the marital and
21 family therapy examination, the board may not renew the person's
22 temporary license.

23 Sec. 08.63.140. LICENSURE BY CREDENTIALS. The board shall issue
24 a license to practice marital and family therapy to a person who

25 (1) is licensed or certified for the practice of marital
26 and family therapy in another state that has requirements for the
27 license or certificate that are substantially equal to or greater than
28 the requirements of this state; and

29 (2) meets the requirements of AS 08.63.100(a)(1), (2), and

1 (3)(A).

2 ARTICLE 3. GENERAL PROVISIONS.

3 Sec. 08.63.200. FEES. The department shall establish fees under
4 AS 08.01.065 for the following procedures related to licensing under
5 this chapter:

- 6 (1) application;
7 (2) examination;
8 (3) credential review;
9 (4) license;
10 (5) temporary license;
11 (6) license for supervised practice;
12 (7) renewal of license.

13 Sec. 08.63.210. CONFIDENTIALITY OF COMMUNICATION. (a) A person
14 licensed under this chapter may not reveal to another person a commu-
15 nication made to the licensee by a client about a matter concerning
16 which the client has employed the licensee in a professional capacity.
17 This section does not apply to

18 (1) a case conference with other persons licensed under
19 this chapter or with clinical social workers, psychologists, psycho-
20 logical associates, physicians, or surgeons;

21 (2) the release of information that the client in writing
22 authorized the licensee to reveal; or

23 (3) information revealed as part of the discovery of evi-
24 dence related to a court proceeding or introduced in evidence in a
25 court proceeding.

26 (b) Notwithstanding (a) of this section, a person licensed under
27 this chapter shall report incidents of child abuse or neglect as
28 required by AS 47.17.020.

29 Sec. 08.63.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY

1 SANCTIONS. After a hearing, the board may impose a disciplinary
2 sanction on a person licensed under this chapter when the board finds
3 that the person

4 (1) secured a license through deceit, fraud, or intentional
5 misrepresentation;

6 (2) engaged in deceit, fraud, or intentional misrepresenta-
7 tion in the course of providing professional services or engaging in
8 professional activities;

9 (3) advertised professional services in a false or mislead-
10 ing manner;

11 (4) has been convicted of a felony or of another crime that
12 affects the person's ability to practice competently and safely;

13 (5) failed to comply with a provision of this chapter or a
14 regulation adopted under this chapter, or an order of the board;

15 (6) continued to practice after becoming unfit due to
16 professional incompetence;

17 (B) addiction or severe dependency on alcohol or
18 another drug that impairs the person's ability to practice safe-
19 ly;

20 (7) engage in lewd or immoral conduct in connection with
21 the delivery of professional services to clients.

22 Sec. 08.63.230. DISCIPLINARY SANCTIONS. (a) When it finds that
23 a licensee has violated a provision of AS 08.63.220, the board may
24 impose the following sanctions singly or in combination:

25 (1) permanently revoke a license to practice;

26 (2) suspend a license for a determinate period of time;

27 (3) censure a licensee;

28 (4) issue a letter of reprimand;

29 (5) place a licensee on probationary status and require the

1 licensee to

2 (A) report regularly to the board on matters involving
3 the basis of probation;

4 (B) limit practice to prescribed areas;

5 (C) continue professional education until a satisfac-
6 tory degree of skill has been attained in those areas determined
7 by the board to need improvement;

8 (6) impose limitations or conditions on the practice of a
9 licensee.

10 (b) The board may withdraw a limitation, condition, or proba-
11 tionary status if it finds that the deficiency that required the
12 sanction has been remedied.

13 (c) The board may summarily suspend a license before final
14 hearing or during the appeals process if the board finds that the
15 licensee poses a clear and immediate danger to the public welfare and
16 safety if the licensee continues to practice. A person whose license
17 is suspended under this section is entitled to a hearing by the board
18 no later than seven days after the effective date of the order. The
19 person may appeal the suspension after the hearing to the superior
20 court.

21 (d) The board may reinstate a license that has been suspended or
22 revoked if the board finds after a hearing that the applicant is able
23 to practice with reasonable skill and safety.

24 (e) The board shall seek consistency in the application of
25 disciplinary sanctions, and the board shall explain a significant
26 departure from prior decisions involving similar situations in its
27 findings of fact or orders.

28 Sec. 08.63.240. LICENSE REQUIRED IF DESIGNATION USED. A person
29 who is not licensed under this chapter or whose license is suspended

1 or revoked, or whose license has lapsed, who knowingly uses in connec-
2 tion with the person's name the words or letters "L.M.F.T.,"
3 "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Mar-
4 riage and Family Counselor," or other letters, words, or insignia
5 indicating or implying that the person is licensed as a marital and
6 family therapist in this state or who in any way, orally or in writ-
7 ing, directly or by implication, knowingly holds out as being licensed
8 as a marital and family therapist in this state 's guilty of a class B
9 misdemeanor.

10 Sec. 08.63.900. DEFINITIONS. In this chapter, unless the con-
11 text indicates otherwise,

12 (1) "advertise" includes issuing or causing to be distri-
13 buted a card, sign or device to a person, or causing, permitting, or
14 allowing a sign or marking on or in a building or structure, or in a
15 newspaper, magazine, or directory, or on radio or television, or using
16 other means designed to secure public attention;

17 (2) "board" means the Board of Marital and Family Therapy;

18 (3) "course" means a class of at least three credit hours
19 in a graduate program at an accredited educational institution or an
20 institution approved by the board;

21 (4) "department" means the Department of Commerce and
22 Economic Development;

23 (5) "practice of marital and family therapy" means the
24 diagnosis and treatment of mental and emotional disorders that are
25 referenced in the standard diagnostic nomenclature for marital and
26 family therapy, whether cognitive, affective, or behavioral, within
27 the context of human relationships, particularly marital and family
28 systems; marital and family therapy involves

29 (A) the professional application of assessments and

1 treatments of psychotherapeutic services to individuals, couples,
2 and families for the purpose of treating the diagnosed emotional
3 and mental disorders;

4 (B) an applied understanding of the dynamics of mari-
5 tal and family interactions, along with the application of psy-
6 chotherapeutic and counseling techniques for the purpose of
7 resolving intrapersonal and interpersonal conflict and changing
8 perceptions, attitudes, and behaviors in the area of human rela-
9 tionships and family life;

10 (6) "supervision" means face-to-face consultation, direc-
11 tion, review, evaluation, and assessment of the practice of the person
12 being supervised, including direct observation and the review of case
13 presentations, audio tapes, and video tapes.

14 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

15 (31) Board of Marital and Family Therapy (AS 08.63.010).

16 * Sec. 3. AS 08.02.010(a) is amended to read:

17 (a) An audiologist licensed under AS 08.11, a person licensed in
18 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,
19 a marital and family therapist licensed under AS 08.63, a medical
20 practitioner or osteopath under AS 08.64, a registered nurse under
21 AS 08.68, an optometrist under AS 08.72, a registered pharmacist under
22 AS 08.80, a physical therapist or occupational therapist licensed
23 under AS 08.84, a psychologist under AS 08.86, or a clinical social
24 worker licensed under AS 08.95, shall use as professional identifica-
25 tion appropriate letters or a title after that person's name which
26 represents that person's specific field of practice. The letters or
27 title shall appear on all signs, stationery, or other advertising in
28 which the person offers or displays personal professional services to
29 the public. In addition, a person engaged in the practice of medicine

1 or osteopathy under AS 08.64.380(2) or a person engaged in any manner
2 in the healing arts who diagnoses, treats, tests, or counsels other
3 persons in relation to human health or disease and uses the letters
4 "M.D." or the title "doctor" or "physician" or another title that
5 tends to show that the person is willing or qualified to diagnose,
6 treat, test, or counsel another person, shall clarify the letters or
7 title by adding the appropriate specialist designation, if any, such
8 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
9 like.

10 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

11 (24) Board of Marital and Family Therapy (AS 08.63.010) --
12 June 30, 1994.

13 * Sec. 5. AS 21.88.900(9) is amended to read:

14 (9) "health care provider" means an audiologist licensed
15 under AS 08.11; a chiropractor licensed under AS 08.20; a dental
16 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
17 a marital and family therapist licensed under AS 08.63; a nurse li-
18 censed under AS 08.68; a dispensing optician licensed under AS 08.71;
19 an optometrist licensed under AS 08.72; a pharmacist licensed under
20 AS 08.80; a physical therapist or occupational therapist licensed
21 under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a
22 psychologist and a psychological associate licensed under AS 08.86; a
23 hospital as defined in AS 18.20.130, including a governmentally owned
24 or operated hospital; a corporate entity covered under AS 21.88.-
25 050(b)(11); an employee of a health care provider acting within the
26 course and scope of employment;

27 * Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:

28 (55) Board of Marital and Family Therapy (AS 08.63.010).

29 * Sec. 7. AS 47.17.070(9) is amended to read:

1 (9) "practitioner of the healing arts" includes chiro-
2 practors, dental hygienists, dentists, health aides, nurses, nurse
3 practitioners, occupational therapists, occupational therapy assis-
4 tants, optometrists, osteopaths, naturopaths, physical therapists,
5 physical therapy assistants, physicians, physician's assistants,
6 psychiatrists, psychologists, psychological associates, marital and
7 family therapists licensed under AS 08.63, audiologists licensed under
8 AS 08.11, hearing aid dealers licensed under AS 08.55, religious
9 healing practitioners, and surgeons;

10 * Sec. 8. INITIAL APPOINTMENTS. (a) In making the initial appoint-
11 ments of professional members to the Board of Marital and Family Therapy,
12 the governor shall consider a person licensed for the purpose of AS 08.63.-
13 010, enacted by sec. 1 of this Act, if the person would be entitled to a
14 license under AS 08.63.100(a)(1) - (3)(A) - (B), enacted by sec. 1 of this
15 Act. The Board of Marital and Family Therapy shall issue a license to
16 practice marital and family therapy to the professional members appointed
17 under this section.

18 (b) A license issued under this section is subject to the same re-
19 newal requirements as a license issued under AS 08.63.100, as enacted by
20 sec. 1 of this Act.

21 * Sec. 9. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100,
22 enacted by sec. 1 of this Act, the Board of Marital and Family Therapy
23 shall issue a license to practice marital and family therapy to a person
24 who

25 (1) applies for a license before July 1, 1991;

26 (2) satisfies the requirements of AS 08.63.100(a)(1) - (3)(A),
27 enacted by sec. 1 of this Act;

28 (3) holds a master's or doctorate degree from an accredited
29 educational institution either in

1 (A) marital and family therapy; or

2 (B) an appropriate course of study approved by the board;

3 and

4 (4) has practiced marital and family therapy in the state for at
5 least two years preceding application.

6 (b) A license under this section is subject to the same renewal
7 requirements as a license issued under AS 08.63.100, as enacted by sec. 1
8 of this Act.

9 (c) The Board of Marital and Family Therapy shall liberally construe
10 the requirements of (a) of this section for the purposes of licensing as a
11 marital and family therapy professional every person who merits licensing
12 by virtue of the person's education, training, and experience in the field
13 of marital and family therapy.

14 * Sec. 10. AS 08.63.240, as enacted by sec. 1 of this Act, takes effect
15 July 1, 1991.

16 * Sec. 11. Except as provided in sec. 10 of this Act, this Act takes
17 effect July 1, 1990.

H B

3 2 5

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 29, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 2/2/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 325

HOUSE BILL NO. 325 [PUBLIC SCHOOL HEALTH & SAFETY EDUCATION]
"An Act relating to public school health and personal safety education."

RECOMMENDATIONS:

- be replaced with CSHB 325 (HESS) the same title
 a new title
 have attached amendment(s)
 do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact DOE
 zero fiscal note _____
 zero with analysis _____

- fiscal note(s) _____
 zero fiscal note(s) _____
 zero fn/analysis _____

SIGNING DO PASS:

J. Ellis
Mark Boyer
R. Shinkens
P. J. ...

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>J. Ellis</u>		<input checked="" type="checkbox"/>	
<u>Cheri Davis</u>		<input checked="" type="checkbox"/>	

J. Ellis
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 2/1/90
Title: Public School Health and Personal Safety Education
Sponsor: Boyer
Requestor: House HESS

Agency Affected: Education
BRU: Educational Program Support
Components: Basic Education

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	72.5	74.5	76.2	78.3	80.1	82.4
TRAVEL	6.6	11.7	11.7	11.7	11.7	11.7
CONTRACTUAL	55.9	55.9	55.9	55.9	55.9	55.9
SUPPLIES	5	5	5	5	5	5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	100.0	100.0	100.0	100.0	100.0	100.0
MISCELLANEOUS						
TOTAL OPERATING	240.6	242.6	244.3	246.4	248.2	250.5

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	240.6	242.6	244.3	246.4	248.2	250.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: Mary Hakala
Division: Commissioner's Office

Phone: 465-2800
Date: 2/1/90

Approved by Commissioner: William G. Demmert
Agency: Education

Date: 2/1/90

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

Narrative Outline - Fiscal Note for H.B.325
Alternative #1

Personal Services	72,483.	1 FTE Education Specialist II - Health Education (58,287.) .5 FTE Clerk Typist III (14,196.) Note: Fiscal note assumes merit for the full time position
Travel	6,640.	10 trips for technical assistance & coordination Years 2-5: additional travel for Specialist and other educators to provide on-site assistance (5100.)
Contractual	55,890.	phone/postage (2,900.) xerox (1000.) contracts: <ul style="list-style-type: none"> • Summer Institutes of 3 weeks for 20 practicing elementary teachers who would serve as building level "teacher leaders" - covers instructor fees and expenses, materials and partial scholarships for participants (17,000.) • Local school inservices - training fees and expenses for experts to provide local assistance in comprehensive health and wellness through Talent Bank (4,000.) • audioconferencing line fees (990.) • Develop and produce materials for parents and community members to encourage participation in health education (10,000.) <p>Year 1 only • Develop and produce three Health Fair learning centers to encourage parents and other community members to participate in comprehensive school health education (20,000.)</p> <p>Years 2-5 • Same as above plus additional Training Institutes at regional locations (\$20,000)</p>
Commodities	500.	Supplies
	500	5100. Year 1 only: Two computer workstations (1800 each); desk, chair, bookcase & phone (1500)
	700	100,000. Incentive mini-grants to local school sites for implementing comprehensive health promotion activities
Total =		\$240,613.

STATE OF ALASKA

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

GOLDBELT PLACE
801 WEST 10TH STREET
P.O. BOX F
JUNEAU, ALASKA 99811-0500

Position Paper on HB 325

Second Session
16th Alaska Legislature

The State Board of Education supports the concept of HB 325 which would require school districts to adopt a comprehensive K-12 health education curriculum.



William G. Demmert
Commissioner

2-1-90

Date



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

Medical Advisory Committee

January 24, 1990

REC'D JAN 29 1990

SCHOOL BOARD

William Frick
President

Betty Davis
Vice President
Past President
1985-88

Carol Stolpe
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Darryl Jordan
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1983-84, 1986-87

Sharon Richards

SUPERINTENDENT

William Coats, Ph.D.

The Honorable Johnny Ellis
P.O. Box V
Alaska State Legislature
Juneau, AK. 99811

Dear Mr. Ellis,

The Medical Advisory Committee of the Anchorage School District supports comprehensive health education for Kindergarten through 12th grade students in House Bill 325.

*Jim
bill file*

Sincerely,

James Patterson, MD
Chairman, Medical
Advisory Committee

ANCHORAGE SCHOOL DISTRICT
Curriculum and Instructional Services
Health Services Department

MEDICAL ADVISORY COMMITTEE 1989-90

James H. Patterson, M.D., Chairman
3500 LaTouche
Anchorage, AK. 99508
Phone: 562-2969

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John Dohohue
Elementary Principal
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Gov't Hill - 277-4223

Bonnie Hemry, M.D.
USAF Hospital/SGHMP Pediatrics
Elmendorf AFB, AK. 99506
Phone: 552-5456

Janice Bates, RN, Supervisor
Health Services
Phone: 269-2215

HB 325

I work with teens in classrooms as a guest speaker on issues of sexuality and teen relationships.

It is my experience that teens respond thoughtfully and enthusiastically to a speaker who is comfortable presenting accurate, comprehensive information and is knowledgeable in the area of teen psychology.

During my presentation, teens surprise their regular instructors by remaining quiet and asking questions of the presenter. They feel free to explore their belief systems because of the frankness of the presenter when discussing real life situations. Repeatedly, teens are calling for accurate information about contraceptives, building values, abortions, homosexuality and teen pregnancy. They say "get real" to school districts who seek to limit information discussed in the classroom. They say they would never reveal a pregnancy to a school nurse who was obliged to report to their parent, thereby missing an important link in services. Most cases, school nurses are able to help a child talk with parents, but only if she comes to the nurse's office in the first place.

Parents try to satisfy their children's curiosity about the world, but when these children become adolescents their curiosity is suddenly a threat. When they want data with which to make decision - we don't give it to them. Instead we allow them to be barraged with social messages extolling the idea that sex sells. If they wanted to drive a car, would we hide driving manuals? Sure some teens would stay home, but most would climb behind the wheel anyway, even without the knowledge.

In my experience, teens make the best decisions when they know the truth and see it demonstrated by trusted adults. They need facts. The school is the standard depository of the truth, outside of the home and church. Most children don't get information about sexuality at home, and perhaps an edited version at church.

Kids need a teacher who is expert and comfortable with the topic. The instructor should be a trained health or sex ed teacher in a paid position.

Kids need to feel free to speak about current issues such as homosexuality, extra marital sex, values, contraceptives, and abortion. The teacher can offer abstinence as an ideal value, but also needs to explore with students their thinking on other values.

This information, like most of the input in a child's life, needs to be provided early - beginning in grade school in a developmentally appropriate form.

Males and females need to be together to discuss much of the material so that they can receive adequate feedback and explore gender differences.

Parents need training in talking to their children at home about sexuality, as most adults aren't accepting of or comfortable with their own sexuality and have difficulty speaking about it.

Better a healthy prevalence of sexual messages than an unhealthy one!

*Kelli Mahoney
925 Lone Cub Way
Wasilla AK*

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Public School Health and
Personal Safety Education
 Sponsor: Boyer
 Requestor: House HESS

Agency Affected: Education
 BRU: Educational Program Support
 Components: Basic Education

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	72.5	74.5	76.2	78.3	80.1	82.4
TRAVEL	6.6	11.7	11.7	11.7	11.7	11.7
CONTRACTUAL	32.9	32.9	50.0	50.0	50.0	50.0
SUPPLIES	.5	.5	.5	.5	.5	.5
EQUIPMENT	5.1					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	117.6	119.6	138.4	140.5	142.3	144.6

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	117.6	119.6	138.4	140.5	142.3	144.6
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached.

Prepared by: Toni Kahklen-Jones Phone: 465-2830
 Division: Educational Program Support Date: 1/22/90

Approved by Commissioner: William G. Demmert Date: 1/22/90
 Agency: Education

Distribution (by preparer):

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

Narrative Outline - Fiscal Note for H.B.325
Alternative #2

Personal Services	72,483.	1 FTE Education Specialist II - Health Education (58,287.) .5 FTE Clerk Typist III (14,196.) Note: Fiscal note assumes merit increases for the full time position
Travel	6,640.	10 trips for technical assistance & coordination
Contractual	32,900.	phone/postage (2,900.) xerox (1000.) Year 1 & 2: <ul style="list-style-type: none">• Summer Institutes of 3 weeks for 20 practicing elementary teachers who would serve as building level "teacher leaders" - covers instructor fees and expenses, materials and partial scholarships for participants (15,000.)• Local school inservices - training fees and expenses for speakers in comprehensive health and wellness through Talent Bank (4,000.)• Develop and produce materials for parents and community members to encourage participation in health education (10,000.) Years 3-5: <ul style="list-style-type: none">• Same as above plus additional Training Institutes at regional locations (\$17,100)
Commodities	500.	Supplies
Equipment	5100.	Year 1 only: (two computer workstations (1800 each), 1500. desk, chair, bookshelf, phone)

Total = \$117,623. for Year One

576EPSHLM
1/23/90

Position Title Education Specialist II - Health Educator		No. of Positions 1	Range/Step 21/A	Hrg. Unit CCU	
Time Status Fulltime	Staff Months 12.0	Location Juneau		Election District	
Type of Expenditure		Justification			
		<p>The position will be responsible for promoting health and wellness in school programs by:</p> <ul style="list-style-type: none"> * providing assistance to local districts in the area of curriculum development, teacher training, and evaluation of comprehensive school health programs, * analyzing the capacity of local programs on a statewide basis and design state level programs, and materials to address areas of common need, * coordinate with the university and with health agencies to promote appropriate training opportunities for teachers and instructional aides, * provide state level leadership to coordinate specific prevention programs, e.g., drug and alcohol abuse, HIV infection and teen pregnancy, into a comprehensive, school wide approach to health education and promotion, and, * develop and implement such grant programs and regulatory functions as are necessary to assure accountability. 			
Amount					
1	2				3
Salary	\$ 45,744				
Benefits	\$ 12,543				
Premium Pay					
Other					
Total Personal Services					\$ 58,287
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost					
Funding Source for Total Cost					
Federal Receipts	1002				
G. E. Match	1003				
General Fund	1004	\$ 58,287			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Education
 BRU Educational Program Support
 Component Office of Basic Education

FY 90

Page of
 Revised Date

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8/A	Barg. Unit CCU
Time Status Part Time	Staff Months 12.0	Location Juneau		Election District
Justification				
Clerical support is essential to the success of any program. The position will be responsible for all word processing, filing, mailouts, etc., in support of the health education efforts outlined in HB 325.				
Type of Expenditure		Amount		
1	2	3		
Salary	\$ 9789			
Benefits	\$ 4407			
Premium Pay				
Other				
Total Personal Services		\$ 14,196		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. E. Match	1003			
General Fund	1004	\$ 14,196		
I. A. Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Education
 BRU Educational Program Support
 Component Office of Basic Education

Page of
 Revised Date

FY 90

BILL NO: HB 325

DATE: January 22, 1990

TITLE: Public School Health and
Safety Education

CONTACT: Barbara Miklos
465-3456

DEPARTMENT OF
PUBLIC SAFETY

The Council on Domestic Violence and Sexual Assault supports HB 325 "An Act Relating to public school health and personal safety education". This bill requires school districts to initiate and conduct a program in comprehensive health education for kindergarten through grade 12. Present law "encourages" such a program. Included in the required curriculum is sexual abuse, domestic violence and parenting instruction.

At least 25% of the women in Alaska have been victims of domestic violence. More than a third of those women reported that their children were direct victims of violence, and all children raised in violent homes suffer emotional trauma. Nationally, at least 1/4 of girls and 1/10 of boys will be victims of child sexual abuse before they are 16. Children who are raised in violent families or other dysfunctional families often have poor role models for being parents. They should be taught how to parent so their children are protected from violence. In order to be able to protect themselves, know where to get help and/or prevent themselves from being caught up in domestic violence; children need information about these subjects.

Many schools are providing instruction in domestic violence, sexual assault, child abuse and parenting. However, many are not. In order to stop the cycles of violence, we must reach children in all schools. Therefore, the Council supports making health education and personal safety curriculum mandatory.

Arthur English
Commissioner

RECEIVED
JAN 24 1990

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: Public School Health and Safety BRU: Council on Domestic Violence
Education and Sexual Assault
Sponsor: Rep. Boyer, et al Component: _____
Requestor: House HESS

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

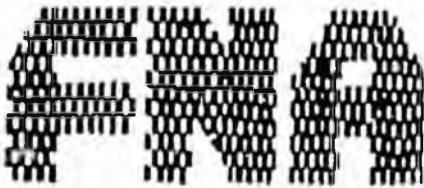
ANALYSIS: (Attach a separate page if necessary)

The Council would provide technical assistance in developing the curriculum. It will have no fiscal impact on the Department of Public Safety.

Prepared by: Barbara Miklos, Executive Director *Bgm*
Division: Council on Domestic Violence and
Sexual Assault
Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Phone: 465-4356
Date: 1/19/90
Date: _____
Page 1 of 1

REC'D OCT 19 1989



FAIRBANKS NATIVE ASSOCIATION, INC.

310 1/2 First Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-1648 / 456-5151

October 9, 1989

Jim

The Honorable Johnny Ellis
Chairman, House Health, Education and
Social Services Committee
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Mr. Ellis:

This letter is in support of HB 325, "An Act relating to public school health and personal safety education".

Knowing how to establish and maintain a healthy lifestyle is of primary importance and is the first step in prevention. Ignorance of health issues such as Aids, substance abuse, reproductive health, and suicide prevention will only serve to perpetuate these rather than help young people make intelligent choices concerning their health and well-being.

At the Fairbanks Native Association we see many people who were not given the necessary tools and information early enough in life to enable them to make the choices which lead to a healthy lifestyle. The unfortunate results affect the clients themselves, they affect their families, their friends, and eventually the whole community. The costs in terms of lost human potential and the strain on the economy are immeasurable.

By focusing on prevention measures as early as possible, we will help our youth avoid many future hardships and problems. This can only have positive outcomes in terms of a generation better equipped to face the future, and a generation with the knowledge to develop a healthier lifestyle and thereby a healthier community. I hope you will work for the approval of HB 325.

Sincerely,

Samuel S. Demientieff
Executive Director

ADMINISTRATION/ACCOUNTING
452-1648 or 456-5151

JOHNSON O'MALLEY
EDUCATIONAL PROGRAM
"SAAKKAAYA CENTER"
451-6201 or 451-6211

EMPLOYMENT DEVELOPMENT
452-1648

WOMEN'S EQUITY EDUCATION
452-1648/456-7127/456-7189

VOCATIONAL SPECIFIC TRAINING
452-1648

COMMUNITY SERVICES
452-1648

Counseling Services
452-1648

Child Welfare
452-1648

Family Focus
452-5802

ALASKA BUSINESS COUNSELING
SERVICE
452-6144

ALCOHOL AND DRUG ABUSE SERVICES

Drop-In Center
456-7948

Out-Patient Services
456-1041
456-1101

Fairbanks Alcohol Safety
Action Program
452-6144

Youth Drug Abuse Prevention
452-5085

Director
452-1648 Ext. 15
FICADA Detox Center
456-1052

PCADA Business Center
456-1045

PCADA Highway House
452-8761

Substance Abuse Regional Counselor Training Program
452-7045



P.O. Box 020809
Juneau, Alaska 99802-0809

Aiding Women from Abuse and Rape Emergencies

"Serving Juneau and Nine Southeastern Communities"
(907) 586-6623 (business) (907) 586-1090 (crisis)

October 19, 1989

Jim

Representative John Ellis
Chair, HESS Committee
3111 "C" Street, Suite 455
Anchorage, Alaska 99503

Honorable John Ellis:

I am writing in support of House Bill 325, "An Act relating to public school health and personal safety education."

As the Education Specialist for AWARE, Inc., I want to stress the importance of age appropriate health and personal safety education. By providing comprehensive, age appropriate health education in the public school system we are giving students information about the dangers children may encounter and safe options they can use to help protect themselves.

Public school health and personal safety education is the best PREVENTION for the prevalent problems of sexual abuse, substance abuse, sexually transmitted diseases including AIDS, unintended teenage pregnancy and suicide.

A great strength of HB 325 is its emphasis on "training, support groups, and pertinent literature designed to encourage parents and other members of the community to participate in health and personal safety education." Parents are the primary health educators of their children, yet often they feel uncomfortable or illprepared to present health and sexuality information. HB 325 facilitates their participation and increases communication about sensitive and often difficult health issues. Thus, HB 325 increases the effectiveness of health education by including parents and the community.

I appreciate your support of HB 325. It will foster a healthier future for Alaska by providing children with information from which they can make healthy decisions.

Respectfully,

Rene M. Pisel

Rene Pisel
Education Specialist



planned parenthood of alaska

- Administration - 1008 W. Northern Lights, Anchorage, Alaska 99503 (907) 563-2229
- Statewide Mobile Clinic - 1008 W. Northern Lights, Anchorage, Alaska 99503 (907) 563-2229
- Anchorage Clinic - 1008 W. Northern Lights, Anchorage, Alaska 99503 (907) 563-2229
- Mat-Su Valley Clinic - Wasilla Business Park, 201 E. Swanson, Suite 13, Wasilla, Alaska 99687 (907) 376-6535
- Sitka Clinic - 201 Lincoln Street, P.O. Box 515, Sitka, Alaska 99835 (907) 747-3883
- Peninsula Service - P.O. Box 3666, Soldotna, Alaska 99669 (907) 262-2622

October 4, 1989

REC'D OCT 6 1989

Jim file

Rep. Mark Boyer
1098 Lakeview Terrace
Fairbanks, Alaska 99701

Dear Rep. Boyer:

Thank you for your letter of September 28 regarding HB 325. We are very happy that you introduced this bill, and you can be assured of our support for it.

Planned Parenthood of Alaska has always supported sexuality education programs which reach young people of all ages. We believe that this can best be accomplished as part of a comprehensive "physical health and personal safety" program such as the one your bill calls for. We're pleased that the bill recognizes the importance of adequate training for those involved in the program, and for the educational aids to be developed for parents and others in the community. We appreciate the position you and the bill's co-sponsors have taken that knowledge is empowerment, and that all subject areas related to human sexuality and reproductive health need to be addressed.

We do have three suggestions which we believe would strengthen your bill:

1. In establishing guidelines for the program, the Board of Education should draw upon the experience and expertise of all agencies and organizations who have been involved in any aspect of the program. Planned Parenthood has advocated many years for sexuality education and reproductive health services, and we know our resources would be of immense value to the Board in the development of the guidelines as well as in their implementation. A provision in the bill providing for the involvement of all agencies with expertise to contribute would be desirable.

2. In establishing programs at the local level, it is essential that there be maximum community involvement. Every segment of the community should have an opportunity to be heard in determining the kind of program which should be implemented



A United Way Agency

in the school district. Invariably this results in a much stronger program which enjoys much greater community acceptance. We would like to see a statement in the bill emphasizing the importance of this.

3. It is important that parents have the opportunity to decide whether their children participate in the program. Other community institutions are also concerned with providing this knowledge to young people, and the family should have the right to determine which of these institutions to utilize. Most parents want such a program to be offered in the public schools and approve of their children's participation in it. However, the rights of the minority who do not want their children involved should be respected.

We hope you find the above suggestions constructive. If there is anything more we can do to help win enactment of this bill, please call on us. Congratulations on an excellent bill!

Sincerely,

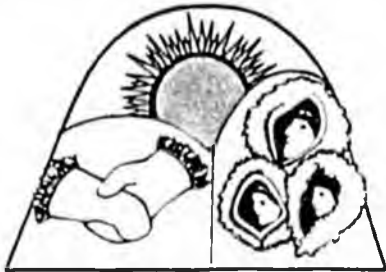


G. Patrick Spartz
Acting Executive Director

cc: Co-sponsors

*Thanks for supporting this
bill!*





REC'D OCT 13 1989

Bering Sea Women's Group

MEMORANDUM

Jim

TO: Representative Johnny Ellis
P.O. Box V, Room 104
Juneau, Alaska 99811

FI: Sonja Greene, *S.G.*
Executive Director
Bering Sea Women's Group

This memorandum is to inform you of Bering Sea Women's Group support for House Bill 325 - - - " An Act relating to Public Schools and Personal Safety Education.

Discussion on H.B.325

Department of Education
Division of Educational Program Support

Testimony - January 24, 1990

The Department would like to offer the following comments regarding House Bill 325:

1. The State Board of Education does not have a position on HB 325. The Board is scheduled to meet January 29 and 30, 1990.
2. Comprehensive school health education is the most effective way to achieve knowledge, attitude and behavior changes. There are ten topical areas that are nationally accepted as the major components of comprehensive health education. These are identified within the Alaska Health Education Curriculum Guidelines and the State Board of Education's draft "Outcomes for Public Education". We recommend that HB 325 be amended as follows.

page 1, line 14 through 22, delete everything and replace it with:

"(l) age appropriate instruction in comprehensive school health education including mental and emotional health, drug and alcohol use and abuse, prevention and control of disease, nutrition, human growth and development, family life, consumer health, safety and first aid, community health and personal health."

In concert with the goal to promote developmentally appropriate, comprehensive school health education at the local level, the bill should be worded broadly enough to allow for flexibility at that level. Students need to be taught positive, healthy options - not just told what not to do. Research shows that comprehensive programs teach prevention skills in a number of areas that reinforce each other. Programs that are offered in a piecemeal fashion are not nearly as effective. For example, drug and alcohol prevention programs are more effective when taught in the context of making healthy decisions, understanding the effect of alcohol on personal growth and development, and examining the effect of alcohol on the unborn.

3. The Department has identified the lack of trained teachers as the number one obstacle for implementing comprehensive school health education programs. In a survey conducted by the Department of Education, only 26% of the districts could identify one or more staff with a degree in health education. 87% of the school districts identified further training for health educators as an important need for implementation. Teacher training for existing staff in the form of institutes, inservices and workshops will be essential to facilitate implementation.
4. We strongly suggest an effective date of July 1, 1993 or later which will allow districts to plan a phased-in approach over three years or more. This would give districts time to get their teachers trained, work with local advisory committees, review and obtain materials and implement a K-12 program.
5. The long term nature of building comprehensive school health education programs across Alaska's school districts will require stable fiscal support from the legislature and technical assistance from the Department of Education. Comprehensive curriculum will need to be developed, teachers trained and program effectiveness evaluated over time.

Alaska Health Education Consortium

COMPREHENSIVE SCHOOL HEALTH EDUCATION RESOLUTION

84-2

The Alaska Health Education Consortium

Recognizing that many of the leading health problems in Alaska, including accidental injuries, substance abuse, dental disease, and lack of proper nutrition, are greatly affected by an individual's lifestyle and personal health habits, and

Acknowledging that an effective approach to promoting positive health habits is through the schools where children can learn the necessary skills to adopt and maintain healthy practices and lifestyles that affect the rest of their lives, and

Noting the expansive list* of national organizations that support school health education, and

Recognizing that in Alaska, AS.1430.360(a) states "Each district in the state public school system shall be encouraged to initiate and conduct a program in health education for kindergarten through 12.", and

Noting that the Alaska Area Native Health Service and Native Health Corporations with Health Education Programs have long range goals of implementation of school health education, and

Noting that the "Governor's Task Force on Effective Schooling 1981" recommends "health" as required curriculum in grades K-12, and

Knowing a "Criteria for Excellence: Health Education Programs in Alaska" has been developed by Department of Education, and

Noting that the State Health Plan for Alaska has adopted a goal stating, "Comprehensive Health Education should be provided to all students in grades K through 12 in Alaska's Public Schools".

Therefore be it resolved that the Alaska Health Education Consortium supports required comprehensive, sequential programs of health education, Kindergarten through Twelfth grade, for all students in Alaska's public and private schools.

- *
- | | |
|--|---|
| American Association of School Administrators | American Academy of Pediatrics |
| American Alliance for Health, Physical Education, and Recreation, AAHPER | American Dental Association |
| American Association for the Advancement of Health Education | American Medical Association |
| Joint Committee on Health Problems in Schools of the National Education Association and the American Medical Association | American Public Health Association |
| National Association of State Boards of Education | American School Health Association |
| National Association of Secondary School Principals | Council of Chief State School Officers |
| Sex Education and Information Council of the United States | Department of Health and Human Services |
| National Association of Elementary School Principals | Department of School Nurses, NEA |
| | International Union for Health Education |
| | National Health Council |
| | School Health Education Study (1961-1972) |
| | Society of Public Health Education |
| | National Congress of Parents and Teachers |
| | National Education Association |
| | National School Boards Association |
| | Society of Nutrition Education |



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408 Juneau, Alaska 99801 586-9702

HB 325 "An Act relating to public school health and personal safety education,"

The Alaska Council of School Administrators supports the concept of HB 325 in designing a comprehensive health and safety education curriculum and encourage the continued development of this piece of legislation.

While the issues spoken to in the concept of health and personal safety are so important to the lives of young children, so are many other basic aspects of a child's learning and consequently we feel uncomfortable about the idea of mandating this curriculum in our Alaskan schools over other basic areas.

We feel, because of the complexity and number of issues needing to be addressed, that a strategic plan be made to systematically approach the intent of this legislation.

Some of the problem areas needing to be addressed include: the development of curriculum in many of these areas; finding qualified instructors or training instructors to be qualified to teach these concepts; soliciting parental approval and support in the beginning and where to incorporate the needed time within the existing school day.

→ We also feel this issue needs to be addressed by the State Board of Education as it is included into the educational outcomes they are developing for the State of Alaska.

It is without question that knowledge in each of the areas outlined within this bill are very important to survive in society today. We would like to express our willingness to work with Representative Boyer in the further development of HB 325.

2 Fiscal note - another argument for a Foundation increase



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

January 18, 1990

To: Rep. Johnny Ellis, Chair
Members, House HESS Committee

Re: House Bill No. 325;
"An Act relating to public school health and personal safety education."

NEA-Alaska supports and encourages your favorable consideration of HB 325.

While NEA-Alaska generally resists legislatively mandated curriculum and program the issues addressed in HB 325 are so critical to the interests of every child and therefore, to Alaska as well, that we feel it is time for this kind of legislation.

The increasing number of problems in the areas referenced in Sec. 14.30.360 (a) (1) of the bill give dramatic evidence to a critical need.

Traditional methods are simply no longer as effective as they once were. The changing dynamic of the family and the parenting process strongly suggest that public education is going to have to be more responsive than was necessary in the past. It is probably the only institution with the stability and longer range ability to deal with the increasing number of problems.

Parental involvement in and support for their child's education has changed as a result of both parents working, single parent families, and tragically, an increasing number of low income and poverty level children who have little or no support and guidance in their home.

The sponsor correctly notes in his September 28, 1989, memorandum that there will be some public criticism to having public education assume additional responsibility in this area. We encourage that you resist this criticism for the reasons stated by the sponsor; accurate information will help people make more intelligent decisions. It is important that every child have a reliable and available source of information on those things which are important to them.

Finally, it is important to recognize that many public schools may not have the necessary resources; financial, staff, and program; to meet the needs which currently exist and will undoubtedly increase in magnitude.

We strongly encourage the Committee to supplement this legislation with the additional financial support and Agency direction which will be needed for its effective implementation.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 1-24-90

H. HESS 2-2-90

6-1375E ✓
Ford
2/1/90

Original sponsor(s): REP. BOYER, M.Davis, Ellis, Finkelstein, Goll, Jacko, Koponen, Brown, Ulmer

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 325 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public school health and personal
7 safety education."

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

9 * Section 1. AS 14.08.115 is amended to read:

10 Sec. 14.08.115. ADVISORY SCHOOL BOARDS IN REGIONAL EDUCATIONAL
11 ATTENDANCE AREAS. A regional school board shall establish a health
12 education curriculum advisory board and may establish other advisory
13 school boards, and by regulation shall prescribe their manner of
14 selection and organization, and their powers and duties.

15 * Sec. 2. AS 14.12.035 is amended to read:

16 Sec. 14.12.035. ADVISORY SCHOOL BOARDS IN BOROUGH SCHOOL DIS-
17 TRICTS. A borough school district board shall establish a health
18 education curriculum advisory board and may establish other advisory
19 school boards, and by regulation shall prescribe their manner of
20 selection, organization, powers, and duties.

21 * Sec. 3. AS 14.30.360 is amended to read:

22 Sec. 14.30.360. CURRICULUM. (a) Each district in the state
23 public school system shall [BE ENCOURAGED TO] initiate and conduct a
24 program in comprehensive health education for kindergarten through
25 grade 12. The program must [SHOULD] include

26 (1) age appropriate instruction in physical health and
27 personal safety including alcohol and substance [DRUG] abuse educa-
28 tion, first aid, including cardiopulmonary resuscitation (CPR), human
29 growth and development, including human sexuality, reproductive

1 health, pregnancy prevention, fetal alcohol syndrome, prevention and
 2 control of diseases, including acquired immune deficiency syndrome
 3 and other sexually transmitted diseases, mental and emotional health,
 4 including suicide prevention, early cancer prevention and detection,
 5 dental health, family health, environmental health, the identification
 6 and prevention of child abuse, child abduction, neglect, sexual abuse
 7 and domestic violence, and appropriate use of health services;

8 (2) training, support groups, and pertinent literature
 9 designed to assist parents and other members of the community to
 10 participate in health and personal safety education;

11 (3) a district curriculum and curriculum materials devel-
 12 oped in conjunction with the district health education curriculu-
 13 advisory school board; and

14 (4) a method of notifying parents of students of the con-
 15 tent of instructional materials used in the human growth and develop-
 16 ment program and of the parents' option to exempt their child from
 17 this instruction; a district shall use procedures to provide that
 18 students exempted from the program are not embarrassed by the exemp-
 19 tion.

Grunberg
 ↓ *human growth + Development.*

20 (b) The state board shall establish guidelines for a comprehen-
 21 sive health and personal safety education program. Personal safety
 22 guidelines shall be developed in consultation with the Council on
 23 Domestic Violence and Sexual Assault. Upon request, the Department of
 24 Education, the Department of Health and Social Services, and the
 25 Council on Domestic Violence and Sexual Assault shall provide techni-
 26 cal assistance to school districts in the development of personal
 27 safety curricula. A school health and personal safety education
 28 specialist position shall be established and funded in the department
 29 to coordinate the program statewide. Adequate funds to enable

1 curriculum and resource development, adequate consultation to school
2 districts, and a program of [TEACHER] training and periodic staff
3 development for administrators and teachers in health and personal
4 safety education shall be provided.

5 * Sec. 4. TRANSITION. Each district shall begin development of the
6 health education curriculum required by this Act by July 1, 1990, and shall
7 have in place a program of comprehensive health education required by this
8 Act by August 1, 1991.

H B

3 3 9

COVENANT HOUSE  ALASKA

REC'D MAR 19 1990

March 15, 1990

Representative Jonny Ellis
House Health, Education, and Social Services
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Alaska 99811

Dear Johnny:

Thank you for the opportunity to testify on HB329. Attached is a copy of my testimony.

Please let me know if I can provide any further information. As you know, Covenant House is very opposed to the passage of HB 329.

Thank you.

Sincerely,



Fred Hill
Executive Director

Jim/Nina

Jim

Testimony to the House Health, Education and Social Services
Committee
On House Bill 339
By Fred Ali, Executive Director, Covenant House Alaska
March 15, 1990

In 1988, the Alaska State Legislature passed a comprehensive and coherent runaway statute.

Alaska can be proud of this progressive statute. In fact, with the passage of SB79 in 1988, Alaska joined New York in having the most comprehensive state-level runaway statute in the nation. I was recently informed that individuals in the state of Louisiana are using the Alaska statute as a model of good, comprehensive runaway legislation.

The Alaska Statute carefully balances parental rights with the realities of runaway behavior. The statute provides for programs which offer kids a non-coercive and safe alternative to the street. Parents rights are protected by confidentiality provisions, strict reporting requirements, and limits on the amount of time a runaway may remain in an approved runaway shelter.

Covenant House Alaska has been operating under the Alaska runaway statute for nearly two years and we believe we have established a record of success both in reaching vulnerable children and in satisfying law enforcement officials, social service professionals, parents, and the general public. Our experience indicates that the statute governing our program is working, and therefore, we see no reason to modify or change the law.

Since Covenant House Alaska opened in October of 1988:

1. We have provided shelter to over 800 youth between the ages of 13-20;
2. Over one-third of our residents have returned home or to another safe residential environment;
3. Only one parent has ever demanded to have their child returned home prior to the 45 day limit;
4. Only two parents have refused an extension of the 45 day limit;

HB 339 would reduce the period a minor can remain in an approved runaway shelter from 45 to 30 days.

First of all, the current 45 day provision affects very few of our residents. Our average length of stay is nine days. As I noted above, we simply have not received complaints from parents demanding their kids be returned home.

But for some kids, the 45 day provision has proven tremendously important. As was intended by the original legislation, the 45 day period gives the program a reasonable amount of time to identify problems, provide counseling, and attempt family mediation. To illustrate this point, let me give you the example of Joanne:

Joanne, a chronic runaway, entered Covenant House at the age of 15. She indicated an inability to communicate with her parents and a refusal to remain home if sent back. After a series of unsuccessful family meetings, the goal of which was reunification, the program elected to keep her in residence for the full 45 days, continue counseling, and family mediation. Parents did not disagree with this decision. On Joanne's 42 day in the program, she disclosed sexual abuse by another family member.

For many kids, like Joanne, a clear diagnosis, let alone resolution of problems, takes time. If Joanne had been returned home at the 30th day, the treatment we eventually arranged would not have occurred. You might ask, what difference does 15 days make? In Joanne's case - it obviously made a big difference.

There's an old adage, "if it's not broke, don't fix it." In our judgment, that the existing runaway statute is working just fine. No compelling evidence has been presented to the contrary. I urge your no vote on HB339.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Relating to residence in runaway
minor facilities
 Sponsor: Rep. Phillips
 Requestor: _____

Agency Affected: Dept of Health & Social Service
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact in FY 90

Prepared by: *Russ Webb*
 Division: Family & Youth Services
 Approved by Commissioner: *Myra M. Munson*
 Agency: Department of Health & Social Services

Phone: 465-3170
 Date: March 9, 1990
 Date: March 9, 1990

Distribution (by preparer):

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

POSITION PAPER
House Bill 339

For an Act entitled: "An Act relating to residence in runaway minor facilities."

This bill reduces the length of time that a minor may reside in a runaway shelter from 45 days to 30 days, with the extension possible with written consent of the custodian reduced from 45 days to 30 days.

The department opposes this legislation. Children who have taken the serious step of running to a shelter for runaways frequently require up to 30 days to form an adequate trust level with adults adequate to address the problems precipitating the run. Additional time is then necessary to mediate between the child and the family to accomplish return of the child to the home.

Children who have run from an abusive home environment consistently require at least 30 to 35 days to establish a trust level strong enough to enable them to disclose the abuse.

While children frequently can be moved out of runaway shelters in less than 30 days, establishing a 30 day limit will, in some cases, force a family reunion before full resolution is accomplished, resulting in only a temporary solution and contributing to future runs. In other instances, enforcement of a 30 day limit will prevent adequate protection of a child from abusive situations.

RECOMMENDED:

Russ Webb
Russ Webb, Director
Division of Family
and Youth Services

DATE:

3/9/90

APPROVED:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health
and Social Services

DATE:

3/9/90

April 27, 1989

Representative Randy Phillips
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Re: The restrictions that Covenant House have over the family should
be in the hands of the courts. Change there covenant this session.
Dear Mr. Phillips;

Covenant House has the power to keep any minor for 45 days without the
the legal guardians consent. The police, state troopers, courts, parents
cannot due anything to stop them from doing what they wish with the
minor during that period of time.

We are parents who have not abused our daughter. She ran away after
being suspended from school and disciplined by us.

We have tried daily to get her back because she is in a very bad environ-
ment and socializing with the type of teenagers we have always tried to
steer her away from, drug users and street wise runaways.

I have called many of our state legislators, because they are the ones
who passed the legislation to allow Covenant House to keep a minor
who is not homeless or abused. There needs to be an amendment passed to
allow the legal guardians to take Covenant House and the runaway into
family court within 3 days. This way the judge can return the child to
the home where the parents can provide proper guidance, unless there is
proof of abuse.

Our attorneys have told us that the only way we can get her back is to
grab her off the street.

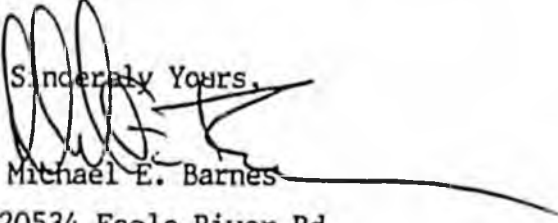
After talking to some school district vice principles and educators, I
have heard concerns about runaways, such as my daughter, being given
asylum by Covenant House and instead of trying to return the minor to
the home.....as they say they are trying to do.....they end up
tearing the home apart.

I hope that the legislators will be able to see the importance in the
legal guardians having the chance to return the child to the home within
a few days instead of six weeks.

The law needs to be changed this year without delay. If not then I'm sure that it will be changed in the future after the children of a few politicians, attorneys, and legislators run away to Covenant House. At that time, those people who wheel the power will find the same stone wall that my wife and I have been trying to claw through for over two weeks.

Covenant House has made running away a vacation from home for the minor and a tormenting situation for the family unit who tries to retrieve her.

Sincerely Yours,


Michael E. Barnes

20534 Eagle River Rd.
Eagle River, Ak. 99577
696-1915

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 183-3991
Fax: (907) 183-3331

September 12, 1989

MEMORANDUM

TO: Representative Randy Phillips

ATTN: Janet Seitz

FROM: Sandi Depue *Sandi*
Administrative Officer

RE: Runaway Minors: State Regulation of Length of Stay in Shelters
Research Request 89.112 (Supplemental Information)

Attached, per your request, are copies of 1) the federal Runaway and Homeless Youth Act, 2) regulations stating how long a youth may stay in a federally funded shelter and setting the time frame for obtaining parental or guardian consent, and 3) a copy of the legislative history of the Juvenile Justice and Delinquency Prevention Act of 1974. The legislative history was forwarded by the Congressional Research office upon my request for backup material relating to the Runaway and Homeless Youth Act. I apologize for taking so long to gather this information, however, the information from the Congressional Research office did not arrive until yesterday.

Based on a telephone conversation with June Bucy, director of the National Network of Runaway and Youth Services, the first research memorandum regarding this issue, dated January 12, 1989, stated that shelters funded by federal money may house runaways no longer than 14 days without parental consent. This information was incorrect. The regulations state that a youth may stay in a federally funded shelter for a maximum of 15 days and that parental or legal guardian contact should be made within 24 hours and must be made within 72 hours.

I hope this additional information is useful. If you need further information, please contact this agency.

Attachments

The requirements for technical assistance and short-term training are based on the Department's intent to improve the administration of the Runaway Youth Program by increasing the capability of the runaway service providers to deliver services. The requirement for coordination with the 24-hour toll-free communication system is based on the need to assure that runaway or otherwise homeless youth are aware of the availability of services and can be referred for assistance regardless of their whereabouts. The statistical reporting requirements are based on the legislative mandate in Section 312(b)(6) of the Act which states that "runaway youth projects shall keep adequate statistical records profiling the children and parents which it serves. . . ." This information is provided in the Annual Report to Congress on the Runaway Youth Program.

PUBLIC COMMENTS

Comments received in response to the proposed regulations were carefully considered. Revisions have been made where appropriate. These changes and significant areas of comment are described below. The decisions made after review of public comments are explained.

1. *Definitions*—(a) *Youth*: Several comments suggested that the definition of a youth as "a person who has not yet reached the legal age of majority" was vague, confusing, contradictory, and could present problems in providing services. State laws vary on the "age of majority" and this could result in grantees having to serve two significantly distinct groups because of the different legal relationships between parents and youth in the age range of 18 to 21. Also, the level of maturity for the 18 to 21 group is different. Their needs are more acute and they require longer-term services and greater staff expertise than runaway youth projects are designed to provide. Given these substantive needs differences and the varying legal relationships, it would not be possible for runaway youth projects to accomplish the intent and goals of the Act, such as reuniting youth with their families. Accordingly, revisions have been made to the proposed definitions of "runaway youth" and "homeless youth". The definitions describe these youth as persons under 18 years of age. The Department will continue to adhere to the age ceiling set forth in the regulations published in the *FEDERAL REGISTER* on December 13, 1978.

(b) *Technical Assistance*: Concern was expressed that the proposed definition of technical assistance was not adequate because it could be confused with that of "short-term training". The nature of technical assistance

places emphasis on problem resolution and increases the overall capability of grantee organizations to administer an effective program. Current grantees report frustration because of an unclear understanding of the nature and function of technical assistance. To take care of this concern, the Department has revised the definition used in the past and has presented additional examples of technical assistance and removed those related to short-term training.

(c) *Short-term Training*: Numerous comments noted that short-term training is the development of staff skills to strengthen the effective delivery of services. Comments also indicated that allowing the training to be State, local or regionally-based will contribute to making the training more useful and accessible to grantee organizations. The Department agrees with these suggestions and has revised Section 1351.20(a) and the definition of "short-term training" in Section 1351.1(m).

(d) *Temporary Shelter*: It was recommended that the present definition be revised to include a specific time frame to define short-term room and board. Since it is not the Department's intention to establish group homes for permanent or long-term care of runaway or otherwise homeless youth, the Department accepts this recommendation. It was decided that a maximum time frame of 15 days would be appropriate. This is based on the average length of stay by a youth in a local runaway youth project as indicated through statistical reporting requirements placed on grantees over the past three years.

2. *Standard for capacity*: A few comments recommended that a standard which requires a minimum residential capacity of four be added to the Program Performance Reporting Requirements placed on grantees in September 1976. The Department has decided to establish a minimum residential capacity to assure a quantifiable standard for measuring whether a runaway youth project is in fact complying with the Act and these regulations regarding shelter. The decision to establish a particular minimum capacity of four is based on limited resources available to runaway youth projects. Therefore, Section 1351.17(d) has been revised.

3. *Indian eligibility*: One comment recommended that Indian tribes be specifically mentioned as eligible to apply for grants as they are considered local units of government. 45 CFR Section 74.3 notes that Federally recognized Indian tribes are presently eligible to apply as localities. All other Indian tribes and Indian organizations are eligible to apply for grants as private nonprofit organizations. These

regulations have been revised to include a specific reference to these groups in the definition of "locality" in Section 1351.1(i).

A second recommendation was made to earmark 10 percent of the appropriation specifically for Indian tribes and organizations. The Runaway Youth Act does not permit set-asides for any group of runaway or otherwise homeless youth. The regulations have not been revised in this regard.

4. *Accreditation of local private nonprofit agencies*: One comment suggested that these applicants be awarded grants if accredited by an independent body designated by the Department. This accreditation would establish whether or not the agency has met acceptable professional standards. All runaway youth projects funded by the Department are required to adhere to local licensing requirements for shelter facilities. These requirements address minimum professional standards in such areas as administration, personnel, training, physical facilities, and records and reports. Therefore, the Department believes that a regulation requiring private nonprofit applicants to be accredited is unnecessary.

5. *Technical Changes*: In addition to the revisions described above, the Department has incorporated various suggestions regarding minor technical changes designed to clarify the language and intent of the regulations.

(Catalog of Federal Domestic Assistance 13.623—Runaway Youth)

Dated: August 23, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development Services.

Approved: November 8, 1978.

HALE CHAMPION,
Acting Secretary.

Chapter XIII of Title 45 of the Code of Federal Regulations (CFR), Part 1351 is amended as follows:

Subpart A—Definition of Terms

Sec.
1351.1 Significant Terms.

Subpart B—Runaway Youth Program Grant

- 1351.10 What is the purpose of the Runaway Youth Program grant?
- 1351.11 Who is eligible to apply for a Runaway Youth Program grant?
- 1351.12 Who gets priority for the award of a Runaway Youth Program grant?
- 1351.13 What are the Federal and non-Federal participation requirements under a Runaway Youth Program grant?
- 1351.14 What is the period for which a grant will be awarded?
- 1351.15 What costs are supportable under a Runaway Youth Program grant?
- 1351.16 What costs are not allowable under a Runaway Youth Program grant?
- 1351.17 How is application made for a Runaway Youth Program grant?

submit a separate application to have the support continued for each subsequent year. Continuation awards within the project period will be made provided the grantee has made satisfactory progress, funds are available, and HEW determines that continued funding is in the best interest of the Government.

§ 1351.15 What costs are supportable under a Runaway Youth Program grant?

Costs which can be supported include, but are not limited to, temporary shelter, referral services, counseling services, aftercare services, and staff training. Costs for acquisition and renovation of existing structures may not normally exceed 15 percent of the grant award. HEW may waive this limitation upon written request under special circumstances based on demonstrated need.

§ 1351.16 What costs are not allowable under a Runaway Youth Program grant?

A Runaway Youth Program grant does not cover the cost of constructing new facilities.

§ 1351.17 How is application made for a Runaway Youth Program grant?

HEW publishes annually in the FEDERAL REGISTER a program announcement of grant funds available under the Runaway Youth Program Act. The program announcement states the amount of funds available, program priorities for funding, and criteria for evaluating applications in awarding grants. The announcement also describes specific procedures for receipt and review of applications. An applicant should:

(a) Obtain a program announcement from the FEDERAL REGISTER or from one of HEW's 10 Regional Offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle;

(b) Obtain an application package from one of HEW's Regional Offices; and

(c) Upon fulfillment of the requirements of OMB-Circular A-95 which can also be obtained at one of HEW's Regional Offices, submit a completed application to the Grants Management Office at the appropriate Regional Office.

§ 1351.18 What criteria has HEW established for deciding which Runaway Youth Program grant applications to fund?

In reviewing applications for a Runaway Youth Program grant, HEW takes into consideration a number of factors, including:

(a) Whether the application meets one or more of the program's funding priorities; (see § 1351.12)

(b) The need for Federal support based on the number of runaway or otherwise homeless youth in the area in which the runaway youth project is or will be located;

(c) The availability of services to runaway or otherwise homeless youth in the area in which the runaway youth project is located;

(d) Whether there is a minimum residential capacity of four and a maximum residential capacity not to exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment;

(e) Plans for meeting the best interests of the youth involving, when possible, both the youth and the parent or legal guardian. These must include contacts with parents or legal guardian. This contact should be made within 24 hours, but must be made no more than 72 hours following the time of the youth's admission into the runaway youth project. The plans must also include assuring the youth's safe return home or to local government officials or law enforcement officials and indicate efforts to provide appropriate alternative living arrangements.

(f) Plans for the delivery of aftercare or counseling services to runaway or otherwise homeless youth and their parents or legal guardians;

(g) Whether the estimated cost to the Department for the runaway youth project is reasonable considering the anticipated results;

(h) Whether the proposed personnel are well qualified and the applicant agency has adequate facilities and resources;

(i) Whether the proposed project design, if well executed, is capable of attaining program objectives;

(j) The consistency of the grant application with the provisions of the Act and these regulations.

§ 1351.19 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

(a) Several other HEW rules and regulations apply to applicants for or recipients of Runaway Youth Program grants. These include:

(1) The provisions of 45 CFR Part 74 pertaining to the Administration of Grants;

(2) The provisions of 45 CFR Part 16, Departmental Grants Appeal Process, and the provisions of Informal Grant Appeal Procedures (Indirect Costs) in volume 45 CFR Part 75;

(3) The provisions of 45 CFR Part 80 and 45 CFR Part 81 pertaining to non-discrimination under programs receiv-

ing Federal assistance, and hearing procedures;

(4) The provisions of 45 CFR Part 84 pertaining to discrimination on the basis of handicap;

(5) The provisions of 45 CFR Part 46 pertaining to protection of human subjects.

(b) Several program policies regarding confidentiality of information, treatment, conflict of interest and State protection apply to recipients of Runaway Youth Program grants. These include:

(1) *Confidential information.* All information including lists of names, addresses, photographs, and records of evaluation of individuals served by a runaway youth project shall be confidential and shall not be disclosed or transferred to any individual or to any public or private agency without written consent of the youth and parent or legal guardian. Youth served by a runaway youth project shall have the right to review their records; to correct a record or file a statement of disagreement; and to be apprised of the individuals who have reviewed their records. Procedures shall be established for the training of project staff in the protection of these rights and for the secure storage of records.

(2) *Medical, psychiatric or psychological treatment.* No youth shall be subject to medical, psychiatric or psychological treatment without the consent of the youth and parent or legal guardian unless otherwise permitted by State law.

(3) *Conflict of interest.* Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

(4) *State law protection.* HEW policies regarding confidential information and experimentation and treatment shall not apply if HEW finds that State law is more protective of the rights of runaway or otherwise homeless youth.

(c) Nothing in the Runaway Youth Act or these regulations gives the Federal Government control over the staffing and personnel decisions regarding individuals hired by a runaway youth project receiving Federal funds.

Subpart C—Additional Requirements

§ 1351.20 What are the additional requirements under a Runaway Youth Program grant?

(a) To improve the administration of the Runaway Youth Program by increasing the capability of the runaway youth service providers to deliver services, HEW will require grantees to

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juveniles convicted of serious drug-related and gang-related offenses.

"(3) To reduce juvenile involvement in gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(4) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(5) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

"(6) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is provided under this part.

"(7) To facilitate Federal and State cooperation with local school officials to assist juveniles who are likely to participate in the activities of gangs that commit crimes and to establish and support programs that facilitate coordination and cooperation among local education, juvenile justice, employment, and social service agencies, for the purpose of preventing or reducing the participation of juveniles in activities of gangs that commit crimes.

"(8) To provide personnel, personnel training, equipment, and supplies in conjunction with programs and activities designed to prevent or reduce the participation of juveniles in unlawful gang activities or unlawful drug activities, to assist in improving the adjudicative and correctional components of the juvenile justice system.

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system.

"(10) To provide drug abuse education, prevention and treatment involving police and juvenile justice officials in demand reduction programs.

"APPROVAL OF APPLICATIONS

"Sec. 281. (a) Any agency, institution, or individual desiring to receive a grant, or to enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose, such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any, to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

"(6) attach a copy of the responses of such State planning agency and local agency to such request;

"(7) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency and local agency; and

"(8) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

"(c) In reviewing applications for grants and contracts under this part, the Administrator shall give priority to applications—

"(1) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles or the incidence of juvenile drug abuse and drug trafficking, in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(2) for assistance for programs and activities that have the broad support of organizations operating in such geographical areas, as demonstrated by the applicants."

CHAPTER 2—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 271. GRANTS FOR RUNAWAY AND HOMELESS YOUTH CENTERS.

(a) TECHNICAL AMENDMENT.—The heading for section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended to read as follows:

"AUTHORITY TO MAKE GRANTS".

(b) GRANT PROGRAM.—Subsections (a) and (b) of section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) are amended to read as follows:

"(a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and the juvenile justice system.

"(b)(1) Subject to paragraph (2) and in accordance with regulations promulgated under this title, funds for grants under subsection (a) shall be allotted annually with respect to the States on the basis of their relative population of individuals who are less than 18 years of age.

"(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than \$75,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$30,000 each.

"(3) If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year would be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year 1988, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot under paragraph (1) with respect to such State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in such State for fiscal year 1988.

"(4) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to private entities that have experience in providing the services described in such subsection."

(c) CONFORMING AMENDMENTS.—(1) Sections 312 and 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5712, 5713) are each amended by striking "this part" each place it appears and inserting "section 311(a)".

(2) Section 312(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(a)) is amended by inserting "and homeless youth" after "proposed runaway".

(3) Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(A) in the matter preceding paragraph (1) by striking "meeting" and all that follows

through "center—" and inserting "including assurances that the applicant—"

(B) in paragraph (1)—

(i) by striking "shall be" and inserting "shall operate a runaway and homeless youth center", and

(ii) by inserting "and homeless" after "by runaway", and

(C) in paragraphs (3) and (5) by striking "runaway center" each place it appears and inserting "runaway and homeless youth center".

(D) in paragraphs (4) and (6) by striking "runaway youths" each place it appears and inserting "runaway and homeless youth", and

(E) in paragraphs (5) and (6) by striking "runaway youth" each place it appears and inserting "runaway and homeless youth".

(4) Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended by striking "runaway center" and inserting "runaway and homeless youth center".

(5) Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5717) is amended—

(A) by striking "runaway centers" and inserting "runaway and homeless youth centers", and

(B) by striking "runaway youth" and inserting "runaway and homeless youth".

(6) Section 318(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5718(a)) is amended by striking "acquisition and".

SEC. 272. ADDITIONAL TECHNICAL AMENDMENTS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended—

(1) by amending the heading for part A to read as follows:

"PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM".

(2) by striking the headings for parts B and C, and

(3) by inserting before the heading for section 317 the following:

"PART D—ADMINISTRATIVE PROVISIONS".

SEC. 273. AUTHORIZATION OF TRANSITIONAL LIVING PROJECTS.

(a) ASSISTANCE TO POTENTIAL GRANTEEES.—Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5715a) is amended—

(1) by inserting "and transitional living youth projects" after "homeless youth centers";

(2) in paragraph (1) by inserting "or transitional living youth project" after "homeless youth center";

(3) by inserting "or such project" after "such center" each place it appears, and

(4) in paragraph (3) by inserting "and homeless" after "runaway".

(b) LEASE OF SURPLUS FEDERAL FACILITIES.—Section 316 of the Runaway and Homeless Youth Act (42 U.S.C. 5716) is amended—

(1) in the heading of such section by inserting "OR AS TRANSITIONAL LIVING YOUTH SHELTER FACILITIES" after "HOMELESS YOUTH CENTERS", and

(2) in subsection (a)—
(A) by inserting "or as transitional living youth shelter facilities" after "homeless youth centers", and

(B) in paragraph (1) by inserting "or transitional living youth project, as the case may be, under this title" after "homeless youth center".

(c) REPORTS.—Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5717) is amended—

(1) by inserting "(a)" after "Sec. 317";

(2) by striking "this part" and inserting "part A", and

(3) by adding at the end thereof the following:

"(b) The Secretary shall annually report to the Congress on the status and accomplishments of the transitional living youth projects which are funded under part B, with particular attention to—

"(1) the number and characteristics of homeless youth served by such projects;

"(2) describing the types of activities carried out under such projects;

"(3) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

"(4) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(5) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living; and

"(6) the ability of such projects to strengthen family relationships, and encourage the resolution of intra-family problems through counseling and the development of self-sufficient living skills."

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by inserting after subsection (a) the following:

"(b)(1) Subject to paragraph (2), to carry out the purposes of part B of this title, there are authorized to be appropriated \$3,004,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

"(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds \$28,900,000."

(e) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended—

(1) by inserting before the heading for section 315 the following:

"PART C—GENERAL PROVISIONS", and (2) by redesignating sections 315, 316, 317, 318, 321, and 331 as sections 341, 342, 351, 352, 353, and 355, respectively.

(f) GRANTS FOR TRANSITIONAL LIVING YOUTH PROJECTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 314 the following:

"PART B—TRANSITIONAL LIVING GRANT PROGRAM

"PURPOSE AND AUTHORITY FOR PROGRAM

"Sec. 321. (a) The Secretary is authorized to make grants and to provide technical assistance to public and nonprofit private entities to establish and operate transitional living youth projects for homeless youth.

"(b) For purposes of this part—

"(1) the term 'homeless youth' means any individual—

"(A) who is not less than 16 years of age and not more than 21 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement; and

"(2) the term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"ELIGIBILITY

"Sec. 322. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

"(1) to provide, directly or indirectly, shelter (such as group homes, host family homes, and supervised apartments) and services (including information and counseling services in basic life skills, interpersonal skill building, educational advancement, job attainment, skills, and mental and physical health care) to homeless youth;

"(2) to provide such shelter and such services to individual homeless youth throughout a continuous period not to exceed 540 days;

"(3) to provide, directly or indirectly, on-site supervision at each shelter facility that is not a family home;

"(4) that such shelter facility used to carry out such project shall have the capacity to accommodate not more than 20 individuals (excluding staff);

"(5) to provide a number of staff sufficient to ensure that all homeless youth participating in such project receive adequate supervision and services;

"(6) to provide a written transitional living plan to each youth based on an assessment of such youth's needs, designed to help the transition from supervised participation in such project to independent living or another appropriate living arrangement;

"(7) to develop an adequate plan to ensure proper referral of homeless youth to social service, law enforcement, educational, vocational, training, welfare, legal service, and health care programs and to help integrate and coordinate such services for youths;

"(8) to provide for the establishment of outreach programs designed to attract individuals who are eligible to participate in the project;

"(9) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under this part, the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the homeless youth who participate in such project in the year for which the report is submitted;

"(10) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(11) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

"(12) to keep adequate statistical records profiling homeless youth which it serves and not to disclose the identity of individual homeless youth in reports or other documents based on such statistical records;

"(13) not to disclose records maintained on individual homeless youth without the consent of the individual youth and parent or legal guardian to anyone other than an agency compiling statistical records or a government agency involved in the disposition of criminal charges against youth; and

"(14) to provide to the Secretary such other information as the Secretary may reasonably require.

"(b) In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing to homeless youth shelter and services of the types described in subsection (a)(1)."

SEC. 323. REPORTS.

Section 361 of the Runaway and Homeless Youth Act (42 U.S.C. 5715), as so redesignated by section 723(c)(2), is amended by striking "The Secretary shall annually" and inserting "Not later than 180 days after the end of each fiscal year, the Secretary shall".

SEC. 324. NATIONAL COMMUNICATION SYSTEM.

(a) TECHNICAL AMENDMENTS.—Sections 313 and 314 of the Runaway and Homeless

Youth Act (42 U.S.C. 5713-5714) are redesignated as sections 315 and 317, respectively.

(b) AUTHORITY TO MAKE GRANTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 313 the following:

"GRANTS FOR A NATIONAL COMMUNICATION SYSTEM

"Sec. 313. (a) With funds reserved under subsection (b), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers.

"(b) From funds appropriated to carry out this part and after making the allocation required by section 356(a)(2), the Secretary shall reserve—

"(1) for fiscal year 1989 not less than \$500,000;

"(2) for fiscal year 1990 not less than \$600,000; and

"(3) for each of the fiscal years 1991 and 1992 not less than \$750,000; to carry out subsection (a)."

SEC. 325. GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 313, as added by section 723, the following:

"GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"Sec. 314. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under section 311(a) for the purpose of assisting such entities to establish and operate runaway and homeless youth centers."

SEC. 326. GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 314, as added by section 723, the following:

"AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

"Sec. 315. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway and homeless youth.

"(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to propose projects relating to—

"(1) juveniles who repeatedly leave and remain away from their homes;

"(2) outreach to runaway and homeless youth;

"(3) transportation of runaway and homeless youth in connection with services authorized to be provided under this part;

"(4) the special needs of runaway and homeless youth programs in rural areas;

"(5) the special needs of foster care home programs for runaway and homeless youth;

"(6) transitional living programs for runaway and homeless youth; and

"(7) innovative methods of developing resources that enhance the establishment and operation of runaway and homeless youth centers.

"(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who provide services directly to runaway and homeless youth."

SEC. 7274. ANNUAL PROGRAM PRIORITIES.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 363, as so redesignated by section 7273(e)(2), the following:

"ANNUAL PROGRAM PRIORITIES

"Sec. 364. (a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this title for such fiscal year.

"(b) Taking into consideration comments received in the 45-day period beginning on the date the proposed plan is published, the Secretary shall develop and publish, before December 31 of such fiscal year, a final plan specifying the priorities referred to in subsection (a)."

SEC. 7279. COORDINATION WITH ACTIVITIES OF CERTAIN FEDERAL HEALTH AGENCIES.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 364, as added by section 7278, the following:

"COORDINATION WITH ACTIVITIES

"Sec. 365. With respect to matters relating to communicable diseases, the Secretary shall coordinate the activities of health agencies in the Department of Health and Human Services with the activities of the entities that are eligible to receive grants under this title."

SEC. 7280. AUTHORIZATION OF APPROPRIATIONS.

Section 366(a) of the Runaway and Homeless Youth Act of 1974 (42 U.S.C. 5751(a)), as so redesignated by section 7273(d)(3), is amended—

- (1) by striking "1985, 1986, 1987, and 1988";
- (2) by inserting "1989, 1990, 1991, and 1992";
- (3) by inserting "(1)" after "(a)", and
- (4) by adding at the end the following:

"(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year."

CHAPTER 3—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

SEC. 7285. DUTIES AND FUNCTIONS OF ADMINISTRATOR.

(a) ANNUAL REPORT.—Section 404(a) of the Missing Children's Assistance Act (42 U.S.C. 5773(a)) is amended—

- (1) in paragraph (3) by striking "law enforcement";
- (2) in paragraph (4) by inserting "and" at the end;
- (3) by amending paragraph (5) to read as follows:

"(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

"(A) containing a comprehensive plan for facilitating cooperation and coordination in the succeeding fiscal year among all agencies and organizations with responsibilities related to missing children;

"(B) identifying and summarizing effective models of Federal, State, and local coordination and cooperation in locating and recovering missing children;

"(C) identifying and summarizing effective program models that provide treatment, counseling, or other aid to parents of

missing children or to children who have been the victims of abduction.

"(D) describing how the Administrator satisfied the requirements of paragraph (4) in the preceding fiscal year;

"(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) and the number and types of communications referred to the national communications system established under section 313;

"(F) describing in detail the activities in the preceding fiscal year of the national resource center and clearinghouse established under subsection (b)(2);

"(G) describing all the programs for which assistance was provided under section 405 in the preceding fiscal year;

"(H) summarizing the results of all research completed in the preceding year for which assistance was provided at any time under this title; and

"(I)(i) identifying each clearinghouse with respect to which assistance is provided under section 405(a)(9) in the preceding fiscal year;

"(ii) describing the activities carried out by such clearinghouse in such fiscal year;

"(iii) specifying the types and amounts of assistance (other than assistance under section 405(a)(9)) received by such clearinghouse in such fiscal year; and

"(iv) specifying the number and types of missing children cases handled (and the number of such cases resolved) by such clearinghouse in such fiscal year and summarizing the circumstances of each such case"; and

(4) by striking paragraph (6).

(b) Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

- (1) in paragraph (1)—
 - (A) by inserting "(A)" after "(1)",
 - (B) by inserting "24-hour" after "national";
 - (C) by adding "and" after the semicolon; and
 - (D) by adding at the end the following:

"(B) coordinating the operation of such telephone line with the operation of the national communications system established under section 313";
- (2) in paragraph (2)—
 - (A) by amending subparagraph (A) to read as follows:

"(A) provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families";

and

(B) in subparagraph (D)—

(i) by inserting "and training" after "assistance"; and

(ii) by striking the semicolon and inserting the following: "and in locating and recovering missing children";
 - (3) in paragraph (3) by striking the period at the end and inserting "; and"; and
 - (4) by adding at the end the following:

"(4) provide to State and local governments, public and private nonprofit agencies, and individuals information to facili-

tate the lawful use of school records and birth certificates to identify and locate missing children."

SEC. 7286. ADVISORY BOARD.

Section 405 of the Missing Children's Assistance Act (42 U.S.C. 5774) is repealed.

SEC. 7287. GRANTS.

Section 406(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended—

(1) in paragraph (5) by striking "and" at the end;

(2) in paragraph (6) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) to address the needs of missing children (as defined in section 403(1)(A)) and their families following the recovery of such children;

"(8) to reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals' legal custodians without such custodians' consent; and

"(9) to establish or operate statewide clearinghouse to assist in locating and recovering missing children."

SEC. 7288. COMPETITION AMENDMENT.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5776) is amended to read as follows:

"CRITERIA FOR GRANTS

"Sec. 407. (a) In carrying out the programs authorized by this title, the Administrator shall establish—

- (1) annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 405; and
- (2) criteria based on merit for making such grants and contracts.

Not less than 60 days before establishing such priorities and criteria, the Administrator shall publish in the Federal Register for public comment a statement of such proposed priorities and criteria.

"(b) No grant or contract exceeding \$50,000 shall be made under this title unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

"(c) Multiple grants or contracts to the same grantee or contractor within any 1 year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contractors."

SEC. 7289. AUTHORIZATION OF APPROPRIATIONS.

Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

- (1) by striking "\$10,000,000 for fiscal year 1985, and"
- (2) by striking "1986, 1987, and 1988", and
- (3) by inserting "1989, 1990, 1991, and 1992".

SEC. 7290. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENT.—Sections 406, 407, and 408 are redesignated as sections 405, 406, and 407, respectively.

TUESDAY, NOVEMBER 28, 1978
PART II



**DEPARTMENT OF
HEALTH EDUCATION,
AND WELFARE**

**Office of Human
Development Services**



**RUNAWAY YOUTH
PROGRAM**

Administration Requirements

Runaway Youth
Program
Administration
Requirements

are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this chapter.

(As amended Pub. L. 98-473, title II, § 641, Oct. 12, 1984, 98 Stat. 2122.)

REFERENCES IN TEXT

This chapter, referred to in text, except when appearing within quotes in subsecs. (b)(2) and (c)(3), was in the original "this Act", meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which enacted this chapter, sections 3772 to 3774 and 3821 of this title, and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables. "This chapter", appearing within quotes in subsecs. (b)(2) and (c)(3), was in the original "this title", meaning title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended, which is classified principally to chapter 46 (§ 3701 et seq.) of this title. Within the provisions of such chapter 46, the phrase "this title" is translated as "this chapter".

AMENDMENTS

1984—Subsec. (a) Pub. L. 98-473, in amending subsec. (a) generally, substituted provisions setting forth the administrative authority of the Office for former provisions which incorporated other administrative provisions into this chapter as well as construing certain references as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same actions as other officials.

Subsec. (b) Pub. L. 98-473, in amending subsec. (b) generally, substituted provisions relating to the applicability of other provisions to this chapter as well as defining certain references therein for former provisions which directed the Office of Justice Assistance, Research and Statistics to provide staff support and coordinate the activities of the Office of Juvenile Justice and Delinquency Prevention.

Subsecs. (c), (d), Pub. L. 98-473, in amending section generally, added subsecs. (c) and (d).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

SUBCHAPTER III—RUNAWAY AND HOMELESS YOUTH

§ 5702. Promulgation of rules

The Secretary of Health and Human Services (hereinafter in this subchapter referred to as the "Secretary") may issue such rules as the Secretary considers necessary or appropriate to carry out the purposes of this subchapter.

(Pub. L. 93-415, title III, § 303, Sept. 7, 1974, 88 Stat. 1130; Pub. L. 98-473, title II, § 650, Oct. 12, 1984, 98 Stat. 2122.)

AMENDMENTS

1984—Pub. L. 98-473 substituted "Health and Human Services" for "Health, Education, and Welfare" and "issue such rules as the Secretary" for "prescribe such rules as he".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

PART A—GRANTS PROGRAM

§ 5711. Grants and technical assistance

(a) Authorization; purposes; amount; priority

The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and private entities and coordinated networks of such entities in accordance with the provisions of this part and assistance to their families. Grants under this part shall be made equitably among the States based upon their respective populations of youth under 18 years of age for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. Grants also may be made for the provision of national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.

(b) Supplemental grants to runaway centers developing model programs

The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication and to the families of such juveniles.

[See main edition for text of (c)]

(As amended Pub. L. 98-473, title II, § 651, Oct. 12, 1984, 98 Stat. 2123.)

AMENDMENTS

1984—Subsec. (a), Pub. L. 98-473, § 651(a), in sentence, substituted "private entities and coordinated networks of such entities" for "nonprofit private entities and coordinated networks of such agencies" and added "and assistance to their families".

Subsec. (b), Pub. L. 98-473, § 651(b), added "and the families of such juveniles".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

§ 5712. Eligibility; plan requirements

[See main edition for text of (a)]

(b) In order to qualify for assistance under this part, an applicant shall submit a plan

PRIOR PROVISIONS

A prior section 315 of Pub. L. 93-415 was renumbered section 317 of Pub. L. 93-415 and is classified to section 5715 of this title.

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

§ 5716. Lease of surplus Federal facilities for use as runaway and homeless youth centers

(a) Conditions of lease arrangements

The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers if the Secretary determines that—

- (1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center;
- (2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this subchapter, whether or not the applicant is receiving a grant under this part; and
- (3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

(b) Period of availability; rent-free use; structural changes; Federal ownership and consent

(1) Each facility made available under this section shall be made available for a period of not less than 2 years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

(2) Any structural modifications or additions to facilities made available under this section shall become the property of the United States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.

(Pub. L. 93-415, title III, § 316, as added Pub. L. 98-473, title II, § 655(2), Oct. 12, 1984, 98 Stat. 2124.)

PRIOR PROVISIONS

A prior section 316 of Pub. L. 93-415 was renumbered section 318 of Pub. L. 93-415 and is classified to section 5716 of this title.

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

§ 5715. Annual report to Congress

[See main edition for text]

(Pub. L. 93-415, title III, § 317, formerly § 315, Sept. 7, 1974, 88 Stat. 1131; Pub. L. 96-509, § 18(f), Dec. 8, 1980, 94 Stat. 2762; renumbered Pub. L. 98-473, title II, § 655(1), Oct. 12, 1984, 98 Stat. 2124.)

§ 5716. Federal and non-Federal share, methods of payment

[See main edition for text]

(Pub. L. 93-415, title III, § 318, formerly § 317, Sept. 7, 1974, 88 Stat. 1132; renumbered Pub. L. 98-473, title II, § 655(1), Oct. 12, 1984, 98 Stat. 2124.)

PART C—AUTHORIZATION OF APPROPRIATIONS

PRIOR PROVISIONS

A prior part C, consisting of section 5741, Pub. L. 93-415, title III, § 331, as added Pub. L. 93-415, title III, § 331, Oct. 3, 1977, 91 Stat. 1059, and amended Pub. L. 96-509, title V, § 509(b), Oct. 17, 1979, 93 Stat. 693, authorized the President to submit to the Congress, on April 30, 1978, a reorganization plan for establishment of an Office of Youth Assistance, subject to Congressional resolution of disapproval, was repealed by Pub. L. 98-473, title II, § 656, 670(a), Oct. 12, 1984, 98 Stat. 2124, 2129, eff. Oct. 12, 1984. Section 631(e) of Pub. L. 98-473 redesignated former part D as C.

Previously, part C was redesignated part D by Pub. L. 93-415, § 7(c), Oct. 3, 1977, 91 Stat. 1059.

§ 5741. Repealed. Pub. L. 98-473, title II, § 656, Oct. 12, 1984, 98 Stat. 2124.

See Prior Provisions note set out preceding this section.

§ 5751. Authorization of appropriations

(a) Amounts authorized for programs and activities

To carry out the purposes of part A of this subchapter there is authorized to be appropriated such sums as may be necessary for fiscal years 1985, 1986, 1987, and 1988.

(b) Consultative and coordinating requirements

The Secretary (through the Office of Youth Development which shall administer this subchapter) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this subchapter with those related programs and activities funded under subchapter II of this chapter and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3701 et seq.).

(c) Conditions for use of funds

No funds appropriated to carry out the purposes of this subchapter—

- (1) may be used for any program or activity which is not specifically authorized by this subchapter; or
- (2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this subchapter.

(Pub. L. 93-415, title III, § 331, Sept. 7, 1974, 88 Stat. 1132; Pub. L. 96-273, § 32(c), Apr. 21, 1979, 90 Stat. 380; renumbered § 341 and amended Pub. L. 93-415, § 7(c), (d), Oct. 3, 1977, 91 Stat. 1059, 1060; Pub. L. 96-509, § 2(b), Dec. 8, 1980,

Federal share; methods

(tion for test)

§ 318, formerly § 32; renumbered § 32, Oct. 12, 1984, 98 Stat.

OF APPROPRIATIONS

VISIONS

of section 5741, added Pub. L. 95-115, and amended Pub. L. 98-473, § 657(a), 1984, 98 Stat. 2125. (a), Oct. 12, 1984, 98 Stat. Section 657(e) of this part D as C. designated part D by Pub. L. 91 Stat. 1059.

473, title II, § 657(a)

set out preceding this

ropriations

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§ 331, Sept. 7, 1974, 88 § 32(c), Apr. 21, 1976 § 341 and amended Oct. 3, 1977, 91 Stat. § 32(b), Dec. 8, 1980

Stat. 2750; renumbered § 331 and amended Pub. L. 98-473, title II, § 657(m)-(d), (f), Oct. 12, 1984, 98 Stat. 2124, 2125.)

PRIOR PROVISIONS

for a prior section 331 of Pub. L. 93-415, see note set out preceding section 5741.

AMENDMENTS

§ 657(a)—Pub. L. 98-473, § 657(a), amended section 5741. Subsec. (a). Pub. L. 98-473, § 657(b), substituted certain sums as may be necessary for fiscal years 1983, 1984, 1987, and 1988 for "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984 the sum of \$1,000,000". Subsec. (b). Pub. L. 98-473, § 657(c), struck out "Assistant" before "Administrator". Subsec. (c). Pub. L. 98-473, § 657(d), added subsec.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, except that enactment of subsec. (c)(2) by Pub. L. 98-473 shall not apply with respect to any grant or payment made before Oct. 12, 1984, see section 670 of Pub. L. 98-473, set out as a note under section 3401 of this title.

SUBCHAPTER IV—MISSING CHILDREN

§ 5771. Findings

The Congress hereby finds that—

(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place them in grave danger;

(2) many of these children are never reunited with their families;

(3) often there are no clues to the whereabouts of these children;

(4) many missing children are at great risk of both physical harm and sexual exploitation;

(5) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

(6) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

(7) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located; and

(8) Federal assistance is urgently needed to coordinate and assist in this interstate problem.

(Pub. L. 93-415, title IV, § 402, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2125.)

EFFECTIVE DATE

Subchapter effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 3401 of this title.

SHORT TITLE

For short title of title IV of Pub. L. 93-415, which created this subchapter, see the "Missing Children's

Assistance Act", see section 401 of Pub. L. 93-415, as added by Pub. L. 98-473, set out as a note under section 3401 of this title.

§ 5772. "Missing child" and "Administrator" defined

For the purpose of this subchapter—

(1) the term "missing child" means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if—

(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited; and

(2) the term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(Pub. L. 93-415, title IV, § 403, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2126.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 3201.

§ 5773. Duties and functions of the Administrator

(a) Description of activities

The Administrator shall—

(1) issue such rules as the Administrator considers necessary or appropriate to carry out this subchapter;

(2) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination);

(3) provide for the furnishing of information derived from the national toll-free telephone line, established under subsection (b)(1) of this section, to appropriate law enforcement entities;

(4) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this subchapter;

(5) analyze, compile, publish, and disseminate an annual summary of recently completed research, research being conducted, and Federal, State, and local demonstration projects relating to missing children with particular emphasis on—

(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

(B) effective programs designed to promote community awareness of the problem of missing children;

(C) effective programs to prevent the abduction and sexual exploitation of children (including parent, child, and community education); and

(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub. L. 100-490, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub. L. 100-490, see 1988 U.S. Code Cong. and Adm. News, p. 3917.

§ 5676. Confidentiality of program records

Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this subchapter may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this subchapter. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

(Pub. L. 99-613, Title II, § 294, as added Pub. L. 100-490, Title VII, § 7260(d), Nov. 18, 1988, 102 Stat. 4430.)

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub. L. 100-490, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub. L. 100-490, see 1988 U.S. Code Cong. and Adm. News, p. 3917.

SUBCHAPTER III—RUNAWAY AND HOMELESS YOUTH

§ 5702. Promulgation of rules

The Secretary of Health and Human Services (hereinafter in this subchapter referred to as the "Secretary") may issue such rules as the Secretary considers necessary or appropriate to carry out the purposes of this subchapter.

(As amended Pub. L. 98-473, Title II, § 450, Oct. 12, 1984, 98 Stat. 2122.)

1984 Amendment. Pub. L. 98-473 substituted "under such rules as the Secretary" for "promulgate such rules as he".

Effective Date of 1984 Amendment. Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see

section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub. L. 98-473, see 1984 U.S. Code Cong. and Adm. News, p. 3112.

PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM

§ 5711. Authority to make grants

(a) Establishment and operation of runaway and homeless youth centers

The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth and their families, in a manner which is outside the law enforcement structure and the juvenile justice system.

(b) Allotment of funds for grants, priority given to certain private entities

(1) Subject to paragraph (2) and in accordance with regulations promulgated under this subchapter, funds for grants under subsection (a) of this section shall be allotted annually with respect to the States on the basis of their relative population of individuals who are less than 18 years of age.

(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than \$75,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$30,000 each.

(3) If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year would be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year 1988, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata in the extent necessary to allot under paragraph (1) with respect to each State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in each State for fiscal year 1988.

(4) In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to private entities that have experience in providing the services described in such subsection.

[See main volume for text of (c)]

(As amended Pub. L. 98-473, Title II, § 461, Oct. 12, 1984, 98 Stat. 2123; Pub. L. 100-490, Title VII, § 7271(a), (b), Nov. 18, 1988, 102 Stat. 4432.)

1984 Amendment. Section (a) of Pub. L. 98-473, § 451(a)(1), added "and assistance to their families" before the period at the end of the first sentence.

Pub. L. 98-473, § 451(a)(1), substituted "private entities and coordinated networks of such entities" for "nonprofit private agencies and coordinated networks of such agencies" before "in accordance with" in the first sentence.

Section (b) of Pub. L. 98-473, § 451(b), added "and to the families of such juveniles" before the period at the end thereof.

Effective Date of 1988 Amendment. Amendment of this section by Pub. L. 100-490 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.

L. 100-490, set out as a note under section 5601 of this title.

Effective Date of 1984 Amendment. Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub. L. 98-473, see 1984 U.S. Code Cong. and Adm. News, p. 3112. See also, Pub. L. 100-490, 1988 U.S. Code Cong. and Adm. News, p. 3917.

Code of Federal Regulations

Runaway Youth grants, see 45 CFR 1351.1 et seq.

§ 5712. Eligibility; plan requirements

(a) To be eligible for assistance under section 5711(a) of this title, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.

(b) In order to qualify for assistance under section 5711(a) of this title, an applicant shall submit a plan to the Secretary including assurances that the applicant—

(1) shall operate a runaway and homeless youth center located in an area which is demonstrably frequented by or easily reachable by runaway and homeless youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway and homeless youth center and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, school system personnel, and welfare personnel, and the return of runaway and homeless youth from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway and homeless youth and their families within the State in which the runaway and homeless youth center is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway and homeless youth center is located;

(6) shall keep adequate statistical records profiling the children and family members which it serves, except that records maintained on individual runaway and homeless youth shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway and homeless youth, and