

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

6889 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

33

SENATE BILL NO. 313

For an Act entitled: "An Act relating to insurance coverage for the treatment of phenylketonuria."

Summary

This bill amends AS 21.42, The Insurance Contract, by adding a new section, AS 21.42.375, Coverage for Treatment of Phenylketonuria.

AS 21.42.375 requires an insurer, authorized under AS 21.09 or AS 21.87, to provide coverage for the formulas necessary for the treatment of phenylketonuria (PKU). This section does not apply to

1. a Medicare supplemental insurance policy;
2. long-term care insurance;
3. an insurance policy regulated under 5 USC 89 or 42 USC 135mm;
4. an insurance policy that provides services or reimbursement exclusively for optometric or vision care, dental or orthodontic care, podiatric, ambulance, mental health or chiropractic care; and
5. an insurance policy that the director has, in writing, determined should be excluded from this section.

Discussion

PKU is a rare inherited genetic disorder occurring in approximately 1 in 11,000 live births. Testing for PKU is required during the first week of life (between 48 hours and 7 days of age) and is done with a simple heel prick. Children with PKU are unable to metabolize an essential amino acid (phenylalanine), which is found in the proteins of most foods. To remain healthy, children with PKU must maintain a strict diet and ingest a mineral and vitamin enriched formula. If the protein intake is not severely restricted, the build up of proteins causes severe brain damage and mental retardation. The use of special formulas and a controlled diet can prevent the excess of protein in the individual's body and the brain

damage can be prevented, allowing the individual an opportunity to develop normally. There is an average of one new PKU infant diagnosed yearly in the State of Alaska.

The Department's Section of Maternal, Child, and Family Health sponsors PKU genetic counseling and follow-up services (clinics) in Anchorage (one in the spring and one in the fall). Each clinic is staffed by a physician, nutritionist, social worker, and a genetics counselor. Currently, there are 12 individuals with PKU utilizing the services provided by the State's PKU clinics. Beyond the clinics, the PKU individuals are given a monthly blood test. The results of the blood tests are forwarded to the Anchorage Genetics counselor, then distributed to the PKU individual's pediatrician.


In addition to the blood tests, the diets of PKU individuals are monitored on a monthly basis. Special formula, for PKU individuals, serves the same health and life sustaining purpose that medications do for many other diseases. The cost for formula and special foods vary depending on the child's age. One case of formula costs about \$180. Depending on the child's age, they may use two to three cases of formula per month.

Without the special diet, the cost to the PKU individual is a lifetime as a severely mentally retarded citizen. The financial cost to the State for institutionalization could exceed a million dollars per person over a lifetime. The cost of the formula is far less than the cost of treatment for the permanent, long-term damage caused due to the lack of the special diet.

Many states require, by statute, that insurance companies cover PKU formula, one of which is the State of Washington. Many insurance companies that serve Alaska residents will not cover PKU formula without the statutory requirement. Due to the cost of the special diet to the family of a PKU individual, especially low-income families, there is the risk that the necessary precautions are not taken, thereby subjecting the PKU individual to the risk of permanent, long-term damage.

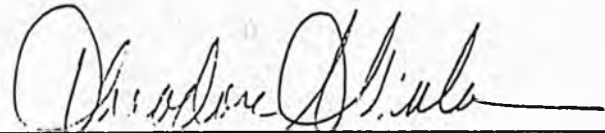
Recommendation

The Department supports SB 313, which will require insurance coverage of formula necessary for the treatment of phenylketonuria.



Peter M. Nakamura, MD, MPH, Director
Division of Public Health

Date: 1/27/92



Theodore A. Maia, MD, MPH
Commissioner
Department of Health and Social Services

Date: 24 Jan 1992

Hal Ingalls
Vicki R. Diemer
2811 Pribilof Street
Anchorage, AK 99517

February 3, 1992

Senator Arliss Sturgulewski
P.O. Box V
Anchorage, AK 99517

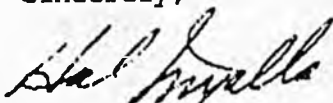
Dear Senator Sturgulewski:

We want to offer you our sincere "thank you" for your efforts in introducing bill #313, "An Act Relating to Insurance Coverage for Phenylketonuria". Hopefully, with your hard work and our prayers this bill will be passed.

We are fortunate that at the present time that we can shoulder the additional costs of Derek's medical foods, but no one knows what the future holds in store for them and with the passage of this bill a lot of families in this state will sleep easier. So few children are born each year with this birth defect that the health care insurance companies will barely feel the affects of bill #313's passage. However, the families that have borderline incomes that are affected by the birth of a PKU child may find the added expense overwhelming without health care coverage. If that should happen the burden would fall upon the state (all of us as taxpayers). No one wants that to happen.

Please contact us any time if you need any information or if we can assist in the passage of this bill.

Sincerely,


Hal Ingalls


Vicki R. Diemer

Letters of Support

BROOK & CANDY KRISTOVICH
P.O. Box 103383
430 W. 89th Avenue
Anchorage, Alaska 99510
(907) 344-6364

Senator Arliss Sturgelewski
Juneau, Alaska

Dear Senator:

We would like to take this opportunity to express our support for SB 313.

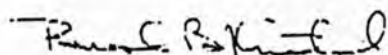
Candy and I have a daughter, Melissa, who was born April 13, 1989, with Phenylketonuria (PKU). We feel that we are one of the lucky parents to have an insurance company such as Blue Cross of Washington and Alaska, which is covering eighty percent (80%) of Melissa's medical and formula.

The Lofenalac that Melissa is required to take in order to survive costs us approximately \$250.00 a month or \$3,000.00 a year, not to mention the other foods she is able to eat in very limited quantities. Her food budget alone is just about as much as it is for the other three in our family (my wife, four year old son, and myself). Without the insurance coverage, we don't know how we would afford to eat.

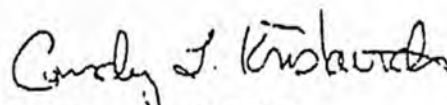
Requiring insurance companies who do business in Alaska to cover people with PKU is a must! We support any Bill that requires this type of coverage!

If we can provide any other support for SB 313, please don't hesitate to call either Candy or myself. Thank you for all your work!

Sincerely,



Brook B. Kristovich



Candy L. Kristovich

Mark and Pat Swank
1000 Whitney Road
Anchorage, AK 99501

February 2, 1992

Senator Arliss Sturgulewski
P.O. Box V
Juneau, AK 99811


Dear Senator Sturgulewski:

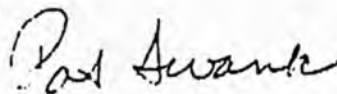
Please accept this letter as our show of support for bill #313, An Act Relating to Insurance Coverage for treatment of Phenylketonuria. We believe Alaska should join the bulk of the rest of the country in mandating insurance companies to provide health insurance coverage for people affected by this birth defect.

The Ingalls family have been friends of ours for more than ten years and we have watched them go through the horror of being told they have a handicapped child and seen the joy this child has brought to them in his "normalcy". We've also seen the fight they've had to obtain health insurance coverage for Derek and feel that no one should have to go through that battle again.

We hope your concern and efforts in presenting this bill will be rewarded.

Sincerely,


Mark Swank


Pat Swank

Haleen Ingalls
118 W. 10th Avenue
Anchorage, AK 99501

February 2, 1992

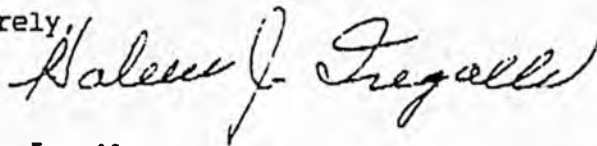
Senator Arliss Sturgulewski
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

Please accept this letter as my support for bill #313, "An Act Relating to Insurance Coverage for Phenylketonuria". Alaska's laws need to reflect most of the other states and make insurance companies offer health care coverage for the children that are affected by this birth defect.

My grandson, Derek Ingalls, has PKU and we count our blessings every day that it was caught in time and that his family is able to get the medical foods he needs to keep him sound. I have seen his family struggle with the health insurance issue and shoulder the financial burden of his extra needs and know that it's a hardship that no one should have to bear alone. It's time we made the health insurance companies assist these few families in their special needs.

Sincerely,

A handwritten signature in cursive script that reads "Haleen Ingalls". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Haleen Ingalls

Jeff and Paula Cotton
2800 Pribilof Street
Anchorage, AK 99517

February 1, 1992

Senator Arliss Sturgulewski
P.O. Box V
Juneau, AK 99811

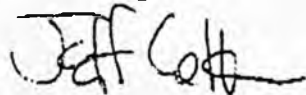
Dear Senator Sturgulreski:

We are sending this letter to you to offer our support for bill #131, An Act Relating to Insurance Coverage for treatment of Phenylketonuria, It's time the insurance companies that are doing business in this state are made to do the responsible thing and give health insurance coverage to any and all persons who have this birth defect.

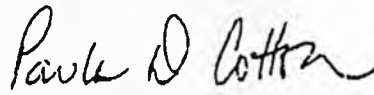
Having been neighbors of the Ingalls family since their son, Derek, was born and knowing what problems they have encountered trying to obtain health insurance for Derek, we feel it's time that our state passed this bill so that no other family has to endure what the Ingalls have had to to get insurance for their healthy "normal" son.

Your efforts in presenting this bill are greatly appreciated.

Sincerely,



Jeff Cotton



Paula Cotton

January 31, 1992

Lorell Bonnet
2801 Pribilof Street
Anchorage, AK 99517

Senator Arliss Sturgulewski
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

Please accept this letter as showing my support for bill #313
"An Act Relating to Insurance Coverage for the treatment of
Phenylketonuria".

I have been a neighbor of Derek Ingalls since before his birth
and have had the pleasure of watching him grow into a happy,
healthy, "normal" three year old. What a tragedy it would
have been or be for him to become mentally handicapped because
insurance coverage was not available to his family to help
differ the costs of his medical foods. What a tragedy that
any family should have to face this kind of problem.

Let's make the insurance companies take the burdon off the
state and parents of PKU children. It's time they were made
to take the responsible position of providing insurance cover-
age for the few children affected by this rare birth defect.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorell Bonnet".

Lorell Bonnet

February 2, 1992

Senator Arliss Sturgulewski
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

I would like to add my name to your list of supporters for Bill #313, "An Act Relating to Insurance Coverage for Phenylketonuria". It's time the insurance companies in this state were made to take the responsible stand on this matter and not leave the full burden of keeping the children affected by this birth defect healthy on the parents or the State of Alaska.

Sincerely,

James Patras

JAMES PATRAS

19216 B MONASTERY DR.

EAGLE RIVER AK 99577



Representative Mark Hanley
Alaska State Legislature

MEMORANDUM

To: Senator Arliss Sturgulewski, Chair
Senate Committee on Health, Education and
Social Services

From: Representative Mark Hanley *MH*

Re: SB 313 "Insurance for PKU"

Date: January 30, 1992

Please see the attached letter from my constituent regarding Senate Bill 313.

I'd like to respectfully request that this letter and the comments of Lewis Johnston be submitted into the official hearing record on this legislation.

I appreciate your consideration. If you have questions or concerns, please contact either myself or my staff person, Michelle Toohey.

7927 Cranberry St.
Anchorage, Ak. 99502
10-5-91

OCT 03 1991

Mr. Mark Hanley
311 C St
Anchorage, Ak. 99503

Dear Mr Hanley

This letter is to ask for your support for bill #313 "An Act Relating to Insurance Coverage for the Treatment of Phenylketonuria". This bill was introduced in the spring 1991 session by Senator Sturgulewski and would require insurance companies to provide health insurance to people with Phenylketonuria, PKU, and to cover the medical foods necessary for their treatment.

Phenylketonuria is a rare birth defect that can cause severe mental retardation if the medical foods needed to control the phenylalanine level in the affected persons system are not used. It would be diastrous for a person with PKU to be denied health insurance and coverage for their medical foods. This would not only affect them and their families, but also the rest of the state by costing us millions of dollars in special education and/or institutional care for an untreated person with PKU. This would be money out of all of our pockets. To mandate insurance companies to cover the required formula and health care on their policies would only cost them three to four thousand dollars per year per PKU applicant as the medical food is the only additional expense needed for a PKU person. Certainly, this amount is not enough to even put a dent in the insurance companies coffers since only one in fifteen thousand babies born has PKU. This would be enough, though, for someone with a marginal income to take themselves out of the workforce and have the state pick up the additional expense of medical foods and welfare costs if they found themselves with a PKU child and no health insurance coverage. This, again, would be a severe draw on "our" pockets.

Most other states have already passed similar bills and I hope Alaska will take the same stand. Insurance companies need to be made to take the responsible position of providing health insurance coverage for Phenylketonuria and its required foods on both group and individual policies.

Sincerely,

Lewis H. Johnston

Lewis Johnston
7927 Cranberry St
Anch, 99502

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 313

Revision Date:

Title: "An Act relating to insurance coverage for the treatment of phenylketonuria.

Sponsor: Senator Sturgulewski

Requestor:

Dept: University
BRU: All
Component: All

Component Serial No. 730

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)	FY93	FY94	FY95	FY96	FY97	FY98
GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:	FY93	FY94	FY95	FY96	FY97	FY98
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Incidence rate is so low as to preclude estimation of budget impact. Prescription drug treatment is estimated to be \$575/month/person
per Jean Freeman of Human Resources 2/28/92

Prepared by: Marsha Hubbard, Director
Division: Statewide Budget Office

Phone: 474-7593
Date: 3/5/92

Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska

Date: 3/5/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FN & UNIV

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. Senate Bill No. 313

Revision Date: _____ Dept. Affected Health & Social Services
 Title: Insurance coverage for the treatment BRU: State Health Services
of phenylketonuria Component: Maternal, Child & Family Health
 Sponsor: Sturqulewski
 Requestor: HES COMPONENT SERIAL NO. 0-60-40602-290

Expenditures/Revenues

(Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact

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

Phone: (907) 465-3090

Date: 1/23/92

Date: 1/24/92

Distribution (by preparer):

Legislative Finance OMB
 Legislative Sponsor Impacted Agency(ies)
 Requestor

FISCAL NOTE

BILL NO. SB 313

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
Title: An Act relating to insurance coverage for the treatment of phenylketonuria.

Department Affected: All State
BRU: All State

Sponsor: Sturgulewski
Requestor: Senate HESS Committee

Component: _____
COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: None

ANALYSIS: (attach a separate page if necessary.)

Despite the expansion of coverage under this bill, the occurrence of phenylketonuria (PKU) in newborns is so small, the application of an insurance rate increase would be impossible to quantify.

Prepared By: Gary Bader *Gary M. Bader*
Division: Retirement and Benefits

Phone: 465-4470
Date: January 30, 1992

Approved by Commissioner: Nancy Bear Userra *Nancy Bear Userra*
Agency: Department of Administration

Date: 1/30/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 313

Revision Date: 2/4/92 Department Affected: Commerce & Econ. Dev.
 Title: An Act relating to insurance cover- age for treatment of phenylketonuria BRU: Insurance
 Component: Operations
 Sponsor: Senator Sturgulewski
 Requestor: _____ COMPONENT SERIAL NO.

0	3	5	4
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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						
FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Don Koch, Chief of Market Surveillance Phone: 465-2577
 Division: Insurance Date: 2/4/92
 Approved by Commissioner: Glenn A. Olds
 Agency: Department of Commerce & Economic Development Date: 2-3-92

(7)

HOUSE COMMITTEE REPORT

Date Referred: March 6, 1992

FURTHER REFERRALS: LABOR AND COMMERCE

Date of Committee Action: 4/8/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SB 313

SENATE BILL NO. 313

INSURANCE FOR PHENYLKETONURIA (PKU)

"An Act relating to insurance coverage for the treatment of phenylketonuria."

RECOMMENDATIONS:

be replaced with _____ [] the same title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to th: _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

4) [] zero fiscal note(s) University, DHSS Admin, commerce

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>Beth Davis</i>	-				
<i>J. C. [Signature]</i>	✓				
		<i>Beth Davis</i>		-	

[Signature]
CO-CHAIRMAN'S SIGNATURE

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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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

Senate Health, Education SB 315
and Social Service - 2/14/92 meeting

S B

3 2 3

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

3111 C STREET, SUITE 550
ANCHORAGE, ALASKA 99503
(907) 561-7615

While in Juneau
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3818

Senate

Sponsor Statement for SB 323

Several health care practitioners' groups have recognized the problem of health care practitioners who have become professionally impaired as a result of chemical dependency. These groups wish to find a solution that does not result in loss of licensure. Currently, if a chemically impaired practitioner voluntarily comes forward, or is reported to his or her licensing board, disciplinary action is taken.

Senate Bill 323 amends existing law to allow the Department of Commerce and Economic Development to contract with public agencies and private professional organizations to provide education, recommend treatment, and monitor recovery for certain persons licensed as medical practitioners who abuse alcohol, other drugs, or other substances.

Often a medical professional is hesitant to come forward to seek treatment for substance abuse because he or she is afraid of a possible license revocation. This legislation would provide a formal means by which intervention and monitoring can be done to meet the standards required by the licensing boards.

As this legislation progressed we became aware of a difference between the cost to the Department for regulating occupational licensing boards and the amount of funding received from licensing fees. This difference results in a shortfall in excess of \$300,000. The bill was amended to direct the Department of Commerce and Economic Development to review fee levels for occupational boards and to adopt fee levels that approximately equal the cost to the Department for regulating those boards.

Sponsor statement

SECTIONAL ANALYSIS
SENATE BILL 323

SECTION 1:

Authorizes the Department of Commerce and Economic Development to contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances.

The contracting would be at the request of one of the following boards:

- (1) Board of Clinical Social Work Examiners;
- (2) Board of Dental Examiners;
- (3) Board of Dispensing Opticians;
- (4) State Medical Board;
- (5) Board of Nursing;
- (6) Board of Examiners in Optometry;
- (7) Board of Pharmacy;
- (8) State Physical Therapy and Occupational Therapy Board;
- (9) Board of Psychologist and Psychological Associate Examiners; and
- (10) Board of Veterinary Examiners.

SECTION 2: (Applies to all boards addressed in AS 08.01.010)

Directs the Department to establish fee levels for occupations which approximately equal the actual cost to the Department for that occupation. Calls for the department to annually review fee levels. If the fee levels are not equal to the actual costs to the Department the Department shall calculate fee adjustments and adopt regulations to implement the adjustments. Recommendations of the effected Board will be considered prior to the increase in fee levels.

SECTION 3:

Releases from any liability those individuals who are involved in reporting, investigating, or hearing a complaint when that complaint relates to the abuse of alcohol, other drugs, or other substances by a licensed individual.

SECTION 4:

Repeals AS 08.01.065(b). Allows the Department to implement fee increases without direct approval of the effected board.

sectional analysis

SSSB 323 (L&C):

"An Act relating to substance abuse by certain persons who are licensed under state law."

This bill contains provisions encouraging early intervention and a nondisciplinary approach for handling licensed health care providers who abuse addictive substances. In addition, the bill provides immunity and indemnity for persons who act in good faith in reporting suspected abuse or who assist the board in intervention, peer review, and other activities deemed necessary to rehabilitate or discipline an impaired practitioner.

Section 1 of the bill adds a new subsection which allows specific health care licensing boards to request the department to contract with a professional association or public agency to provide assistance and treatment to persons who abuse addictive substances. The State Medical Board currently has this provision in 08.64.101 (6), and has had an agreement with the Alaska State Medical Association and its Impaired Physician's Committee since June, 1988. Thus far, it has demonstrated effectiveness.

Denial of the disease and threat of licensing discipline prevent many impaired professionals from entering treatment, thus, putting the public at risk for a greater period of time. Co-workers might be more willing to report someone they thought was abusing if the result were treatment, not punishment. With this legislation, the department could enter into contracts which reflect individual board concerns and philosophies. The contracts would include provisions for identifying, confronting, assisting into treatment, and the monitoring of recovery activities of health care professionals in substance abuse recovery.

The department's Division of Occupational Licensing currently has staff members who have responsibilities in the area of investigation, education, and monitoring of professionals in recovery who have entered into disciplinary probation agreements with the boards. This problem is growing rapidly nationally and we have no reason to believe Alaska will not have a like increase in impaired practitioners. Having the ability to contract as provided in this bill might ease a strain on staff resources that we are beginning to feel.

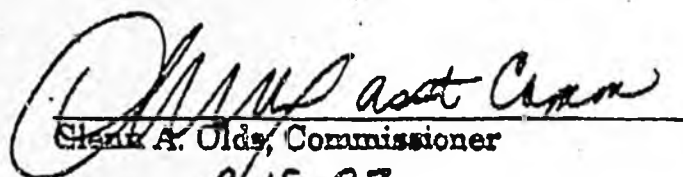
Section 2 of the bill extends the limitation of liability protections currently in place for persons assisting the medical board to those other professionals assisting the other health care licensing boards in carrying out their duties. There is considerable fear about litigation or other retaliation for reporting a fellow practitioner. Reports made in good faith should be protected. Failure to provide this protection would preclude members of the professions from participating in the intervention and monitoring committees.

Commerce Position

POSITION PAPER
SSSB 323 (L&C)
Page 2

The boards will continue to maintain the ability to discipline the chemically addicted professionals who fail to comply with terms of the optional program of treatment and monitoring among those licensed to practice. The department, not the individual boards, will be entering into the contract with the association or private care provider. The bill is permissive, not mandatory. For these reasons, the department is comfortable with the bill as written.

The department supports passage of SSSB 323 (L&C).



Clark A. Olds, Commissioner
Date: 2.18.92

NOTE

Bill Version: SSSB-323

(S) Publish Date: 3-13-92

Effective Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act relating to substance abuse by certain BRU: Occupational Licensing
persons who are licensed under state law. Component: Administration
 Sponsor: Sen. Sturgulewski and Pearce
 Requestor: Senator Sturgulewski COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
OPERATING						
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

PITAL	0.0	0.0	0.0	0.0	0.0	0.0
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VENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

EMPLOYMENTS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimated of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

SSSB 323 will allow the department to contract with public and private organizations at the request of any of the ten health care boards listed in the bill, to provide assistance and treatment to licensees who abuse alcohol, other drugs, or other substances.

Prepared By: Jennifer Strickler Phone: 465-2144
 Division: Occupational Licensing Date: 02/14/92
 Approved by Commissioner: Glen A. Olds

Changes in CS SSB 323 (Fix) Date: 2-14-92

have no fiscal impact. This legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies) fiscal note is appropriate.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSSB 323

Because of the permissive language used in the bill which provide that the department "may" contract with an organization at the request of the board, new funding will not be necessary to implement the bill at the onset. Currently, the division is aware of only one licensing board committed to a substance abuse type program. As additional licensing boards become involved with similar programs, the department may require additional staff support at that time to coordinate activities between the division and the substance abuse programs.

When additional staff support becomes necessary, licensees may be asked to cover costs associated with the program through an increase in fees. The fees can be accounted for separately and the Legislature could make an appropriation from the account to fund activities of the substance abuse programs.

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 10, 1992

FURTHER REFERRALS:

Labor & Commerce
Finance

Date of Committee Action: 4-22-92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSSSB 323(FIN)

CS FOR SPON. SUB. FOR SEN. BILL #323(FIN) SUBSTANCE ABUSE BY LIC. PERSONS; FEES

"An Act relating to substance abuse by certain persons who are licensed under state law; and relating to occupational licensing fees."

RECOMMENDATIONS: the same title
be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Commerce 4/14/92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DMP	NP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Mary Miller	✓				
Betty Davis	✓				
J. B. [Signature]	✓				
Cheri Davis	✓				
Mark [Signature]	X				

[Signature]
CHAIRMAN'S SIGNATURE

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SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:


STATE CAPITOL BLDG., JUNEAU, ALASKA 99801-1182 • (907) 485-3473 • FAX: (907) 483-3043

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Representative Pat Carney, Co-Chair
Representative Georgianna Lincoln, Co-Chair
House HESS Committee

FROM: Senator Fred F. Zharoff 

DATE: March 13, 1992

SUBJ: Scheduling of SB 331

This memo is to request the scheduling of SB 331, "An Act extending the Special Education Service Agency; and providing for an effective date." SB 331 passed the Senate with a letter of intent on Wednesday, 3/11/92.

This bill simply extends the Special Education Service Agency (SESA) for another three years and would make the sunset date for the agency June 30, 1995.

The SESA was created in 1986 and, in my opinion, has proven itself to be a valuable tool in the delivery of special education services to school districts throughout the state. This will be the third sunset review and extension consideration since the creation of SESA.

I would also like to request that SESA's executive director, Chris Robinson (phone number 562-7372), be allowed to participate in the hearing via teleconference from Anchorage.

Back-up information is attached. Thank you for your consideration of this request.

Attachments

Alaska State Legislature

Sen. Pat Pourchot, Co-Chairman
Sen. Jay Kerttula, Co-Chairman

Sen. Al Adams
Sen. Jim Duncan
Sen. Lyman F. Hoffman
Sen. Dick Shultz
Sen. Rick Uehling



State Capitol
Juneau, Alaska 99801-1182
907-465-3712

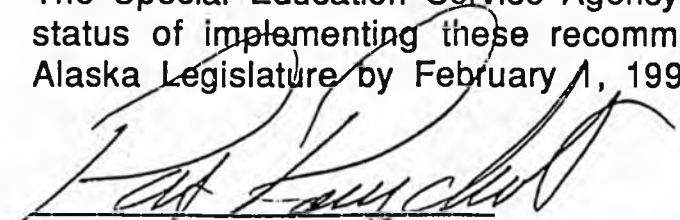
Senate Finance Committee

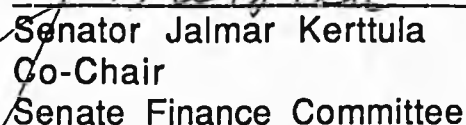
LETTER OF INTENT TO SB 331

It is the intent of the Legislature that the Department of Education and the Special Education Service Agency implement the recommendations contained in the Division of Legislative Audit report entitled "Department of Education; Special Education Service Agency" dated November 13, -1991 (Audit Control #05-1397-92). The recommendations are:

- 1) The Department of Education and the Special Education Service Agency should work together to develop formal procedures to identify when a school district is no longer eligible to receive Special Education Service Agency services and to provide a proper transition for its students;
- 2) The Special Education Service Agency Board of Directors should amend the agency's by-laws to make the Administrator of Special and Supplemental Services within the Department of Education a permanent member of the Board; and
- 3) The Department of Education and the Special Education Service Agency Board should continue to look at more efficient methods of providing related services to low-incidence handicapped students.

The Special Education Service Agency shall submit a report on the status of implementing these recommendations to the Eighteenth Alaska Legislature by February 1, 1993.


Senator Pat Pourchot
Co-Chair
Senate Finance Committee


Senator Jalmar Kerttula
Co-Chair
Senate Finance Committee

SPECIAL EDUCATION SERVICE AGENCY

2217 EAST TUDOR ROAD, SUITE 1 / ANCHORAGE, ALASKA 99507 / PHONE (907) 562-7372 / FAX (907) 562-0545

INTRODUCTION AND REFERRAL INFORMATION

Special Education Service Agency (SESA), a public agency authorized by legislation AS 14.30.600, provides outreach special education services for students experiencing the following handicapping conditions as defined in AS 14.30.350.

- Deaf/Hearing Impairments
- Deaf-Blind
- Serious Emotional Disturbance
- Blind/Visual Impairments
- Autistism
- Orthopedic Handicaps
- Other Health Impairments
- Multihandicap
- Severe Mental Retardation
- Traumatic Brain Injury

Services are available to school districts that serve children whose special education needs occur infrequently in the district, who require specialized services not normally available in the school district, and who cannot be easily served by local school district personnel because of the low number of students in the district experiencing those particular needs.

SESA's outreach staff provide technical assistance to the local school district personnel and parents to develop and implement an educational program based on student and local staff needs. Types of assistance available include:

- Evaluation of Student Progress
- Intervention Strategies
- IEP Development
- Training of On-Site Instructional Staff
- Parent/Liaison Training
- Transition Strategies
- Orientation/Mobility Training
- Loan of Specialized Materials/Equipment

Technical assistance can be provided in a number of ways:

- On-Site Visits
- Telecommunication/Technology Systems
- Topical Workshops
- Interagency Coordination

Why Low Incidence Handicap Outreach Services (LIHO)?

It is the philosophy of the LIHO project that local service providers and families can provide on-site quality educational programs with technical assistance from trained specialists.

Who Is Eligible for Services?

Students experiencing low incidence handicaps are those who qualify under the categories listed above. In order for a district to qualify for SESA assistance with students in these categories, it must be unfeasible for the district to provide the service itself because of the small number of such students.

Who Can Refer?

Local school district Special Education Director/Coordinator

How is a Student Referred?

A referral requires the completion and forwarding to SESA of a packet for each student which includes:

- (1) "Initial Student Referral" form, approved and signed by the district Special Education Director/Coordinator or designee.
- (2) "Authorization for Mutual Exchange of Information" form signed by parent or guardian.
- (3) Diagnostic information supporting eligibility as indicated on the referral form.

What Next?

Qualification for assistance will be determined by the program supervisor. An assigned SESA specialist will contact the Special Education Director to make arrangements for developing a plan of service based on student and local staff needs. This Technical Assistance Agreement will delineate the objectives, activities, timelines and responsibilities for service delivery throughout the school year.

How Much Does It Cost?

The Low Incidence Handicap Outreach Program provides services to qualifying students at no cost to school districts or families.

How Do I Find Out More?

For additional information, please contact:

Betty Barats, Program Supervisor
Special Education Service Agency
2217 E. Tudor Road, Suite 1
Anchorage, Alaska 99507
(907) 562-7372

ALASKA SERVICES TO CHILDREN AND YOUTH WITH DUAL SENSORY IMPAIRMENTS

What is Alaska Services to Children and Youth with Dual Sensory Impairments?

Alaska services for children with dual sensory impairments is federally funded under Public Law 91-230, Title VI-C, to provide services to children and youth, birth through 21 years of age who experience both vision and hearing impairments. These services are in addition to those provided by schools and other state and local agencies.

Why Alaska Services to Children and Youth with Dual Sensory Impairments?

Impairment in sight and hearing deprives children of the two primary senses by which most children learn about their surroundings. Children and youth with both sensory impairments have unique needs in the areas of communication, mobility and other daily activities.

The purpose of Alaska Services for Children and Youth with Dual Sensory Impairments is to provide opportunities for individuals who experience a vision/hearing impairment to live and work as independently as possible by providing training, education, and support to consumers, parents, and service providers.

Who Is Eligible for Services?

Those children and youth (birth through 21 years of age) eligible to receive services through this project funded under Federal CFDA 84.025, "Services for Children and Youth with Dual Sensory Impairments," should meet the following definition:

"The term 'deaf-blind children' means children who have auditory and visual handicaps, the combination of which causes such severe communication and other developmental and educational problems that they cannot be properly accommodated in special education programs solely for the hearing handicapped child or for the visually handicapped child."

How is a Child/Youth Referred for Service?

Referrals may be received from parents as well as educational, medical or social service agencies.

What Happens Next?

Once the referral is received, the Coordinator of Alaska Services for Children and Youth with Dual Sensory Impairments will make contact to arrange for a visit during which a needs assessment will be conducted to identify services which are needed for the individual who is deaf-blind. Subsequent contacts will be conducted to provide these identified services and meet individualized objectives.

How Much Does it Cost?

Children and youth who are registered with this program as having a combination of vision and hearing impairments are eligible for the services described above at no cost to themselves, their parents, or their school districts. Services are designed to supplement services already being provided by school districts and other service agencies.

What Areas are Served?

Services to children and youth experiencing dual sensory impairments are provided throughout the State of Alaska.

How Can I Find Out More?

For additional information regarding services to deaf-blind children in Alaska please contact:

Brenda Jager, Program Coordinator
Special Education Service Agency
2217 E. Tudor Rd., Suite 1
Anchorage, Alaska 99507
(907) 562-7372

BLIND/VISUALLY IMPAIRED - INFANT LEARNING PROGRAM

What Is the Blind/Visually Impaired - Infant Learning Program?

The Blind/Visually Impaired - Infant Learning Program (B/VI-ILP) is an early intervention and parent training program for children who experience blindness/visual impairment, ages birth to three years.

Why B/VI-ILP?

The basic philosophy of the Infant Learning Program is that early attention to delays in development can set a strong foundation to prevent further delays and encourage sequential development.

Who Is Eligible for Screening?

A child is eligible for screening if he/she exhibits one or more of the following conditions:

- (1) Unable to perform visual tasks appropriate to age or development level;
- (2) Higher than normal chance of developing impaired vision due to such factors as prematurity, heredity, birth trauma;
- (3) Abnormal appearance of the eyes; and
- (4) Known damage to the optical system such as cataracts, optic nerve damage, glaucoma.

How Is a Child Referred?

Referrals can be received from parents as well as local Infant Learning teachers, physicians, social workers, public health nurses and day care centers.

What Happens Next?

A teacher of the visually impaired who is trained in early childhood development will visit the home with the local Infant Learning Program teacher. At this time, an initial functional vision screening will be made. If the child demonstrates a delay in visual functioning, an educationally based intervention program will be planned. Home visits will be made and anyone involved in the care of the child including parents, grandparents and/or babysitters will be shown activities to enhance the child's development. Assistance will also be provided in contacting any other agency who may need to be involved to provide educational or medical assistance.

How Much Does It Cost?

The Blind/Visually Impaired - Infant Learning Program is free to all families regardless of income.

What Areas are Served?

B/VI-ILP provides services throughout the State of Alaska.

How Can I Find Out More?

If you suspect a child, age birth to three years, to have a visual impairment, please contact:

Tanni L. Anthony, Program Coordinator
Special Education Service Agency
2217 E. Tudor Rd., Suite 1, Anchorage, Alaska 99507
(907) 562-7372

ASSISTIVE TECHNOLOGY SERVICES**What are Assistive Technology Services?**

During the 1991-92 program year, SESA will begin offering two programs in assistive technology, funded through the State Division of Vocational Rehabilitation and its Assistive Technologies of Alaska project.

SESA's Assistive Technology Equipment Lending Library will loan equipment and devices for use in home, school, and work settings. The Library will also offer consumers and service providers consultation, information and referral to others who may be able to help meet specific needs. The intent of most equipment loans will be to experiment with a device or adaptation to determine its usefulness before purchase. In those instances, the item would be returned and made available for another recipient as soon as its usefulness is determined. In some cases longer term loans may be arranged.

SESA's Augmentative Communications Project will provide additional services to individuals who might benefit from assistive communications technology. For individuals referred, SESA will arrange communications assessments, recommend assistive strategies and devices, and consult with individuals and service providers regarding the use of any equipment obtained. Trial loans from the Equipment Lending Library will be available to individuals served through the Augmentative Communications Program, if the needed equipment is available.

These assistive technology services will utilize and expand upon existing SESA programs and staff and will emphasize interagency cooperation in the delivery of services. A consumer-majority project advisory board will oversee the development and implementation of the project.

Why Assistive Technology services:

SESA's assistive technology services are part of a state-wide effort to identify consumer needs for assistive technology and to improve its availability and effectiveness. SESA has been provided supplemental federal funds by the Alaska Division of Vocational Rehabilitation to offer these services and to work toward needed changes in the state's response systems.

Who is eligible for services?

SESA assistive technology information, consultation, and referral services are available to Alaskans of all ages. Equipment loans are available to all Alaskans who would benefit from assistive technology. In most cases, equipment loans will be made through an individual's existing service provider.

How can I find out more about Assistive Technology services?

Referrals for equipment loans or requests for information may be made by any individual or service provider. Persons desiring service or information should contact the agency directly, or any SESA Education Specialist.

What happens next?

The person requesting service will be contacted regarding needed information and service options. Where possible, SESA's staff of itinerant consulting and training specialists will be used to provide local assistance to individuals in rural Alaska.

How much does it cost?

At this time, information and lending services will be at no cost to the recipient. However, one of the activities of the project is to study the feasibility of some type of fee system in order to sustain services after the supplemental funds are no longer available.

Although no funds are available to help individuals or service providers purchase equipment for individual ownership, SESA will assist in identifying and soliciting funds from other sources.

What areas of Alaska are served?

SESA assistive technology services are available to all Alaskans.

How can I find out more?

For additional information regarding the SESA assistive technology lending library and augmentative communications services, please contact:

Christopher L. Robinson, Executive Director
Special Education Service Agency
2217 E. Tudor Rd., Suite 1, Anchorage, Alaska 99507
(907) 562-7372

STATEWIDE EVALUATION TRAVEL TEAM**What are Statewide Evaluation Travel Team Project services?**

The Statewide Evaluation Travel Team (SETT) Project services are funded through the Alaska Department of Health and Social Services.

The purpose of the project is to provide comprehensive child evaluations and program planning for children enrolled in rural Infant Learning Programs. In addition, consultation and support is offered to local service providers and families of identified children. The statewide team coordinates with local and regional agencies in order to offer the best in early intervention services. Six sites are currently targeted for such service delivery. They include Dillingham, Barrow, Cordova/Valdez, Nome, McGrath and Kotzebue.

The statewide travel team includes a pediatric physical therapist, occupational therapist, and speech/language pathologist. The team travels to the target communities to coordinate with the child's parents, local Infant Learning Program teacher, public health nurse, pediatrician, and other professionals as needed to provide comprehensive child evaluation and program planning.

Following the model for team interaction in early intervention, the family is a full member of the collaborative transdisciplinary team.

Why SETT Project Services?

The philosophy of the SETT Project is that local service providers and families can build quality intervention services with technical assistance from trained specialists.

Who Is Eligible for Services?

Families of special needs children who are enrolled in the Infant Learning Program at one of the identified rural sites are eligible for on-site services.

Eligibility requirements are the same as those for enrollment in an Infant Learning Program according to the Alaskan Health and Social Service eligibility regulations. [Section 47.20.005, AAC 23.080]

How Is a Child/Family Referred for Services?

The local Infant Learning Program teacher makes referrals prior to a clinic. A referral constitutes completing and forwarding to SESA, a packet for each child/family which includes:

- (1) Completed "clinic" forms.
- (2) "Authorization for Mutual Exchange of Information" form signed by parents.
- (3) Diagnostic/educational information, as possible, supporting the concern areas in the child's medical and developmental history.

What Happens Next?

Upon receipt of the referral, the child will be officially scheduled for a clinic assessment.

How Much Does It Cost?

Statewide Evaluation Travel Team Project services are provided at no cost to local Infant Learning Programs and families.

What Areas of Alaska are Served?

Services are provided at priority level to the communities of Barrow, Cordova/Valdez, McGrath, Kotzebue, Nome and Dillingham.

How Can I Find Out More:

For additional information, please contact:

Jeanne Meinert, Program Coordinator
Special Education Service Agency
2217 E. Tudor Road, Suite 1
Anchorage, Alaska 99507
(907 562-7372)

SERVICE TO LOW-INCIDENCE HANDICAP STUDENTS

What the Law Requires

Since 1975, children experiencing disabilities, whether physical, emotional, cognitive or perceptual, have been guaranteed the right to an appropriate education as a result of Public Law 94-142, the Education of the Handicapped Act. It is difficult to define *appropriate* since each individual's needs are different; but an *appropriate* education for any student is one from which that student has an opportunity to benefit.

As a result of PL 94-142, any student who meets the criteria for a specific identified handicapping condition is entitled to special treatment from the education community in order to achieve his/her potential to the same extent as a non-handicapped peer. Special Education is not simply the provision of additional teachers or tutors to try and help those students learn the same things that are being presented in the general education classroom. Depending on the severity of the disabling condition, that general information may not be (and frequently is not) appropriate to helping them become successful adults. And that, after all, is what education is all about. Special Education implies different content, approaches and/or materials/equipment to meet the needs and challenges presented by the special needs student.

Professional Availability

The predominant training in Special Education teacher preparation classes addresses the needs of mildly involved students, primarily learning disabled. This makes sense since most of the students in Special Education are mildly involved and experience a learning disability of some kind. Most large schools are able to hire the personnel necessary to provide appropriate educations for these students. Most large schools are even able to hire the personnel necessary to work with the more involved students, even though they are rarer and more difficult to find. However, here in Alaska, we have many small rural/remote schools that do not have the luxury of being able to hire specialists for all the disabling conditions that occur, particularly those that occur infrequently; and no one teacher, even if s/he is trained in addressing the needs of students with low incidence conditions, can possibly know what to do in all situations. That is why the Special Education Service Agency came into being.

As a public, non-profit agency, SESA can hire education specialists with expertise in specific low incidence handicap areas to provide the needed assistance across school district lines. This service model helps assure that all eligible students and staff have access to needed professional knowledge and methods of assistance. It is also a more efficient use of scarce economic and professional resources than would be the case if each district were left to acquire such staff on their own. Education Specialists are exposed to a broad base of needs, situations and collaborative opportunities across the state. By continuously expanding their own skills, they are better able to assist teachers, administrators, paraprofessionals and parents in the local schools and communities. By training local staff in effective techniques and practices, they allow even remote schools to provide the appropriate programs necessary to meet the needs of our very special students.

The Referral Process

*A primary teacher in a remote village in western Alaska has ten children in her classroom ranging from Kindergarten to third grade. Nine of the students are Yup'ik Eskimo and one is the child of a Caucasian teacher. Two of the students are functioning significantly below the performance level of their peers and have been identified as *Learning Disabled*.

There is a family in the village with a child who is moderately involved with cerebral palsy and is about to turn three years old. The child is as yet unable to speak but does make vocal sounds in an attempt to communicate. He has little motor control, but some muscle tone and appears alert with eyes following activity within close range.

The primary teacher has never had training to work with special needs students. There is a special education teacher in the school who also teaches secondary math and history half time. Although he is certified in the state of Alaska to teach special education preschool through adult, most of his experience has been at the intermediate and secondary level with mildly impaired students. Not only has he had no experience with more severe disabilities, he has never worked with such young children.

Since this child's birth, the family has received assistance from the Infant Learning Program(ILP). In order to help facilitate a smooth transition into the school system, the ILP teacher has requested a meeting with the school staff and the family to discuss the child's abilities and needs. During the

*This is not a case study, but rather a representation of a typical situation in rural remote Alaska.

lack of knowledge of the educational needs of this child, but also the time requirements in developing and carrying out a suitable program for him. During a discussion of the types of support systems that will be necessary and available, the ILP teacher suggests that the school contact SESA for training, on-going technical support and program monitoring. A phone call is made and the process has begun.

The teacher is sent a referral packet which consists of a description of the SESA services that are available, a referral form with pertinent information and identified needed support data (medical information, reports from the occupational and physical therapists, etc.), and the authorization for exchange of information with other agencies that must be signed by the parents. Once this information is received by SESA, it is given to an appropriate education specialist who will then contact the school to arrange for a visit. During the first visit, the specialist will spend time observing the child in the school setting and perform a functional assessment of the child's abilities in order to establish a baseline ability from which to work. At that time, the specialist will also meet with the staff and the special education director to develop a Technical Assistance Agreement (TAA) outlining the responsibilities of both the SESA specialist and the school district and to determine the number of SESA visits or other types of technical assistance that will be necessary during the school year. Observations, activity summaries and recommendations are written following each site visit through a formal Student Service Report (SSR). Samples of TAAs and SSRs are available in Appendix C.

As the year progresses, the SESA specialist provides individual and group training for the school professional and paraprofessional staffs; provides materials and equipment to be tried out for effectiveness so the district can make well-selected purchases appropriate to the student's educational needs; assists with the development of IEP goals and objectives; and helped the school connect with outside agencies and funding sources to supplement their programs. As a result, the student can become a participating member of the school community to the greatest extent possible.

On the following pages are listed the types of assistance available to school district personnel and parents under the Low Incidence Handicap Outreach Program.

SESA Low Incidence Outreach Program

CURRENT CASELOAD
June 30, 1991

Students Served During 1990-91 School Year

DISTRICT	B/VI	HI	SED	MH/OH	TOTAL
*Adak Region					
Alaska Gateway			5	8	13
Aleutian Region				1	1
Aleutians East				2	2
*Anchorage					
Annette Island		1			1
Bering Strait	2	2	10	11	25
Bristol Bay				1	1
Chatham	1	1	2	3	7
*Chugach					
Copper River			9	6	15
Cordova	1		1		2
Craig	1		3	1	5
Delta/Greely		2	3	4	9
Dillingham			2	11	13
Fairbanks North Star	1				1
Galena		1			1
Haines				8	8
Hoonah				3	3
Hydaburg		2		1	3
Iditarod	1	1		4	6
Juneau		3	1		4
Kake			2	1	3
Kashunamiut	1		2	13	16
Kenai Peninsula	2			1	3
Ketchikan Gateway	1		1	10	12
Klawock			2	3	5
Kodiak Island		2		7	9
Kuspuk	1		1	7	9
Lake & Peninsula		3	1	4	8
Lower Kuskokwim	5	9			14
Lower Yukon	1		4	3	8
Matanuska-Susitna				1	1
*Nenana					
*Nome					
North Slope			6	6	12
Northwest Arctic		1	1	9	11
Pelican				1	1

Petersburg				1	1
Pribilof				1	1
Railbelt			1	3	4
St. Mary's				1	1
Sitka	3	1	9	2	15
Skagway		1	1	2	4
Southeast Island	1			1	2
Southwest Region	1	1	5	5	12
Tanana			1	1	2
*Unalaska					
Valdez	1	1	1		3
Wrangell		1	2	6	9
Yakutat			3		3
Yukon Flats				5	5
Yukon/Koyukuk			4	7	11
Yupit	2		1	4	7
	<i>B/VI</i>	<i>HI</i>	<i>SED</i>	<i>MH/OH</i>	<i>TOTAL</i>
TOTALS	26	33	84	169	312

*During the past year SESA has not provided technical assistance to these school districts either because they have not requested it or because they have sufficient qualified staff to meet student needs.

Discontinuations

FY 91

First Quarter

Blind/Visually Impaired	Hearing Impaired	Seriously Emotionally Disturbed	Multihandicapped/Orthopedically Handicapped
7	1	25	30

TOTAL = 63

Second Quarter

Blind/Visually Impaired	Hearing Impaired	Seriously Emotionally Disturbed	Multihandicapped/Orthopedically Handicapped
1	3	14	19

TOTAL = 37

Third Quarter

Blind/Visually Impaired	Hearing Impaired	Seriously Emotionally Disturbed	Multihandicapped/Orthopedically Handicapped
1	-0-	1	8

TOTAL = 10

Fourth Quarter

Blind/Visually Impaired	Hearing Impaired	Seriously Emotionally Disturbed	Multihandicapped/Orthopedically Handicapped
5	5	6	13

TOTAL = 29

1990-91 Expenditures

Budget Information on Table

Personnel: Includes all personnel costs: administrative staff, certificated staff, classified staff, and fringe benefits. Fringe Benefits include: Life and Health Insurance, Employment Security Compensation, Workmen's Compensation, Medicare, TRS, and PERS.

Travel: Includes all travel and per diem costs. Covers costs of employees traveling to rural sites in Alaska to provide service to school districts. This category covers out-of-state travel for travel that is directly related to grant activities. Also includes necessary board and administrative travel.

Contractual: Includes costs for professional, technical, and legal services.

Rent/Maintenance: Includes costs for the Class B office facility leased by SESA.

Equipment: Includes furniture and major equipment expenditures. Covers the costs of buying new office furniture when needed and any major equipment needed by the grant.

Commodities: Includes communication, insurance, office equipment, equipment maintenance, printing, educational materials, office supplies and materials and professional materials.

Personnel	FTE	Salaries	Fixed Cost / Benefits	Total	% of Total Expenses
Admin	1.47	75,981.	16,248.	92,229.	6.4%
Certified	14.75	597,226.	127,840.	725,066.	50.1%
Classified	8.00	160,927.	34,460.	195,387.	13.5%
	24.22	\$834,134.	\$178,548.	\$1,012,682.	70.0%

Other	Amount	% of Total Expenses
Travel	240,579.	16.6%
Contractual	54,182.	3.7%
Rent/Maintenance	58,071.	4.0%
Equipment	2,317.	.2%
Commodities	79,464.	5.5%
	434,613.	30.0%

Average Cost Per Student Served:

Total Served During 1990-91	312
Total Program Cost.....	\$1,447,295.
Average Total Cost Per Student.....	\$4,638.
Specialist Travel Costs	\$191,813.
Adjusted Program Cost (Total less specialist air fare and per diem)....	\$1,225,482.
Average Cost Per Student Exclusive of Air Fare and Per Diem.....	\$4,024.

Expenditures by District

FY 91

DISTRICT	ENROLLED	NON-TRAVEL	AIR & PER DIEM	TOTAL COST
Adak Region	0	0	0	0
Alaska Gateway	13	\$52,312.	\$3,649.	\$55,961.
Aleutian Region	1	4,024.	1,116.	5,140.
Aleutian East	2	8,048.	3,122.	11,170
Anchorage	0	0	0	0.
Annette Island	1	4,024.	789.	4,813.
Bering Strait	25	100,600.	28,665.	129,265.
Bristol Bay	1	4,024.	1,126.	5,150.
Chatham	7	28,168.	1,400	29,568.
Chugach	0	0	0	0.
Copper River	15	60,360.	4,863.	65,223.
Cordova	2	8,048.	619.	8,667.
Craig	5	20,120.	7,823	27,943.
Delta/Greely	9	36,216.	3,021.	39,237.
Dillingham	13	52,312.	3,588.	55,900.
Fairbanks North Star	1	4,024.	3,099.	7,123.
Galena	1	4,024.	1,697.	5,721.
Haines	8	32,192.	3,738.	35,930.
Hoonah	3	12,072.	1,400.	13,472.
Hydaburg	3	12,072.	2,312.	14,384.
Iditarod	6	24,144.	3,193.	27,337.
Juneau	4	16,096.	pass through	16,096.
Kake	3	12,072.	4,554.	16,626.
Kashunamiut	16	64,384.	2,623.	67,007.
Kenai Peninsula	3	12,072.	347.	12,419.
Ketchikan Gateway	12	48,288.	4,556.	52,844.
Klawock	5	20,120.	5,822.	25,942.
Kodiak	9	36,216.	6,474.	42,690.
Kuspuk	9	36,216.	6,449.	42,665.
Lake & Peninsula	8	32,192.	1,126.	33,318.
Lower Kuskokwim	14	56,336.	2,923.	59,259.
Lower Yukon	8	32,192.	1,631.	33,823.
Matanuska-Susitna	1	4,024.	personal car	4,024.
Nenana	0	0	0	0.
Nome	0	0	0	0.
North Slope	12	48,288.	8,100.	56,388.
Northwest Arctic	11	44,264.	8,585.	52,849.
Pelican	1	4,024.	628.	4,652.
Petersburg	1	4,024.	7,768.	11,792.
Pribilof	1	4,024.	1,460.	5,484.
Railbelt	4	16,096.	2,995.	19,091.

St. Mary's	1	4,024.	758.	4,782.
Sitka	15	60,360.	10,970.	71,330.
Skagway	4	16,096.	3,638.	19,734.
Southeast Island	2	8,048.	2,265.	10,313.
Southwest Region	12	48,288.	6,251.	54,539.
Tanana	2	8,048.	1,478.	9,526.
Unaiaska	0	0	0	0.
Valdez	3	12,072.	1,022.	13,094.
Wrangell	9	36,216.	7,656.	43,872.
Yakutat	3	12,072.	702.	12,774.
Yukon Flats	5	20,120.	3,739.	23,859.
Yukon/Koyukuk	11	44,264.	9,887.	54,151.
Yupit	7	28,168.	2,186.	30,354.
	312	\$1,255,488.	\$191,813.	\$1,447,301

SPECIAL EDUCATION SERVICE AGENCY

FY 92 Programs and Revenues

<u>Program</u>	<u>FY92 Budget</u>	<u># FTE's</u>	<u>Funding Source</u>
Low Incidence Handicap Outreach	1,518,775	23.5	AS 14.30.600 (via AK Dept. of Ed.)
Infant Learning Blind & Visually Impaired	207,453	4	AK Dept. Health & Social Services
Infant Learning Statewide Evaluation Travel Team	315,000	4	AK Dept. Health & Social Services
AK Services to Dual Sensory Impaired Children & Youth	134,995	1.5	U.S. Office of Ed. (via AK Dept. of Ed.)
Assistive Technology Equipment Library	49,875	0	AK Div. Voc. Rehab.
Assistive Technology Augmentative Commun.	<u>24,984</u>	<u>0</u>	AK Div. Voc. Rehab.
	2,251,082	33	

10/07/91

SPECIAL EDUCATION SERVICE AGENCY (SESA)

Board of Directors

KEITH ANDERSON (SECRETARY)

Department of Education
Division of Vocational Rehabilitation
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Juneau, AK 99811

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AA SA

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747-8622 (WK)

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278-2287 (WK)

P

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(director)*

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P

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755-2278 (HM)

NEA

BECKY WILBANKS

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479-4221 (WK)

488-9726 (HM)

(7)
Date Referred: March 13, 1992

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Finance

Date of Committee Action: 4/7/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SB 331

SENATE BILL NO. 331

EXTEND SPECIAL EDUCATION SERVICE AGENCY

"An Act extending the special education service agency; and providing for an effective date."

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) DOE

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cheri Davis</i>	<input checked="" type="checkbox"/>				
		<i>Mark Hanley Hanley</i>		<input checked="" type="checkbox"/>	
<i>Bob Gougeon</i>	<input checked="" type="checkbox"/>	<i>Mary Miller</i>		<input checked="" type="checkbox"/>	
<i>Bette Davis</i>	<input checked="" type="checkbox"/>				
<i>Carney</i>	<input checked="" type="checkbox"/>				
<i>Lincoln</i>	<input checked="" type="checkbox"/>				

Carney
CO-CHAIRMAN'S SIGNATURE

SB 331 "An Act extending the special education service agency;
and providing for an effective date."

Fiscal Note - DOE (zero) w/analysis and DOE Position Paper

1. Memorandum, Sen. Zharoff to House HESS
2. Senate Finance Committee Letter of Intent
3. SESA Report
4. Senate Hess Minutes, 2/19/92

S B

3 3 5

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 335 AM

Revision Date: _____
Title: An Act relating to the Governor's Council for
the Handicapped and Gifted.
Sponsor: Senator Duncan, et al.
Requestor: (H) HESS

Department Affected: Education
BRU: Vocational Rehabilitation
Component: Vocational Rehabilitation Administration

COMPONENT SERIAL NO.

	2	0	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact to Department of Education. Budget implications should be obtained by the Department of Health and Social Services.

Prepared by: Keith J. Anderson
Division: Vocational Rehabilitation

Phone: 465-2814
Date: 1/15/92

Approved by Commissioner: J. Covey
Agency: Education

Jerry Covey
Date: 2-10-92

EN + DOE (Governors Council)

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 335 AM

Revision Date: _____ Department Affected: Education
 Title: An Act Relating to the Governor's BRU: Educational Program Support
Council for the Handicapped & Gifted Component: Office of Special and Supplemental
Services
 Sponsor: Senator Duncan
 Requestor: (H) BESS COMPONENT SERIAL NO.

1	6	6
---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-					
CAPITAL	-0-					
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)
 SB 335 will have no fiscal impact on the Department. However, there may be a fiscal impact on Health and Social Services because the "developmentally disabled" definition change will increase the number of people eligible for D.D. Services.

Prepared By: *Don Rusk* Phone: 465-2970
 Division: Educational Program Support Date: 1/16/92
 Approved by Commissioner: *Mark Melton* Jerry Covey Don JL
 Agency: Education Date: 2/8/92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 335

Revision Date: _____ Department Affected: Department of Education
 Title: "An Act relating to the GCH&G and the definition of 'dev. disabled'." BRU: _____
 Sponsor: Senator Duncan Component: _____
 Requestor: _____ COMPONENT SERIAL NO.

0	3	2	1
---	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
-------------------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

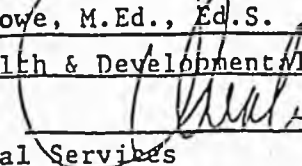
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

This would have no measurable fiscal impact.

Prepared By: Margaret Lowe, M.Ed., Ed.S. Phone: 465-3370
 Division: Mental Health & Developmental Disabilities Date: January 21, 1992
 Approved by Commissioner:  Theodore A. Mala, MD, MPH
 Agency: Health & Social Services Date: 1-21-92



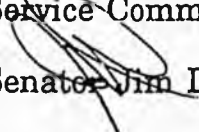
Alaska State Legislature

SENATOR JIM DUNCAN

P.O. BOX V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
VICE CHAIR –
FINANCE
VICE CHAIR –
STATE AFFAIRS
RULES
BUDGET & AUDIT
ETHICS REFORM

DATE: February 14, 1992
TO: Representative Georgianna Lincoln, Co-Chairman
Representative Pat Carney, Co-Chairman
House of Representatives Health, Education, & Social
Service Committee
FROM:  Senator Jim Duncan
SUBJECT: Senate Bill No. 335 am, an Act relating to the
Governor's Council for the Handicapped and Gifted
and the definition of "developmentally disabled".

Thank you for scheduling a hearing for SB 335, which allows the physically handicapped equal access to state benefits.

A similar measure, Senate Bill 52, was vetoed by Governor Hickel in 1991 despite supportive departmental position papers and testimony in various committees. The Governor apparently objected to a provision allowing the Council to appoint its executive director which was necessary to comply with federal guidelines and qualify for federal funding. The same provision appears in the Mental Health Lands Trust settlement, Chapter 66/91.

Senate Bill 335 again changes the state definition of developmental disability to conform to the federal definition. The current state definition does not allow aid to severely physically handicapped individuals who require many of the identical services as mentally disabled persons who currently qualify for state assistance. This bill will allow the state to provide them with such benefits as respite care, day care, homemaker, and community living services to both the physically and mentally disabled.

The membership on the Council increases from 23 to 26 members, in SB 335, to allow for composition changes required by federal law to allow the Council to serve as the Interagency Coordinating Committee for the 1986 Federal Education and Handicapped Act Amendments. With this bill, the Council will be charged with planning for the needs of children from birth to three years in addition to their current planning mandate for older individuals. At the request of the Council, the legislation also changes the name of the agency to the Council on Disabilities and Special Education to more accurately reflect its responsibilities. Throughout the bill the term "handicapped" was changed to "experiencing a disability" or "disabled" to reflect the terminology presently used by disabled persons nation wide.

I urge your support for this legislation.

Attachments

Sponsor Statement
DISTRICT C

SENATE BILL 335

"An Act relating to the Governor's Council for the Handicapped and Gifted and the definition of 'developmentally disabled'."

Section Four of this Act repeals AS 47.80.900 (7). In so doing, the state definition of developmental disabilities is changed to the current federal definition.

At the time of passage, AS 47.80.900 (7) coincided with the Federal definition. Subsequent to its passage, the federal definition changed. Adoption of the federal definition would allow individuals in need of service who currently fall through the service delivery system cracks, to receive the help they need.

Statistically, it would appear that the individuals' requesting services would be increased by about 700. However, current research shows that states which have adopted the Federal definition have not experienced the increase in applications for service that would be expected statistically. They have, however, experienced requests for services which differ from services they have traditionally offered; for example, providing programs designed specially for persons with physical disabilities as opposed to mental disabilities.

Persons made eligible by this bill would be added to the applicant file which currently exists for developmentally disabled individuals requesting services.

The following incidence statistics were provided by the Governor's Council for the Handicapped and Gifted were derived by the use of a complex formula.

The statistical incidence of individuals experiencing a developmental disability under the state definition is 7,067. The known population seeking or receiving services at this time is 2,110. This equals 29,8% of the population.

PROPOSITION PAPER

STATE OF ALASKA * DEPARTMENT OF HEALTH & SOCIAL SERVICES

Department of Health and Social Services
Position Paper -- SB 335
Page 2

Statistically the federal definition would increase the overall population to 9,427. Using the same 29.8% request for services rate, this would mean 2,809 persons would need services. This is an increase of 699 individuals.

The Department supports passage of SB 335.

Margaret R. Lowe

Margaret Lowe, M.Ed., Ed.S.
Director
Division of Mental Health &
Developmental Disabilities

DATE: 1/21/92

Theodore A. Mala

Theodore A. Mala, MD, MPH
Commissioner

DATE: 21 Jan '92

**THE FOLLOWING DOCUMENT(S)
MAY NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**



WALTER J. HICKEL / GOVERNOR
State of Alaska

GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED

DH&SS Commissioner's Office • P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone (907) 561-5335

MEMORANDUM

DATE: December 6, 1991

TO: Roxanne Stewart, Legislative Assistant
Senator Jim Duncan

FROM: David Maltman, Executive Director
Governor's Council for the Handicapped and Gifted

RE: Re - Write of SB 52

Thank you for discussing the proposed changes to SB 52. The Council is pleased to have Senator Duncan's support. We all know how important his efforts are in seeing this legislation pass again.

For the coming session, Jim Shine of Juneau has been selected as our Legislative Liaison. Mr. Shine and Mary Cattanach, the Council's Chair, will be meeting on December 17th to review your earlier memos and provide me further direction in responding to you.

Realizing that you must meet a deadline to see that a bill is prefilled, let me respond to Jack Chenoweth's memo dated May 24, 1991. It is likely that Jim and Mary will have other suggestions that can be submitted later.

To combine boards created by different federal and state laws, the Council acts as a board for 4 government operations. Each law demands a particular category of membership on the Council.

For your review, I have attached a chart which identifies the law and its requirement for membership. The criterion for the Interagency Coordinating Committee for PL 99 - 457 (ICC) are listed too. Hopefully, the chart reflects how the Council could meet an expanded mandate to become the ICC by adding only 3 posts. A current list of members is also enclosed.

A major factor in figuring the number of council members is that the authorizing statute demands that at least half of all members be consumers (people with developmental disabilities or their parents or guardians). Should the requirements to become the ICC raise the number of provider positions, the a corresponding increase in positions for consumers must be made.

Although it is common for appointees to fulfill more than one category of membership, we believe it will be necessary to add positions for at least one parent of a 3 to 6 year old, a private provider of early intervention services, and a state legislator (see #3 of Jack's memo). At this point, these categories are not specifically referenced in the state law.

Gov's Council for Handicapped + Gifted

(1) At this point, there are at least 4 but not more than 7 positions available for parents. It is our experience that at least 2 of these positions could be filled by parents of 3 to 6 year olds.

(2) The Department of Education which holds two positions on the Council administers programs for 3 to 6 year olds. In the Division of Mental Health and Developmental Disabilities Mike Renfro oversees a range of developmental services to this population. However, a specific post is needed for the private provider. The Deputy Commissioner of the Department of Health and Social Services sits on the Council and that position is accountable for payment of services to these children.

(4) The requirement for a representative of higher education responsible for personnel preparation in the areas such as teaching, nursing, psychology, or social work is already in place and the position is filled.

In regards to other matters in Jack's memo, it would be an improvement to reflect the appropriate U. S. Code in the bill. Often federal laws are passed which replace the laws specified in state statute. A citation to the U. S. Code would allow a timely reference to changes and deletions of federal law.

Should this bill pass and the Council become the ICC, it would be useful for this new duty to be reflected in the Council's authorizing statute A.S. 47.80.090.

The Council begs to make a new request of Senator Duncan. Would he consider changing the Council's name wherever it appears in statute to the Governor's Council on Disabilities and Special Education?

After January 1, 1992 our address will be 2330 Nichols Street, Anchorage, Alaska 99508. Our new telephone number will be 272 2500. Please let me know if you need more information or assistance.

Again, thank you for your help with this matter. Have a very pleasant holiday season. It will be great to work with you in the coming session..

	P.L.101-496 DD Planning Council	A.S.47.80 All Disabilities & Special Education	P.L.94-142 Special Education Advisory Council	P.L.99-457 Interagency Coord- inating Council	A.S.14.30 Special Education Services Agency
TOTAL NUMBER	-	18-23		15	
APPOINTED BY:	Governor	Governor		Governor	Governor's Council for H/G.
OTHER MAJOR POINT		*must comply with P.L.100-146 & P.L.100-142 as amended.		P.L.99-457 is an amendment to P.L.94-142.	
CONSUMERS	50%	At least 1/3			
<u>Claussen</u> <u>Kell</u> <u>Nelson</u> <u>Wingfield</u>	1/3 of 50% must be primary consumers with d.d.	Parents of or guardians of handicapped individuals		For federal reporting purposes we can have the list of 15 people on the Council who comprise the ICC and asterisk the rest as ex-officio for ICC purposes; ask the Governor to do this by letter or Executive Order if necessary.	Shall serve as the governing board for SESA
<u>Locke</u> <u>Walters</u> <u>Weaver</u> <u>Yamamoto</u>	1/3 parents or guardians.				
<u>Allely</u> <u>Trumble</u>	1/3 of 50% must be immediate relatives or guardians of persons with mentally impairing d.d. with at least one of these an immediate relative or guardian of an institutionalized or previously institutionalized d.d. person.			3 parents of handicapped children aged 3 to 6.	
<u>Beck</u>					
PROVIDERS	Reps of principal state agencies providing services including: Voc Rehab. Sp.Ed. Older Americans Medicaid D.D. [Have had Public Health, C & RA, Medicaid directly represented: changes with need & administration] [Deputy commissioners can represent any/all of these not individually represented]	At least 1/3 ⇒ to handicapped or gifted persons Caitanach Anderson Rich Hole Saylor Renfro Gore	State education officials Rich Hole	3 public or private providers or payors of early intervention services; reps of each of the agencies... Rich Hole Saylor Renfro Would need to add Public Health or arrange with Commissioner's Representative.	
<u>Anderson</u> <u>Rich</u> <u>Gore</u> <u>Saylor</u> <u>Renfro</u>					
OTHER	Higher education training UAP Van Brocklin Local agencies Non-governmental entities concerned with services (HOME, Inc., ADD, AAD, ASPD, etc. Very Special Arts, etc.)	Teachers (Barret) Local education officials (Locke - School Board) or administrators (Watson) Public-at-large (Walters) [post-sec. commission]		One person involved in personnel prep. (Lally) One representative from the State Legislature Others selected by the Governor	
<u>Lally</u> <u>Beck</u> <u>Claussen</u> <u>Allely</u>					

FEDERAL DEFINITION:

- "The term 'developmental disability' means a severe, chronic disability of a person which—
- (A) is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (B) is manifested before the person attains age twenty-two;
 - (C) is likely to continue indefinitely;
 - (D) results in substantial functional limitations in three or more of the following areas of major life activity:
 - (i) self-care,
 - (ii) receptive and expressive language,
 - (iii) learning,
 - (iv) mobility,
 - (v) self-direction,
 - (vi) capacity for independent living, and
 - (vii) economic self-sufficiency; and
 - (E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated."

PL 95-602, Section 102(7)

STATE DEFINITION:

A. Developmental Disability is a Disability which:

- (A) is attributable to:
 - (i) mental retardation, cerebral palsy, epilepsy, or autism;
 - (ii) any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to impairment resulting from mental retardation; or
 - (iii) dyslexia resulting from a disability described in (i) or (ii) of this subparagraph, and
- (B) constitutes a substantial handicap to the person's ability to function normally in society.

and

(3) by striking paragraphs (4) and (5) of subsection (f) and inserting the following new paragraph:

"(4) Each State Planning Council shall utilize the information developed pursuant to paragraphs (1), (2), and (3) in developing the State plan."

SEC. 12. STATE PLANNING COUNCILS.

Section 124 of the Act is amended--

(1) in subsection (a)--

(A) by striking "which will" and inserting "to"; and

(B) by striking the period at the end thereof and inserting "by carrying out priority area activities.";

(2) in paragraph (1) of subsection (c)

(A) by striking "may" and inserting "shall"; and

(B) by striking "hire" and inserting "fund all activities under this part (except administrative costs described in section 122(d)(1)) and to hire";

(3) in subsection (c)--

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) Each State Planning Council shall, consistent with State law, hire a Director of the State Planning Council who shall be supervised and evaluated by the State Planning Council and who shall hire and supervise the staff of the State Planning Council."; and

(4) in paragraph (1) of subsection (d) by striking "jointly with" and inserting "and submit after consultation with".

SEC. 13. STATE ALLOTMENTS.

Paragraphs (3), (4), (5) and 6 of subsection (a) of section 125 of the Act are amended to read as follows:

"(3)(A) Except as provided in paragraph (4), for any fiscal year the allotment under paragraph (1)--

"(i) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau may not be less than \$200,000; and

"(ii) to any other State may not be less than the greater of \$350,000 or the amount of the allotment (determined without regard to subsection (d)) received by the State for the fiscal year ending September 30, 1990.

"(B) Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to each State pursuant to subparagraph (A) in any fiscal year exceeds the total amount appropriated under section 130 for such fiscal year, the amount to be allotted to a State for such fiscal year shall be an amount which bears the same ratio to the amount which is to be allotted to the State pursuant to such subparagraph as the total amount appropriated under section 130 for such fiscal years bears to the total of the amount required to be appropriated under such section for allotments to provide each State with the allotment required by such subparagraph.

"(4) In any case in which amounts appropriated under section 130 for a fiscal year exceeds \$5,000,000, the allotment under paragraph (1) for such fiscal year--

"(A) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic

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National
Consumers
League
FOUNDED 1891

.515th Street NW • Suite 928-N • Washington, DC 20005 • (202) 639-8140

Linda F. Golodner, Executive Director

January 15, 1992

Dear Editor:

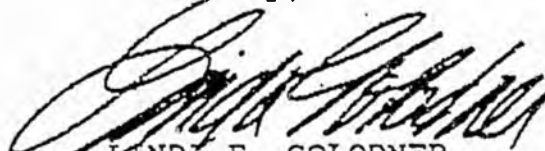
Attached are a news release and report on a special survey commissioned by The National Consumers League on vital issues of workplace privacy in Alaska. The survey is being released in Alaska by the Older Persons Action Group.

The vast majority of those polled in Alaska believe that employers and prospective employers have no business asking applicants and employees about religion, smoking habits, lifestyle, outside hobbies and activities, and other personal, off-the-job factors which have nothing to do with their ability to perform a job. They also believe an employer has no right to force an employee to change diet, stop smoking, or quit a second job. Those polled in Alaska were also opposed to credit checks on job applicants and monitoring of personal telephone calls.

In spite of their opposition to such intrusions on their personal lives, many respondents reported that they or someone they knew had had such an experience.

Because of the importance of this issue and the overwhelming reaction of people in Alaska to the questions we have put to them, we have taken the unusual step of expressing the survey results to you.

Sincerely,



LINDA F. GOLODNER
President

LFG:jb
Attachments

Officers: Robert R. Nathan, Honorary Chairman • Esther Peterson, Honorary President • Jack Blum, President •
Ruth Jordan, Vice President • Bert Seidman, Vice President • Jane King, Secretary • Barbara Warden, Treasurer

ALASKA STATE AFL-CIO

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MANO FREY
Executive President

GARY BROOKS
Secretary / Treasurer

FEBRUARY 11, 1992

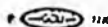
TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE

FROM: PAT SMUTZ, BUSINESS REPRESENTATIVE *Pat*

RE: SENATE BILL 340

The Alaska State AFL-CIO has always supported the right of privacy for individuals. We have always believed that what an individual does on their own time is their own business as long as it doesn't interfere with the rights of others or doesn't present a danger to anyone.

With this in mind the Alaska State AFL-CIO would like to go on record as being in support of Senate Bill 340. Thank you for your consideration.



letters of support

Statement by the AFL-CIO Executive Council

on

Employee Privacy

February 19, 1991
Bal Harbour, FL

Employers in increasing numbers are seeking to probe--and then to regulate--the most private aspects of their employees' lives away from work. The AFL-CIO opposes these invasions of employee privacy.

Employers continue to interrogate employees about their union sympathies, political beliefs, financial status and other personal matters.

Random drug testing policies applied without any requirement of reasonable suspicion of wrongdoing--which are inconsistent with a basic regard for worker dignity and autonomy--is now endemic in American workplaces.

To shift the blame for rising health care and compensation costs to their employees--and to further their personal agendas--employers are increasingly seeking to regulate workers' off-the-job behavior. These restrictions make use of the employer's economic leverage to prohibit workers from engaging in perfectly lawful activities. Employers go so far as to specify whether employees can smoke at home and what employees can eat or drink at their own dinner tables.

As a matter of course, employers also conduct medical exams and genetic tests to screen out employees thought to be at increased risk of developing a disease in the future. Medical screening reveals the most intimate details of employee health, including those that have no relation to job performance.

Secret employer telephone eavesdropping on employee-customer calls permitted through a little known loophole in the federal wiretap code, is yet another often-used technique that has no place in a free society.

These employer surveillance tactics undermine basic privacy and due process rights. Yet to date, there has been only limited legislative protection for these rights; the polygraph bill and the Americans with Disability Act are the most conspicuous exceptions. The AFL-CIO is committed to enhancing the dignity of working men and women and to preventing intrusions into workers' privacy. We support legislation that would go further than present law to preserve and enhance worker privacy and to outlaw management practices which intrude on those privacy interests.

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FOR IMMEDIATE RELEASE

March 23, 1992

Contact: Pete Carran

**STATE SENATE APPROVES EMPLOYEE RIGHTS BILL
SPONSORED BY SENATOR JIM DUNCAN**

The State Senate today approved legislation sponsored by Senator Jim Duncan of Juneau that strengthens employee rights. Senate Bill 340 forbids Alaskan employers to discriminate based on the use of legal products in a legal manner outside the work place.

"The criteria for hiring, firing, and promotions should be based exclusively on work performance," Senator Duncan said. The use of legal products consumed on their own time in a legal fashion should not be a factor in these decisions. It is a right of privacy issue. Even though our state constitution recognizes privacy as an 'inherent right', I feel it also needs to be spelled out in the appropriate state statute." The bill includes the prohibition in Title 23 of Alaska law that deals with labor and workers' compensation.

Senator Duncan said the legislation is in response to a nationwide trend on the part of some employers to forbid the use of products, such as alcohol and tobacco, outside the work place as a condition of employment. The bill has no effect on employer's ability to establish such policies on the work place during working hours, according to Senator Duncan.

The measure contains language preventing employers from discriminating in this fashion "...with respect to compensation, terms, conditions or privileges of employment."

SB 340 now moves to the State House.



Alaska State Legislature

SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
VICE CHAIR —
FINANCE
VICE CHAIR —
STATE AFFAIRS
RULES
BUDGET & AUDIT
ETHICS REFORM

MEMORANDUM

TO: Representative Pat Carney and
Representative Georgianna Lincoln
Co- Chairs House Health, Education,
and Social Services Committee

FROM: Senator Jim Duncan

DATE: April 6, 1992

SUBJECT: Hearing for Senate Bill 340, Prohibiting Discrimination.

I request that the Health, Education, and Social Services Committee schedule, at your earliest convenience, a hearing for Senate Bill 340, "An Act prohibiting employers from discriminating against individuals who use legal products in a legal manner outside of work."

This measure will protect employees from discrimination by an employer because of the employee's use of a lawful product in a lawful manner during nonworking hours and in places other than the premises or vehicles of the employer. In addition the terms employee and employer are defined.

Attachments:

sponsor statement

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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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

SB 340

3/10/92 Meeting of Senate
Judiciary Committee