

ALASKA LEGISLATURE COMMITTEE FILED 1771-1772 0072
6979 HOUSE JUDICIARY

Nevada

Procedures

Immediately after an instance of abuse, neglect, or exploitation is suspected a report must be made to: (a) the local office of the Welfare or Aging Division of the Department of Human Resources; (b) any police department or sheriff's office; or (c) the county office of protective services, if one exists in the county where the suspected action occurred. The report may be made orally. The person receiving the report must reduce it to writing as soon as possible.

Central Registry

Not addressed in the law.

INVESTIGATION

The division, office, or department which receives the report must investigate the report within three working days. The legal basis for entry of the residence of the abused is not addressed by the law.

PENALTIES

Failure to Report

Any person who violates any provisions of the law, excluding the acts or omissions which constitute abuse, neglect or exploitation, is guilty of a misdemeanor.

For Perpetrators

Subsection 2 provides that any adult who willfully causes or permits an older person to suffer unjustifiable physical pain or mental suffering as a result of abuse, neglect or exploitation, or who willfully causes or permits an older person to be placed in a situation where the person may suffer unjustifiable physical pain or mental suffering as the result of abuse, neglect or exploitation is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse, neglect, danger or loss through exploitation.

A person may be convicted of neglecting older persons only if he voluntarily assumed responsibility for the older person.

If a person violates any provision of the above section, if substantial bodily or mental harm results to the older person he will be punished by imprisonment in the state prison for not less than one year nor more than six years.

Journal of Social Work

JOURNAL OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

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Elder Abuse: A Review of the Literature

DURING THE PAST ten years, social work has increased its interest in and services to the aged, especially in the areas of nutrition, transportation, and the rights of the elderly (Cormican, 1980). In addition, there has been a corresponding increase in interest by students in gerontological social work. Nevertheless, certain areas of practice with and research on the elderly have received little attention. One such area is elder abuse. Because whatever research on elder abuse exists has been narrowly focused and poorly circulated, social workers have had to rely on practice wisdom, rather than on the results of scientific inquiry. Therefore, the authors believe, a systematic review of the literature in this area will provide a foundation for future research and research-based practice.

Interest in elder abuse evolved from research on other types of abuse. Thus, in the 1960s, research on child abuse uncovered cases of the abuse of women. In the 1970s, research on wife abuse led to the discovery that women who were battered by their husbands also were battered by their teenage children (Pedrick-Cornell and Gelles, 1982). (These findings led investigators to examine abuse of the elderly. In its most extreme form, elder abuse consists of the active physical abuse of an elderly dependent parent who is being "cared for" in the home of a relative, often an adult child (McCormack, 1980; and O'Rourke, 1981). In its most common and less dramatic form, elder abuse includes exploitation, neglect, and psychological mistreatment (Pedrick-Cornell and Gelles, 1982).

Social services for the elderly have focused on the individual, and the dominant form of care to protect the older adult has been institutionalization (Cormican, 1980). This approach

Nan Hervig Giordano
Jeffrey A. Giordano

Research on family violence in the 1970s uncovered the existence of elder abuse, a problem that has received very little professional attention. Because of this lack of attention, social workers have had to rely on practice wisdom in this area. This article reviews the literature on elder abuse and examines categories of abuse, the incidence of abuse, and characteristics of the typical abused person. In addition, it presents hypotheses of the causes of abuse and strategies for preventing or dealing with it.

suggests a lack of awareness and knowledge of the nature of elder abuse in the development of social programs. For some time, there have been strong inducements to find alternatives to institutionalization (Cormican, 1980). With recent changes in the funding of social programs, the opportunities for institutionalization will be reduced. Thus, further pressure will be placed on relatives to provide direct care to the elderly.

The need for more information about the problem of elder abuse is essential to guide practitioners, to redirect social policy, and to further research. This article examines the literature on elder abuse to present

a view of the nature and the extent of the problem, to point up current theoretical viewpoints, and to suggest strategies for intervention.

SCOPE OF THE PROBLEM

Categories of Abuse

A significant impediment to understanding the extent, patterns, and causes of intrafamilial abuse has been the lack of an acceptable definition (Pedrick-Cornell and Gelles, 1982). Most researchers have stipulated that an act must be intentional for it to be considered abusive (Block and Sinnott, 1979; Legal Research and Services for the Elderly, 1979). Furthermore, abusive acts can include both passive and active neglect, mental anguish, financial exploitation, and the denial of medicines and medical care. Self-inflicted abuse can also occur.

There is clear justification for considering acts and behavior beyond physical violence as being harmful to the elderly, according to Pedrick-Cornell and Gelles (1982). The fear of being beaten or punished may cause as much harm to the victim's functioning as the actual act (Legal Research and Services for the Elderly, 1979). The deprivation of needed medicines and medical care can be injurious and life threatening. And, financial exploitation, although not life threatening, is a criminal act and deprives the victim of independence, income, and assets.

The following categories of elder abuse were cited by the Select Committee on Aging (1981):

Physical Abuse. Physical abuse is violence that results in bodily harm or mental distress. It includes assault, unjustified denial of another's rights, sexual abuse, restrictions on freedom of movement, and murder.

Negligence. Negligence is the breach

of duty or carelessness that results in injury or the violation of rights.

Financial Exploitation. Financial exploitation involves the theft or conversion of money or objects of value belonging to an elderly person by a relative or caretaker. It can be accomplished by force or through misrepresentation.

Psychological Abuse. Psychological abuse is the provoking of the fear of violence or isolation, including name calling and other forms of verbal assault and threats of placement in a nursing home. It can be a spontaneous or protracted and systematic effort to dehumanize and usually is accompanied by other types of abuse.

Violation of Rights. The violation of rights is the breaching of rights that are guaranteed to all citizens by the Constitution, federal statutes, federal courts, and the states.

Self-neglect. Self-neglect includes self-inflicted physical harm and the failure to take care of one's personal needs. It stems from the elderly person's diminished physical or mental abilities and is brought on by the attitudes and behavior of relatives.

Block and Sinnott (1979) found that psychological abuse is more common than physical abuse. Indeed, verbal assaults, threats, fear, and isolation had frequency rates of 46-58 percent, compared to the most frequent actions under physical abuse (the lack of personal care and supervision), which occurred in 38 percent of the cases. Direct beatings were given in only 15 percent of the cases. The abused elderly people studied by Block and Sinnott were older than average (mean age, 84; age range, 60-92), female (81 percent), Protestant (61 percent), lower or middle class (15 percent and 58 percent, respectively), and living with relatives (76 percent). Nearly half had moderate or severe mental impairments, and only 4 percent were free from physical impairment. These investigators also found that the majority of abusers were relatives (81 percent), primarily children of the victim (42 percent), in their forties and fifties (53 percent), female (57 percent), white (88 percent), and middle class (65 percent).

Lau and Kosberg (1978) found that over three-fourths of the cases of elder abuse they investigated involved physical abuse and over half involved psychological abuse. The profile of

the elderly victim that emerged from the Lau and Kosberg study (1978) was that of a severely impaired person (over 75 percent had at least one major mental or physical impairment), who was female (75 percent), widowed (58 percent), white (75 percent), and living with relatives (66 percent). Over 90 percent of the abusers in this study were relatives; daughters were the perpetrators twice as often as any other type of relative (31 percent), followed by sons, granddaughters, husbands, and siblings (usually sisters).

In a study conducted in Massachusetts (Legal Research and Services for the Elderly, 1979), the most common abusive incident was the lack of personal care (49 percent), although direct beatings occurred in 28 percent of the cases. Psychological abuse characterized 51 percent of the cases, with verbal assault occurring most frequently. Financial exploitation (31 percent) and violation of rights (18 percent) were less common. Other forms of abuse included theft or the misuse of money or property, being forced from home, and being forced into a nursing home. The elderly clients in this study typically suffered from more than one form of abuse.

The majority of victims in Steur and Austin's study (1980) were women who had physical or mental disabilities, or both, and were dependent on their caregiver for nutrition, medication, cleanliness, and ambulation. Caregivers included spouses, children, siblings, and other relatives. Abuse was both physical and verbal. Verbal abuse included derogation and infantilization. Neglect, seen as a type of physical abuse, was the most common and sometimes resulted in ulcers and infestation with lice. Other forms of physical abuse were the misuse of drug therapy, poor nutrition, abandonment, and murder.

Incidence of Abuse

According to the most frequently cited statistics, cases of elder abuse range from 500,000 to 2.5 million a year (Pedrick-Cornell and Gelles, 1981). Lau and Kosberg (1979) estimated that one in ten elderly persons living with a family member are abused each year. Block and Sinnott (1979) found that 4.1 percent of their elderly respondents in the urban areas of Maryland reported they were abused. The researchers stated that

if this rate was projected for the national population of elderly persons, the number of cases of abuse would reach about one million. This projection was corroborated by Steinmetz (1978), who reported that from 500,000 to one million elderly persons are abused in any given year. Furthermore, the number of cases of abuse may increase as more elderly people move in with their families.

The extent of the problem was documented in hearings by the Select Committee on Aging (1980). For example, Ralph Brewster, director of the Senior Citizens Crime Victims Assistance and Prevention Program, Brooklyn, New York, stated that one in eight cases that his program dealt with in a six-month period involved some type of elder abuse. The Federation of Protestant Welfare Agencies testified that an estimated 5 percent of its caseload was abused elderly persons. The director of the Victims Service Agency reported that the incidence of elder abuse was increasing. The Select Committee on Aging concluded that, based on the testimony, elder abuse is a nationwide problem as significant as child abuse.

The existence of elder abuse has been confirmed, and a preliminary estimate of the number of cases has been obtained. However, the data presented in published and unpublished reports may not be accurate because estimates of abuse are based only on cases reported to social service agencies, and few states have mandatory reporting laws. Not only do the number of cases reported to agencies vary by type of agency, location, and title of agency (Select Committee on Aging, 1980), but many physicians and psychotherapists in the private sector seldom report cases of abuse to these agencies. Thus, it appears that these estimates are but a fraction of the total number of cases. Moreover, the research on elder abuse typically has been based on small nonrepresentative samples; therefore, attempts to generalize the incidence of abuse from these data to the national population of elderly persons must be undertaken with caution.

Although several investigators have attempted to predict a rate of elder abuse based on a national total of elderly persons, one cannot simply multiply the rate of abuse by the

number of individuals aged 65 years or older. An extrapolation will vary, depending on the definition of "elderly" and whether the focus is only on abuse by familial caregivers or whether other types of caregivers are included (Pedrick-Cornell and Gelles, 1981). Moreover, researchers cannot report whether factors related to abuse are distinctive of particular abused clients, of clients who are not abused, or of the general population of elderly persons. That is, they cannot determine if they have discovered factors related to elder abuse or those that are unique to the individual or family being seen or discovered by an agency.

As long as the definitions of abuse are inconsistent from study to study, comparability and corroboration will be inaccurate. For example, Douglas, Hickey, and Noel (1980), in contrast to Lau and Kosberg (1978) and Block and Sinnott (1979), concluded that passive neglect was most prevalent and that the behavior of victims, such as aggressiveness and belligerence, possibly provoked neglect and hostility. Thus, it is evident that a common classification system is needed so that researchers who study abuse are, indeed, measuring the same thing.

THEORETICAL VIEWPOINTS

Much of what is offered as theoretical work on elder abuse involves propositions and theories that have been developed and applied to other forms of intrafamilial abuse (Block and Sinnott, 1979; Pedrick-Cornell and Gelles, 1981). A common and logical approach has been to test selected theories that provide the most plausible explanation of elder abuse (O'Rourke, 1981).

This section presents hypotheses related to seven theories about the factors that lead to elder abuse: (1) family dynamics, (2) dependence because of impairments, (3) personality traits of the abuser, (4) filial crisis, (5) internal stress, (6) external stress, and (7) negative attitudes toward the elderly. As will be seen, many of these hypotheses overlap, and it is likely that abuse is triggered by the interplay of several factors (O'Rourke, 1981).

It should be noted that three of the hypotheses—filial crisis, internal stress, and external stress—focus on

adult children. Adult children, sometimes referred to as the "sandwich generation" because of their position between their elderly parents and their children, are exposed to a unique set of stressors. According to Miller (1981), this generation is confronted with the loss of youth, the recognition of their own aging, and the impact of an "empty nest" in addition to the stress of dual responsibilities and role expectations. The caregiving role can become overwhelming when several members of the family are undergoing crises and must make difficult choices. Furthermore, the psychological stress experienced by one family member may affect the relationships among all family members, as well as the individual's career and social life (Seelbach, 1976).

The following is a summary of the seven hypotheses and theoretical explanations of elder abuse.

Family Dynamics. A major premise in the first hypothesis of the causes of elder abuse is that violence is a normative behavioral pattern which is learned in the context of the family. That is, children learn from observation and participation in the family that violence is an acceptable response to stress; they even learn a variety of scripts for future behavior (Lau and Kosberg, 1979; O'Rourke, 1981; Rathbone-McCuan, 1980; and Steinmetz, 1978). According to Steinmetz (1978), one in four hundred children who are reared nonviolently attack their parents later on, compared to one out of two children who are mistreated violently by their parents.

Impairment and Dependence. The most likely elderly people to be abused are women with severe physical or mental impairments (Block and Sinnott, 1979; Burston, 1973; Lau and Kosberg, 1979; Legal Research and Services for the Elderly, 1979; Rathbone-McCuan, 1980; Regan and Springer, 1977). According to the second hypothesis, such impairments lead to dependence, which makes the elderly person vulnerable to abuse (O'Rourke, 1981). Some researchers use the generic term "dependent abuse" to describe domestic violence. Others think that the normal dependence of elderly people is sufficient to make them vulnerable to such abuse (Douglas, Hickey, and Noel, 1979). A corollary to the hypothesis of dependence owing to im-

pairments is the concept of learned helplessness. According to this concept, elderly people may come to feel, as they become increasingly dependent, that they have no control over their lives and that they can do nothing to change their situation (Davidson, Hennessey, and Sedge, 1979).

Personality Traits of the Abuser. The third hypothesis holds that the abuser has personality traits or a character disorder that causes him or her to be abusive. Although researchers generally consider this explanation to be too simplistic—and the findings of research in this area neither confirm nor refute this hypothesis—personality traits are still a factor to be considered (O'Rourke, 1981). A related hypothesis is that adult children are abusive and neglectful because of an abnormal childhood that did not foster their ability to make appropriate judgments (O'Rourke, 1981).

Filial Crisis. Several theorists (Block and Sinnott, 1979; Lau and Kosberg, 1979) have proposed a fourth hypothesis, namely, that elder abuse may be the result of the failure of adult children to resolve the filial crisis. According to this hypothesis, a developmental task of adult children is to go beyond the stage of adolescent rebellion toward emancipation from their parents. Often, however, parent-child conflicts that originated in adolescence continue into later life (Farrar, 1955). One study found that problems in parent-child relationships became more entrenched when adult children attempted to handle added stress by using old defensive patterns (Simos, 1973).

Internal stress. The responsibility of caring for a dependent, elderly relative can lead to a stressful situation for the family, which, in turn, can result in abuse (Block and Sinnott, 1979; Legal Research and Services for the Elderly, 1979; Rathbone-McCuan, 1980; and Steinmetz, 1978). O'Rourke (1981) found that caregivers spend an average of twenty-four hours a week providing physical and psychological assistance to a frail elderly relative. Two-thirds of the caregivers in her study reported they were exhausted and anxious and that their health had deteriorated.

As Pedrick-Cornell and Gelles (1981) noted, those who find the caregiving role most stressful believe that the needs of their spouse and children

are being subordinated to those of their elderly parent. When an elderly parent lives with an adult child and his or her family, the family's routine may be disrupted, and conflicts may develop over household procedures, freedom, and discipline—factors that can lead to excessive stress (Lau and Kosberg, 1979). And, as Block and Sinnott (1979) pointed out, once their child-rearing years are over, adult children look forward to a freer, more relaxed lifestyle and hence may not welcome the caregiving role. Furthermore, responsibility for the care of an elderly parent often falls on one adult child in the family, who may regard it as a burden from which he or she cannot be relieved. Adults who provide support and assume responsibility for both their elderly parents and their own children often feel they are not receiving enough gratification in exchange for the care they are providing. Hence they may feel resentful, angry, and frustrated (Miller, 1981). Such feelings may lead them to be abusive.

External Stress. In the 1970s, research on family violence recognized that external stress on the family is a major factor that contributes to violence. Despite methodological problems, several sources of stress were identified. For example, Straus, Gelles, and Steinmetz (1980) found that the important correlates of domestic violence are age, income level, and employment status and that religion, urban-rural residence, and race are of lesser importance. In the study by Legal Research and Services for the Elderly (1979), the abusers were likely to be alcoholics who were experiencing some form of external stress, such as the loss of a job or a long-term medical problem. According to Douglas, Hickey, and Noel (1980), such external stressors as life crisis and environmental factors also trigger abuse. Block and Sinnott (1979) considered the presence of stress, in particular economic stress, to be one way in which elder abuse resembles other types of domestic violence. The data on income level should be viewed with caution, however, because the abusers in the study by Legal Research and Services for the Elderly were primarily low income whereas those in Block and Sinnott's study were predominantly middle income.

Negative Attitudes toward the Elderly. Patterns of elder abuse and

neglect may be reinforced by negative stereotypes toward elderly people and their roles in society. As Block and Sinnott (1979) and Kalish (1979) pointed out, expectations can distort perceptions. The resulting misperceptions may be a major force in the creation of situations that are conducive to abuse because these negative attitudes tend to dehumanize elderly persons and make it easier for an abuser to victimize them without feeling remorse.

STRATEGIES FOR DEALING WITH ABUSE

Services to elderly people focus on those who live alone without family support and the 5 percent who are in institutions. Unfortunately, service systems provide help to families only after a situation has deteriorated (Miller, 1981). This strategy is based on an assumption that when an elderly person lives with his or her family, the family can and should provide the sole support. Such a policy may compel many families to give up their primary caring role prematurely or to resort to abuse and neglect.

A major step in working with as well as preventing cases of abuse would be to acknowledge the family's contribution to the care of the elderly person and to provide services that support and enhance the caregiving role. These services would include home nursing care, homemaker-home health aides, home-delivered meals, home repair, home visitor programs, day care, overnight respite care, and transportation. Education and counseling services to support the family's efforts and to recognize its emotional strains also should be available (O'Rourke, 1981).

Service planners and advocates for the aged need to advance the case for a national policy that recognizes that the family and government are partners in the provision of care to the elderly. Most states do not have comprehensive protective service systems for the elderly (although they offer some services) or the authority to intervene. In addition, laws designed to provide for surrogate decision making are fraught with the potential for misuse and are ambiguous (O'Rourke, 1981).

Numerous suggestions have been made about improving these laws to offer greater protection to the elderly

nationwide (Block and Sinnott, 1979; Lehrman, 1980; Regan and Springer, 1977; and Select Committee on Aging, 1981). These improvements focus on the identification and reporting of cases of abuse (only seventeen states have mandatory reporting laws), guardianship, commitment, conservatorship, power of attorney, and protective placement that only minimally damage family ties over the long term. Emphasis on assistance to the abused rather than on criminal prosecution of the abuser appears to be the best design for such legislation (Block and Sinnott, 1979).

The complexities of coordinating the delivery of services are compounded by the nature of elder abuse, which sometimes requires an emergency response and heightens issues of professional ethics and confidentiality, such as the need to substantiate the abuse while providing immediate services and maintaining confidentiality (O'Rourke, 1981). The most comprehensive approach would include coordinating the efforts of the various disciplines that provide essential services. For example, a protective service caseworker could act as a case manager to ensure that health, legal, nutrition, financial, police, and emergency services are provided when necessary (Legal Research and Services for the Elderly, 1979).

Although the foregoing approaches appear to have merit, in light of the current knowledge of the necessity for multifaceted interventions in the solution of complex social problems, they also are unrealistic because of the massive cuts that have been made in the social services. It is clear that in any attempts to ameliorate elder abuse, priorities must be assigned. Therefore, the ultimate cost in relation to the anticipated benefit of all potential approaches will need to be evaluated. Existing resources, such as computer technology, which has the capacity to disperse available data nationwide, and the pooling of information among agencies serving the aged can be used to lower the cost of such evaluations.

CONCLUSIONS

In 1975, 10.3 percent of the U.S. population was 65 years and over; this percentage will grow to 12 percent by 2000 (Palmer, 1977). The

increase in the number of elderly persons in this country creates the need for more services for their care and protection. However, because of budget cuts and the trend toward reduced services, it has been necessary for a greater number of adult children to care directly for their elderly parents (Maddox, 1975), which increases the circumstances under which elder abuse most commonly occurs.

Characteristically, the abused person is a severely impaired woman, aged 75 and over, white, widowed, and living with relatives (Block and Sinnott, 1979; Lau and Kosberg, 1976; Legal Research and Services for the Elderly, 1979; and Pedrick-Cornell and Gelles, 1982). Consequently, the types of services that are provided to the institutionalized and the elderly who are living alone obviously are inadequate to address this problem. The present knowledge about elder abuse, as found in the literature, suggests that the most appropriate strategy would be to reallocate existing resources and redirect services toward families. In the case of child abuse, the child needs protection and treatment and the abusing parents need as much service, if not more, than the child. So it is that the abuser of an elderly person—usually a family member and most often an adult child—requires as much assistance as does the victim. Thus, support groups, mental health services, and family life education programs that are directed toward helping families understand the aging process and the unique circumstances of the adult child are needed.

This review of the literature has shown that there has been minimal research on the nature, extent, and causes of elder abuse. Indeed, the largest specific case study involved thirty-nine individuals (Block and Sinnott, 1979). If social workers are to approach this problem on the basis of scientific findings, additional research into the correlates of abuse must be conducted. Larger population samples representing several cultural groups are necessary to guide the development of new intervention methods and the design of appropriate programs. Although extensive research in this area may be obstructed by the lack of funding and legal entanglements, it is essential

that the profession overcome these barriers to provide the empirical data necessary to guide practitioners and administrators.

Nan Hervig Giordano, Ph.D., is Coordinator of Substance Abuse, Manatee Mental Health Center, Bradenton, Florida. Jeffrey A. Giordano, Ph.D., is Assistant Professor of Social Work and Gerontology, School of Social Work, University of Georgia. An earlier version of this article was presented at the Third Annual Meeting of the Southern Gerontological Society, Orlando, Florida, June 1982.

Bibliography

Readers will note that bibliographic style has been used for references in this article. This style is used only for reviews of the literature.

- Block, Marilyn R., and Sinnott, Jan D. (eds.). *The Battered Elder Syndrome: An Exploratory Study*. Unpublished manuscript, University of Maryland Center on Aging, 1979.
- Burston, G. R. "Granny-Battering." *British Medical Journal*, 3 (September 6, 1975), p. 592.
- Cormican, Elin J. "Social Work in the Aging: A Review of the Literature and How It Is Changing." *International Journal of Aging and Human Development*, 11 (1980), pp. 251-267.
- Davidson, Janice, L.; Hennessey, Susan; and Sedge, Suzanne. "Additional Factors Related to Elder Abuse." In Block and Sinnott, eds., *The Battered Elder Syndrome*.
- Douglas, Richard L.; Hickey, Thomas; and Noel, Catherine. *A Study of Maltreatment of the Elderly and Other Vulnerable Adults*. Ann Arbor: Institute of Gerontology, University of Michigan, 1980.
- Farrar, Marcella S. "Mother-Daughter Conflicts Extended into Later Life." *Social Casework*, 36 (May 1955), pp. 202-207.
- Kalish, Richard A. "The New Ageism and the Failure Models: A Polemic." *The Gerontologist*, 19 (August 1979), pp. 398-402.
- Lau, Elizabeth, and Kosberg, Jordan. "Abuse of the Elderly by Informal Care Providers: Practice and Research Issues." Paper presented at the 31st Annual Meeting of the Gerontological Society, Dallas, Tex., November 20, 1978.
- Legal Research and Services for the Elderly. "Elder Abuse in Massachusetts: A Survey of Professionals and Parapro-

professionals." Unpublished manuscript, Boston, 1979.

- Lehrman, Richard. *Status of Major Legislation Affecting the Elderly: U.S. House of Representatives, 97th Congress*. Washington, D.C.: U.S. Government Printing Office, 1981.
- Maddox, George L. "The Patient and His Family." In Sylvia Sherwood, ed., *The Hidden Patient: Knowledge and Action in Long Term Care*. New York: Spectrum Publications, 1975.
- McCormack, Patricia. "Battered Elderly Suffer at Hands of Loved Ones." *Atlanta Journal and the Atlanta Constitution* (November 9, 1980), pp. 11F.
- Miller, Dorothy A. "The 'Sandwich' Generation: Adult Children of the Aging." *Social Work*, 26 (September 1981), pp. 419-423.
- Monk, Abraham. "Social Work with the Aged: Principles of Practice." *Social Work*, 20 (January 1981), pp. 61-68.
- O'Rourke, Margaret. "Elder Abuse: The State of the Art." Paper prepared for the National Conference on the Abuse of Older Persons, Boston, Mass., March 23-25, 1981.
- Palmore, Erdman. "Facts on Aging." *The Gerontologist*, 17 (April 1977), pp. 315-320.
- Pedrick-Cornell, Claire, and Gelles, Richard J. "Elderly Abuse: The Status of Current Knowledge." *Family Relations*, 31 (July 1982), pp. 457-465.
- Rathbone-McCuan, Eloise. "Elderly Victims of Family Violence and Neglect." *Social Casework*, 61 (May 1980), pp. 296-304.
- Regan, John J., and Springer, Georgia. *Protective Services for the Elderly: A Working Paper*. Washington, D.C.: U.S. Government Printing Office, 1977.
- Seebach, Wayne C. "Correlates of Aged Parents' Filial Responsibility, Expectations, and Realizations." *Family Coordinator*, 27 (October 1978), pp. 341-350.
- Select Committee on Aging. *Domestic Violence Against the Elderly. Hearings before the Subcommittee on Human Services*. House of Representatives, April 21, 1980. Washington, D.C.: U.S. Government Printing Office, 1980.
- . *Elder Abuse: An Examination of a Hidden Problem*. Washington, D.C.: U.S. Government Printing Office, 1981.
- Sinos, Bertha G. "Adult Children and Their Aging Parents." *Social Work*, 18 (May 1973), pp. 78-85.
- Steinmetz, Suzanne K. "Battered Parents." *Society*, 15 (July-August 1978), pp. 54-55.
- Steur, Joanne, and Austin, Elizabeth. "Family Abuse of the Elderly." *Journal of the Geriatrics Society*, 28 (1980), pp. 372-375.
- Straus, Murray A.; Gelles, Richard J.; and Steinmetz, Suzanne K. *Behind Closed Doors: Violence in the American Family*. Garden City, N.Y.: Doubleday & Co., Anchor Press, 1980. ■

ELDER ABUSE FUNDING IN HEALTH & SOCIAL SERVICES

In FY80 approximately 80% of the homemakers services were related to the protection of the elderly. This translates into an estimated budget of \$1,012,300. Also in that year \$340,100 was included in the component: Adult Supportive Services to provide adult residential care. Staff within the Division of Family and Youth Services were assigned to assist adults with protective services, but the actual number can not be identified in our budget documents nor within the agency's records.

FY81 saw an increase in Adult Supportive Services to help with the costs of care in an adult residential care facility. This was accomplished through 1) supplementing SSI payments of SSI eligible individuals, or 2) providing full payment for residential care for those elderly, developmentally disabled or handicapped individuals who do not meet the state and federal eligibility criteria for SSI and cannot afford residential care. In FY82 the Division of Adult & Aging Services was created and then disbanded with the transfer of programs to Dept. of Administration (OAC) and Dept. of Public Safety (Domestic Violence).

In FY87 during the budget reduction exercises the number of hours of adult protective homemaker services was reduced (\$262,700). In FY90 the adult homemaker services was transferred to the Division of Public Health.

Adult Services was increased by \$100,000 in FY 89 for adult protection residential care for levels I and II. In FY89 Adult Services was funded at \$372,100 and homemaker services at \$1,488,600 and has remained at that level until FY92. At that time the homemaker services program sustained a reduction of \$388,600. In the governor's FY93 budget submission, the adult homemaker and the home health aide programs are transferred to a new component entitled Home Health Services. This is to find efficiencies in the coordinated administration of these programs and will make the identification of funds specific to elder care even more difficult to identify.

There are currently between 3 and 3.5 social worker positions that specialize in the elder programs. Most other social workers spend some time dealing with the elderly but it is not possible to determine how many positions that actually translates into.

1100-1020-10-100

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
 Division of Family & Youth Services

General Funds	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	1,352.4	1,462.3	2,058.0	2,058.0	1,760.7	1,760.7	1,860.7	1,860.7	1,860.7	1,472.1	1,472.1

Positions-PFT	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	11	10	8	8	3	3	3	3	3	3	3

	FY83	FY85	FY88	FY89	FY90
Population 65+	15,149	18,133	20,397	21,885	22,459
Population 18+			369,446	374,618	380,609

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF FAMILY AND YOUTH SERVICES

DATE: 1/2/91

TO: Russ Webb
Acting Director

FROM: Pat O'Brien
Social Services
Program Officer

RE: Adult Protective Services (APS) Positions

FILE: 1750

You asked that I reconstruct the APS history of positions.

--Prior to passage of the Protection of the elderly statute, the division (DFYS) performed some supportive services for elderly and vulnerable adults, primarily assessing need for homemaker services and authorizing the service or referring individuals to local community services.

--In 1977 DFYS gained statutory responsibility for licensing adult residential care facilities (commonly called boarding homes) and foster homes. No positions were obtained. Regulations were promulgated in 1980 and limited funds secured for the care of dependent adults residing in existing facilities. Existing licensing staff were assigned the new licensing responsibility. Existing social workers were assigned the adult caseload in 1980 and 81. Most of those clients were vulnerable adults younger than age 65.

--In 1983, the Protection of the Elderly statute was passed without positions being added to the division's budget.

--For a period of a few months in late 1982 and 1983, the Department created a Division of Adult and Aging Services taking three Central Office positions from DFYS (including the WIN coordinator) and combining those positions with the department's Office of Aging positions for an expanded Central Office. Approximately 11 or 12 field social work and clerical positions were transferred from DFYS to the new Adult and Aging Division to provide Adult Protective Services. These field positions had previously been assigned primarily to child protective services.

Another half dozen field WIN Social Worker and clerical positions were also transferred from DFYS to the new Adult and Aging Services Division. WIN was a Federally funded program designed to assist adult single parents who were receiving Aid to Families with Dependent Children to find and retain jobs. The Office of Aging positions had primarily administered the Federal grant funds from the Federal Office on Aging.

--Also in 1983 the recently created Older Alaskan's Commission had developed by laws and was establishing an office within the Department of Administration. A decision was made to disband the new Division of Adult and Aging Services and to transfer the positions which had formerly been in the Office of Aging to the Older Alaskan's Commission office in the Department of Administration. The Older Alaskan's Commission then assumed the function of administering federally funded grants to local agencies.

--Following the transfer of Office of Aging positions to the Older Alaskans Commission, the positions originally taken from DFYS were restored to DFYS. Those designated for adult protective services were:

Central Office: Field Administrator - Elizabeth Muktarian
Assoc.Coord. Rng.18 - Jane Miller

Anchorage : Supervisor SW IV - Gladys Langdon
5 Social Worker III's John Burke,
Jerry Swenson,
Doris Julian,
Dorothy Emmons, and
Gary Mandzik
Clerk Typist ?

Fairbanks : Supervisor SW IV ? PCN 3724
Social Worker III Lare Lamm PCN 3725

Juneau : Social Worker III Lisa Clough
half time

Ketchikan : Social Worker III ?
half time

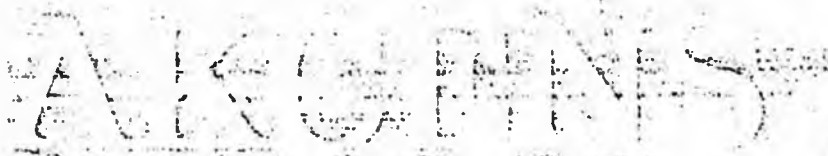
Bethel : Social Worker III ?
half time
(unable to confirm the Bethel position)

--In late 1983 or early 1984, in a budget reduction exercise, the position Jane Miller was holding in Central Office was eliminated.

--In 1984 the way of child protection increased reports caused the division to again look at reallocation of positions to respond most effectively to agency mandates. The homemaker contractor was authorized to perform assessments to determine need for homemaker services. This resulted in a reduced social worker responsibility statewide. A study of the individuals in adult residential and foster care was finalized in September, 1985. Based on the study, those adults with a diagnosed developmental disability or serious mental illness were transferred to the Division of MH&DD for case management, though no positions were transferred. DFYS retained adult cases with a borderline diagnosis and individuals on the wait list of MH&DD. Following the transfer of clients to MH&DD, most APS social workers were reassigned to a child protection caseload. The APS unit in Anchorage was reduced to two workers and the one in Fairbanks was reduced to one position. Remaining APS positions fell to less than half time. The Central office position assumed additional responsibilities, so that there was no longer a Central Office position designated for Adult Protective Services.

--In 1985 the Central Office WIN coordinator position in DFYS and the WIN field social workers and clerical staff were transferred from DFYS to the Division of Public Assistance. Welfare Reform legislation has now converted the WIN program into JOBS, Job Opportunities and Basic Skills Training.

To reconstruct this history, I contacted six DFYS staff and referred to three documents. If necessary more detail might be obtained in personnel files.



AGE 65+ POPULATION INCREASE

The number of persons age 65 years and older increased by 93.7% in Alaska during the 1980s according to figures released from the 1990 Census. The 1990 census counted 22,369 persons age 65 years and over, up from the 1980 total of 11,547. The 65+ age group was the fastest growing age group in the state. Despite that fact, it was still the smallest percentage, making up only 4.1% of the total population. For the United States, this same age group grew by 22.5% and comprised 12.6% of the population.

When looking at the male/female components of this age group, the increase is even more dramatic for women. The number of age 65+ women increased by 104.2% compared with the male increase of 83.2%. Looking at just the 75 years and over age group by sex, the female population increased by 120.9% while the male grew by 98.9%. For the United States, the 75 years and over age group also increased more than the total 65+ age group, growing 33.3% for women and 31.3% for men.

During the same period Alaska's total population grew by 36.9% to 550,043 persons. This ranks Alaska second in growth percentage, behind Nevada's 50.1% increase. The United States' population increased by 9.8% to 248,709,873.

At the sub-state level, the Matanuska-Susitna Borough experienced the largest growth of persons age 65+ with an increase of 155.6%. Four other areas also outpaced the state's growth in this age category. The Kenai Peninsula Borough population grew by 143.7%; Anchorage increased by 134.6%; the Haines Borough increased by 133.3%; and Fairbanks North Star Borough grew by 99.1%.

This Issue

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1	• Age 65+ Population Increase
3	• Employment and Earnings of Alaska's Older Workers
5	• CD-ROM
6	• STF 3A
6	• STF 1B
9	• New Publications
10	• Census Maps Available
11	• Where to Get Information

AKCENS is a quarterly newsletter published by the Alaska State Data Center (ASDC). It includes current census information provided by the U.S. Census Bureau, and demographic, economic and labor market information provided by the Research & Analysis Section of the Alaska Department of Labor (DOL). ASDC, based in the Juneau offices of DOL, is a joint venture of the U.S. Bureau of the Census and the State of Alaska.

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65.

The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

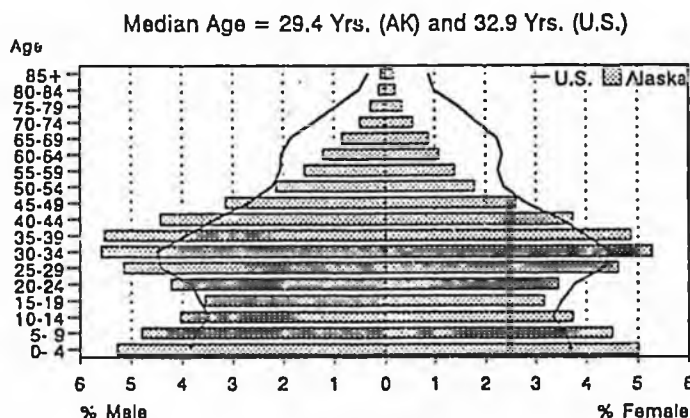
Table 1
Population Comparison for
Persons 65 Years and Older for the
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change 1980-90	Percent
Alaska	11,547	22,369	10,822	93.72
Aleutians East Borough	45	58	13	28.89
Aleutians West C.A.*	62	82	20	32.26
Anchorage Borough	3,520	8,258	4,738	134.60
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	827	2,015	1,188	143.65
Ketchikan Gateway Borough	642	907	265	41.28
Kodiak Island Borough	255	425	170	66.67
Lake and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,866	1,136	155.62
Nome C.A.	339	419	80	23.60
North Slope Borough	148	197	49	33.11
Northwest Arctic Borough	249	281	32	12.85
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.63
Yukon-Koyukuk C.A.	308	392	84	27.27

*C.A.= Census Area

Source: 1990 Census of Population and Housing, STF1A

Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis
Demographics Unit

Mackie files elderly, disabled protection bills

By JENNIFER STRINKER
Daily News Staff Writer

Two bills designed to increase protection to the elderly and disabled were introduced in Juneau this week by Rep. Jerry Mackie, D-Craig.

House Bill 510 establishes separate classes of offenses and increased penalties for crimes against the elderly or disabled. For example, a separate offense would be created for financial exploitation and for abuse of an elderly or disabled adult.

House Bill 511 mandates criminal background checks for public home care providers and restricts caregivers from assuming the role of attorney. It would also require the Department of Health and Social Services to disclose the number of verified reports of harm perpetrated by caregivers under contract to the state. It is currently required for nursing homes.

Mackie said he introduced the bills in response to the growing number of elderly.

"The 65 and older age bracket is the fastest growing segment of our society. Combine this with declining resources available for protection, intervention and investigation of crimes against this vulnerable group and you have an alarming picture," said Mackie in a recent press release.

The 65 and over age group increased by 93.7 percent across the nation in the last decade, according to the release. Ketchikan's elderly population increased 41.3 percent, according to Mackie's office.

The other problem, Mackie said, is the lack of space in nursing homes. More people are being cared for out of their homes making them even more vulnerable.

"People need to recognize that if you

mess with an elderly person, you're going to be dealt with," Mackie said. (Those bills) would serve as a deterrent to people who even think about it."

Karen Kubley, Ketchikan Pioneer Home administrator, said she didn't expect the bills to affect the home, but said she could see a need for the bills.

They are targeted mainly at home care providers contracted by the state to take care of the elderly or disabled in their own homes, not in institutions.

"As an ex-public health nurse ... I've seen abuse of elderly within their homes ... Those things happen because they have no resources," said Kubley. She said she supported the bills. She stressed she spoke from personal experience and not on behalf of the home.

Along with enhancing penalties, HB 510 would also require stiffer penalties for failure to report harm. If the bill passes, a person convicted of this misde-

meanor who is licensed, certified or regulated by the state, would be reported to their board.

Home care provider is defined in HB 511 as "a person who is paid by the state...to provide homemaker services, chore services, personal care services, home health care services, and or similar services in or around the client's private residence."

Ketchikan home care provider Allie May Davis supported the bills behind the scenes, but questioned how effective they might be with the limited resources currently available.

"I think it's good that they're focusing on elderly abuse," Davis said, "I wonder how they're going to carry it out."

Investigations of elderly abuse currently fall to social workers assigned to the elderly. For the state of Alaska, there are three full-time social workers: two in Anchorage and one in Fairbanks.

That, says Becky Smith, means resources are already stretched "tremendously thin."

Smith, supervisor of the Ketchikan office of the Division of Family and Youth Services, has seven social workers working out of her office. Six are assigned full-time to children. One is split between children and adult protection.

"The difficulty is the lack of support staff," Smith said. Even with harsher penalties, if there wasn't an increase in staff the penalties might not be effective, Smith said.

The bills do not require additional social workers for the elderly.

Mackie acknowledged the bills are not a cure-all, but he hopes they will initiate discussion between the departments and bring the issues to light.

"This isn't the answer to all the problems, but it's a step in the right direction," Mackie said.

More than half of the 50 states already have penalties for abuse of an elderly person and 16 states now have some form of increased penalties for these crimes. Many states have included statutory language to reflect that elderly and handicapped persons are more vulnerable and disproportionately damaged by crime — because they are less able to escape offenders, and tend to suffer the greatest relative deprivation as a result of crimes against them.

The elderly and disabled are also more susceptible to long-term adverse effects of crimes because they are less able to recover from the impact of physical, emotional and financial abuse, said the press release.

"I want to convey a strong message to those who prey on the weak and vulnerable that their crimes will be subject to enhanced penalties," said Mackie in the release.

Board hears assessment report

By FRIB FIGUEROA
Daily News Staff Writer

How do students learn best? Revilla Brown and Anna Lucas at White Cliff Elementary School explained to the Ketchikan Gateway Borough School District Board of Education during their regular meeting Wednesday night how they are attempting to answer that question at White Cliff.

They explained effective assessment has distinct characteristics.

"The purpose of assessment is to improve instruction, therefore increasing learning," said Brown. "It has to be an on-going process linked to instruction, and it should also mirror and inform instruction."

"Why do some kids pick up concepts faster than others?" she asked.

She explained that there are three phases of learning in children from the age of 2 to 16, according to national

learning assessment statistics.

From 2 to 7 years of age, a child is able to describe an object only if they see and touch the real object, she said. From ages 4 to 11, children begin to understand abstract objects from pictures. Children begin to perceive objects at that age but they are still limited to physical reality.

From ages 11 to 16, children don't need to see objects to formulate ideas and explain them.

The assessment team at White Cliff is currently building tools to better assess student learning abilities to "find learning materials to meet student needs," Brown said.

Brown told the board that teachers are keeping progress profiles on White Cliff students.

"At the end of the year the staff has a profile of the student's thinking level and math ability," said Lucas.

Brown and Lucas told the board they will share their results with other teachers sometime this spring.

Brownstein, Huanan Iauded White Cliff's Special Education Pre-school Teacher Loda Brownstein was presented an official citation from the 17th Alaska Legislature for work with special needs children.

Brownstein was a recipient of a grant from Very Special Arts Alaska. Visiting artists worked with Brownstein's students, who range in age from 3 to 6, in working with visual arts and creative expression, according to the citation.

"The project had several goals: to give students hands-on experience with a variety of art forms; training artists to work in their art form with special needs children; and training Brownstein in the arts and researching the impact of the arts on language development.

Board Vice President Margaret Ortiz,

acting chairperson, presented the award to Brownstein.

The board also recognized Revilla High School Principal Alan Heman for his recent appointment to the Governor's Council on Vocational and Career Education.

Other business

The board approved a number of motions including the 1992-93 school calendar.

Russell Thomas, Ketchikan High School student body president, voiced concerns over the calendar which has school starting Aug. 31.

"Several students have voiced large concerns about the starting date," he told the board. "Many students are still on fishing boats in the first week of September and canneries are running. Students can lose between \$300 and \$400 in income by starting on Aug. 31."

See 'Board,' page 3

Wavemaker



The lowdown on child labor laws

Dear Wavemaker,
I would like to know who I can contact regarding child labor laws? Or where I can get a copy on child support, child laws, visitation rights, etc.
Wondering

Dear Wondering,
You can check out all the laws in the state at the Legislative Information Office, right next to the tunnel at 352 Front Street. Rae Rhodes said the LIO workers are happy to help you sort through the labyrinth, and we can vouch for that. You can also get copies there.

Regarding child labor laws specifically, you should contact the state's Wage and Hours Division in Juneau, 466-4842.

It is possible and legal for some underage children to work. Joann Elliott at the Ketchikan Job Service said children aged 14 to 18 can get a work permit, if they supply proof of age. The permit must be filled out by the employer and signed by a parent or guardian. For more information on that, one would contact the Job Service at 2030 Sea Level Drive (in the Tongass Commercial Center, on the second floor).

Meetings & brevities

Obituary

Pollock

Continued from page 1

H B

5 1 1

(7)
Date Referred: March 9, 1992

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Finance

Date of Committee Action: 3-23-92

The JUDICIARY Committee considered:

HB 511

HOUSE BILL NO. 511

REGULATION OF HOME CARE PROVIDERS

"An Act relating to public home care providers; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 511 (JUDICIARY) the same title
 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 Public Safety

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Dave Donley</u>	X				
<u>John Elms</u>	X	<u>Mike Miller</u>			<input checked="" type="checkbox"/>
		<u>Bob Hunkeler</u>			<input checked="" type="checkbox"/>

Dave Donley
CHAIRMAN'S SIGNATURE

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to public home care providers providing for effective date" BRU: Alaska State Troopers
 Sponsor: Representative Mackie Component: Detachments
 Requestor: Representative Mackie COMPONENT SERIAL NO.

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

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	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: _____

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 2/24/92
 Approved by Commissioner: *George A. Anderson* for Richard L. Burton
 Agency: Department of Public Safety Date: 2/25/92

Public Safety FN

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 511

1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Department of Law

Title: "An Act relating to public home care providers..."

BRU: Legal Services

Sponsor: Representative Mackie

Component: Operations and Medicaid Provider

Requestor: Representative Mackie

Fraud _____

COMPONENT SERIAL

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

93 and 1410

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						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services

Phone: 465-3672
 Date: March 2, 1992

Approved by Commissioner: Richard I. Peques/AR
 Agency: Department of Law

Date: March 2, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 511

This bill amends various statutes under Title 47, covering state paid home care services for minors, disabled adults, and the elderly. The bill will not have a direct fiscal impact for the Department of Law; however, some of its provisions may work to interfere in the state's investigations of abuse, and some of the provisions may unnecessarily expose the state to liability claims.

Section 1. This section amends AS 13.26 to provide that a public home care provider may not accept a power of attorney designation for an individual to whom the provider furnishes in-home services, unless the designation is held jointly with another individual who is not employed by the same entity that employs the public home care provider. This section will not have a fiscal impact.

Section 2. This section amends AS 47.17.020 to provide that upon determining that a report of harm towards a child might relate to harm caused by the actions or inactions of a public home care provider, the Department of Health and Social Services shall notify the employer of the public home care provider of the allegations of harm. The section further provides that, upon receiving notification, the employer shall immediately assign a new person to provide home care to the subject of the report of harm. An employer who failed to reassign a home care provider after receiving the notification would be guilty of a violation under AS 11.81.900(b).

The Department of Law is concerned that prematurely notifying an employer, before a preliminary inquiry can be conducted to at least verify the report and determine the likely party or parties responsible for the harm, could compromise the state's future investigation efforts. The department is also concerned that reassigning a public home care provider, without verifying the allegations, and without a process to allow the home care provider to respond to the allegations, will result in personal injury claims against the employer and the state. This is because no investigation was conducted before adverse action was taken against the public home care provider. In most cases reassignment would probably result in the suspension or firing of the public home care provider, or literally finding the care provider guilty at the time of the report.

Section 3. This section amends AS 47.24.020 to provide for the same notification and reassignment requirements contained in Section 2, for reports of harm involving elderly persons. The department's comments in Section 2 apply equally here. In addition to those comments, the department notes that it expects federal certification of its Medicaid Provider Fraud Unit within the next

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 511

few weeks. Among its responsibilities, this unit has the duty to investigate and, where appropriate, prosecute all reports of harm of elderly persons caused by the actions or inactions of medicaid- or medicare-funded care providers. We expect that the activities of the unit will reduce the incidence of harm to the elderly that may be occurring and help deter future harm.

Section 4. This section provides that the Department of Health and Social Services shall, upon request, disclose the number of verified reports of harm of the elderly that were the result of actions or inactions of a public home care provider. This section will not have a fiscal impact.

Section 5. This section provides a definition for a public home care provider.

Section 6. This section provides for notification to employers and reassignment of public home care providers as a result of reports of harm involving disabled adults. The department's comments in Section 2 also apply to this section.

Section 7. The sponsor's staff has advised that this section is being deleted from the bill.

Section 8. The sponsor's staff has advised that this section is being deleted from the bill.

Sections 9 and 10. These sections amend AS 47.65.050 and AS 47.65.100 and provide that the Older Alaskans Commission may not make payments to a sponsor of home care, adult day care, or family respite care services unless the sponsor has agreed to request and receive criminal history information, under AS 12.62.035(a), for the person who will provide the services. These sections will not have a fiscal impact on the Department of Law.

Section 11. This section amends AS 47.65.290 and provides a definition for "home care services."

Section 12. This is the effective date section.

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to public home care providers BRU: Trial Courts
 Sponsor: Mackie Components: _____
 Requestor: House HESS COMPONENT SERIAL NO. 000 | 000 | 000 | 768

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	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:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 254-8228
 Division: Alaska Court System Date: 03/02/92

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]*
 Agency: Alaska Court System Date: 03/02/92

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

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 18, 1992

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/6/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 511

HOUSE BILL NO. 511

REGULATION OF HOME CARE PROVIDERS

"An Act relating to public home care providers; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 511 (HES) the same title 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) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cheri Davis</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>Mark Stanley</i>		<input checked="" type="checkbox"/>	
<i>J. G. [Signature]</i>	<input checked="" type="checkbox"/>				
<i>Benny Davis</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Mary Miller</i>	<input checked="" type="checkbox"/>				

[Signature]
CHAIRMAN'S SIGNATURE

S P O N S O R S T A T E M E N T

HB 511 "An Act relating to public home

care providers and providing for an effective date"

HB 511 will enhance protections for the elderly and disabled and will mandate certain quality assurances within the home care provider industry.

The phenomenal growth in the 65+ age segment; a decline in resources available for services (already inadequately funded) for the protection, intervention and investigation of crimes against the elderly and disabled; as well as the effort underway to apply to the federal government for Medicaid waivers and options for home and community based care have all brought us to this critical juncture.

This legislation restricts the assumption of powers of attorney by a public home care provider over the client to whom the care-giver furnishes in-home services. We must remove any opportunities for abuse and exploitation by those placed in the private residences of these extremely defenseless persons.

HB 511 will mandate criminal background checks for public home care providers. Failure to provide this quality assurance will result in needlessly placing our elderly and disabled into peril.

This proposal will also require the Department of Health and Social Services (DHSS) to notify the public home care provider agency under contract to the state when that agency's employee is the subject of a report of harm. It is not enough to simply "initiate" an investigation, every possible effort must be put forth to intervene on behalf of the victim of the alleged abuse.

HB 511 will also require DHSS to disclose the number of verified reports of harm perpetrated by caregivers under contract to the state, just as is required for nursing homes.

Sponsor statement

HB 511 "An Act relating to public home care providers and providing for an effective date"

Project Choice (Community and Home Options to Institutional Care for Everyone) was created by Ch.26, SLA 1990 (SB 334). One provision of Ch.26, SLA 1990, required a report to the legislature, this report was submitted February 21, 1992. In anticipation of this report a number of legislative proposals have recently been introduced urging DHSS to expeditiously apply for Medicaid waivers and options for home and community based care.

Additionally, DHSS has recently launched a new home care services program. This program is a collaborative effort of the Division of Public Health, the Division of Medical Assistance, and the Division of Mental Health and Developmental Disabilities.

These two events, applying for Medicaid waivers and options, and the creation of a new comprehensive home care services program will place Alaska on the precipice of an explosion in the home care provider industry. In anticipation of the growth in this industry combined with expected continued expansion of the 65+ age segment I have introduced HB 511.

We must become increasingly sensitized to the need for enhanced protections for those members of our society who are least able to protect themselves. The legislature should provide a very strict statutory structure for the home care services industry and then require DHSS to develop stringent regulations that will protect the recipients of this care from the types of abuse and crime to which they are especially vulnerable.

The disabled and elderly adult who remains in his/her own private residence often experiences near isolation that makes them more susceptible to abuse. This isolation also makes identifying and responding to these crimes extremely difficult.

As sponsor of HB 511, I am hopeful that this legislative effort will focus attention on a number of tangential issues:

- the appropriateness of Adult Protective Services remaining in the Division of Family and Youth Services
- the inadequate level of funding for Adult Protective Services as depicted by a ten-year portrait
- the need to expand the duties and responsibilities of the Long Term Care Ombudsman to cover elders cared for in their private residence.

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 5, 1992

The Honorable Jerry Mackie
Alaska House of Representatives
P.O. Box 113100
Juneau, Alaska 99811

Re: SB 511

Dear Representative Mackie:

Thank you for asking the Department of Law to review SB 511. I have talked with your staff and with staff of legislative affairs, division of legal services, regarding the bill. We specifically discussed those sections of the bill that require the Department of Health and Social Services to notify an employer of a report of harm and for the employer to assign a new home care provider based solely on the report. The narrative portion of our department's fiscal note refers to these legal concerns regarding the due process rights of the employee and the possibility of difficulties with reporting requirement conflicting with criminal investigations.

The new draft version of SB 511 dated March 2, 1992, addresses the legal problems identified. The Department of Health and Social Services would be delegated the responsibility of developing regulations which would insure both the safety of the individual receiving services and the home care provider's due process rights regarding the employment. Of course, this department cannot speak for the position which the Department of Health and Social Services may wish to take in relation to the new responsibilities that its workers will take on in relation to home care providers.

REPLY TO:

1031 W 4th AVENUE SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550
FAX: (907) 276-3697

1st NATIONAL CENTER
100 CUSHMAN ST. SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 452-1568
FAX: (907) 456-1317

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295
465-3603

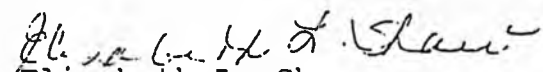
The Honorable Jerry Mackie
Alaska House of Representatives
SB 511

March 5, 1992
Page

If there are further questions, please feel free to
contact my office.

Sincerely,

CHARLES E. COLE
ATTORNEY GENERAL

By: 
Elizabeth L. Shaw
Assistant Attorney General

ELS:jh

HOUSE BILL 511

"An Act relating to public home care providers; and providing for an effective date."

This bill recognizes the intimate relationship between those needing help and those providing it. Alaska is fortunate to have so many caring and kind helpers. Almost all home care providers are moral people, but the demands and dynamics of the caregiving relationship often result in extraordinary temptations and dilemmas for the caregiver. This bill would set legal limits on the relationship and reduce risk to vulnerable populations through requiring protective action on reports of harm and through requiring criminal background checks on public home care providers. The Department of Health and Social Services supports this bill with amendments.

Applicability

The Department notes that this bill excludes private arrangements for care even if there are state funds involved. The Department supports the exclusion as practical.

Section 1

This section limits the relationship between a home provider and person requiring care by prohibiting public home care providers from accepting sole responsibility under a Power of Attorney. The Department believes this is an appropriate limitation. We are concerned with a potential problem that might occur when a home care provider has a friend or relative co-sign a power of attorney. Perhaps an additional clause such as "and who is not a relative of and has no previous association with the home care provider" could be added.

Sections 2 and 3

Sections 2 and 3 require the Department to notify the employer upon receiving a report of harm to either a child or to an elderly person, when the harm may have been caused by a public home care provider. The employer agency must immediately assign a new care provider to give the care. The assignment of a new care provider is critical to free concerned persons to report. Frequently individuals will not report for fear of retaliation and of losing the care upon which the elderly person or child depends. There are personality conflicts in the caring relationship, and not all reports will be founded, but removal and assignment of a new care provider when there are allegations of abuse or neglect is prudent state policy. The Department has had a similar requirement in its non-medical care facility regulations for more than 10 years. Investigation may move a concern from suspicion to evidence.

We suggest that an amendment be added to the effect that the employer must cooperate with department officials and may not hamper the investigation.

Sections 2 and 3 will potentially have significant impact on the Division of Family and Youth Services (DFYS). Depending on the nature of an allegation, the care provider employee may need to be removed from all caregiving situations until the investigation can be completed, and then the results of the investigation may have a negative effect on the future employment of the care provider. Since this is very similar to our previous experience in licensed facilities, we know that two elements are necessary in the DFYS response to the report of harm: first,

DHSS position

it must be timely; and second, DFYS must be prepared to participate in any employee appeal proceeding, if the finding results in dismissal of the employee.

Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. Ten years after Alaska's law was passed, the Department still is not adequately funded for this mandate. We believe there will be few reports under this proposed statutory provisions, however, given inadequate numbers of existing staff, need for a timely investigative response and involvement in any employment appeals, the Department is concerned that investigative response will not be able to meet expectations.

Section 4

Section 4 is important in that it will require tracking the number of reports of harm by public home care providers. While we believe the number will be small, statewide computer information is critical to our better understanding of the nature of abuse and neglect.

Sections 5 and 11

The definition of a public home care provider in Section 5 should be amended to read....."in or around the client's [A PRIVATE] residence." This clarification will make the definition consistent with the definition in Sec.11 by clarifying that it applies to the residence of the person receiving the care. The amendment would further clarify that the definition does not broadly include the care given in private residences by licensed foster parents and licensed family child care providers. Foster care providers and family child care home providers not exempt from AS 47.35 are regulated through licensing. The committee should consider adding the term "respite" to the list of services in both Sections 5 and 11, to ensure inclusion.

Section 6

The Department supports Section 6 on disabled adults as consistent with other sections of the bill. As a practical matter DFYS, as the protective services agency, investigates some reports of harm to individuals included in AS 46.24 (Article 2) in coordination with law enforcement.

Sections 7, 8 and 12

The Department recommends deletion of all reference to Chapter 66, SLA 1991. Under the Weiss litigation in the Mental Health Trust lawsuit, there is an unstated understanding between the state and the attorneys for the plaintiff that there would be no amendments to Chapter 66 without the agreement of both sides. An amendment at this time would create an additional complication in settling this litigation, so we believe it would be best to delete reference to Chapter 66 until after a settlement has been reached.

Perhaps the best location for the criminal history background searches required in Section 8 would be AS 12.62. Criminal history searches are currently required in department grants and are in the draft regulations for home care in final review in the Department of Law. The phrase in Section 8, "before the care is provided," would prevent care providers from entering the system prior to criminal history clearance. Our experience in child foster care is that clearance can take months. This is especially true in rural communities where unacceptable fingerprint rolling results in reprocessing delays.

In drafting any amendment, we suggest that the language of Section 9 be used as it does not contain the phrase, "before the care is provided." We believe it is possible to protect the recipient while a criminal background check is being completed on a new hire; our home care regulations require extensive reference checks and an applicant's affidavit of their record, among other precautions. We think that the risks of "conditional hires" must be balanced against the recipient's need for care. Almost anywhere outside of Anchorage, there is no "pool" of home care providers, so requiring completion of a criminal background check before service is begun could have devastating effects on the client, far beyond the risks of using an uncleared provider.

Task Force

The Department recommends that an Adult Protective Services (APS) Task Force be created, preferably with legislative sponsorship, to address issues which this bill and HB 510 address. DFYS has carried the APS role, since before statehood. About 2/3 of their caseload are over age 65 (with 3 over 100 years old) and about 1/3 of the caseload are younger disabled adults, often just below criteria that could get them help in other systems. These are street people and frail elderly, and persons who are physically handicapped, mentally ill or developmentally disabled. Reports of harm include self-neglect, neglect by a person responsible for their care, financial exploitation, and abuse.

Division activity in APS is so understaffed that community members including neighbors of victims do not know that help is possible and professionals fail to report, assuming an inadequate investigative response. When DFYS does get reports, they have been termed as non-responsive on all but the worst cases. In 1982, the Elder Abuse reporting statute was passed, but not funded. Ten years later

- We don't have a full Adult Protective Services system
- We don't provide the same level of protection to elderly and disabled adults as we do to children.
- We know that we don't have an adequate system.
- We want to do better.
- So how do we do that?

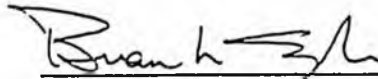
We strongly believe the department with legislative support has a responsibility to bring this problem out of the closet. This state has people qualified to address an APS System. We think that it is time for a small task force of experts and selected community professionals to address APS issues and make recommendations to the Governor and to the legislature. We would be pleased to participate in a legislative sponsored task force.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Position

The Department supports House Bill 511 with amendments.



Brian Saylor, PhD, MPH,
Deputy Commissioner/Acting Director
Division of Family and Youth Services

Date: 3/4/92



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

Date: 4 March 1992

REPRESENTATIVE
JERRY MACKIE

P O BOX 73
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2933 HOME

CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature



House of Representatives

WHILE IN JUNEAU
P O BOX V
JUNEAU, ALASKA 99801
(907) 465-4925

M E M O R A N D U M

TO: Representative Georgianna Lincoln, Co-Chair
Representative Pat Carney, Co-Chair, and
Members of the House HESS Committee

FROM: Representative Jerry Mackie *JM*

DATE: March 4, 1992

RE: Proposed CS for HB 511

Attached, please find a committee substitute (CS) that I would like to offer for your consideration. This CS attempts to meet the concerns from two sectors of the executive branch. The Department of Law and the Department of Health and Social Services (DHSS) have both raised concerns with sections 7 and 8 where amendments were proposed to Chapter 66, SLA 1991. I have no desire to revisit the Mental Health Lands Trust Settlement Issue until the settlement is approved or rejected by the litigants.

In speaking with both Connie Sipe, Executive Director of the Older Alaskan's Commission and Jeff Jesse, Senior Attorney for Advocacy Services of Alaska, representing the Trust, I have come to understand that the attorneys for the trust fully intend to commit to addressing these same quality assurances before this committee. My original intent was to make the bill as comprehensive as possible, but feel confident that we can proceed with the assurances in place from the administrators of the Trust.

Additionally, the language in the original bill draft that reads "Upon determining that a report of harm under this section might relate to harm caused by actions or inactions of a public home care provider, the department shall . . ." (first appearing in sec. 2 and continuing throughout) has raised some concern.

This committee substitute will address those concerns by:

(1) requiring the department to promulgate regulations that would accomplish this same end without catapulting the state into the middle of employer/employee relations. These regulations shall provide for a grievance procedure that will allow the alleged abuser or offender due process. The same language used for day care providers might be appropriate in this regard as well.

(2) these regulations shall protect the due process and constitutional rights of the alleged abuser as well as the alleged victim.

(3) furthermore, these regulations shall require the department to address these concerns in the due course of the grantor/grantee relationship with contract agencies.

(4) these regulations shall also require the department to include in all contracts with home care providers a provision ensuring the State of Alaska that the contracting agency/employer will not interfere in the course of any investigation of an allegation of abuse of an elderly or disabled adult.

(5) these regulations shall be adopted by March 15, 1993 with a report to the legislature on the status of the regulations by February 1, 1992.

I hope you will agree to these changes and adopt this committee substitute for HB 511.

CS FOR HOUSE BILL NO. 511 ()
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
 Referred:

Sponsor(s): REPRESENTATIVES MACKIE, ELLS, LINCOLN, LARSON, GONZALES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to public home care providers; and providing for an effective date."

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

3 * Section 1. AS 13.26 is amended by adding a new section to article 5 to read:

4 Sec. 13.26.358. POWERS OF ATTORNEY HELD BY PUBLIC HOME CARE
 5 PROVIDERS. (a) A public home care provider may not accept a designation as attorney-in-fact
 6 or agent by general or special power of attorney for an individual to whom the provider furnishes
 7 in-home services unless the designation is held jointly with another individual who is not
 8 employed by the same entity that employs the public home care provider.

9 (b) In this section, "public home care provider" has the meaning given in
 10 AS 47.05.017(b).

11 * Sec. 2. AS 47.05 is amended by adding a new section to read:

12 Sec. 47.05.017. REGULATIONS FOR HOME CARE PROVIDERS. (a) The department
 13 shall adopt regulations identifying actions that it will take, in addition to those otherwise required
 14 under AS 47.17 and AS 47.24, when a report of harm is made under AS 47.17 or AS 47.24 that

1 might relate to harm caused by actions or inactions of a public home care provider. The
2 regulations must

3 (1) address circumstances under which the department will require a contractor
4 or grantee to reassign or terminate an employee alleged to have perpetrated harm; and

5 (2) include appropriate procedural safeguards to protect the due process rights of
6 public home care providers who may be reassigned or terminated under the circumstances
7 described in (1) of this subsection.

8 (b) In this section, "public home care provider" means a person who is paid by the state,
9 or by an entity that has contracted with the state or received a grant from state funds, to provide
10 homemaker services, chore services, personal care services, home health care services, or similar
11 services in or around a client's private residence.

12 * Sec. 3. AS 47.24.050(b) is amended to read:

13 (b) The department shall disclose a report of harm if the elderly person who is the
14 subject of the report consents in writing. The department shall, upon request, disclose the
15 number of verified reports of harm that occurred at an institution for care of the elderly or that
16 were the result of actions or inactions of a public home care provider.

17 * Sec. 4. AS 47.24.100 is amended by adding a new paragraph to read:

18 (13) "public home care provider" has the meaning given in AS 47.05.017(b).

19 * Sec. 5. AS 47.65.050 is amended by adding a new subsection to read:

20 (b) The commission may not make payments to a sponsor whose program includes home
21 care services unless the sponsor has agreed to request and receive records under AS 12.62.035(a)
22 before the services are provided, for the person who will provide the services.

23 * Sec. 6. AS 47.65.100 is amended by adding a new subsection to read:

24 (f) The commission may not award a grant under this section for adult day care services
25 that include home care services unless the grantee has agreed to request and receive records
26 under AS 12.62.035(a) before the services are provided, for the person who will provide the
27 services.

28 * Sec. 7. AS 47.65.290 is amended by adding a new paragraph to read:

29 (8) "home care services" means homemaker services, chore services, personal care
30 services, home health care services, or similar services in or around the residence of an older
31 Alaskan or of a frail older person or similarly disabled adult, as defined in AS 47.65.100.

- 1 * Sec. 8. REGULATIONS. The Department of Health and Social Services shall adopt the regulations
- 2 required under AS 47.05.017, enacted by sec. 2 of this Act, by March 15, 1993. By February 1, 1993,
- 3 the department shall report to the legislature on the status of the regulations process.
- 4 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

DIVISION OF LEGAL SERVICE

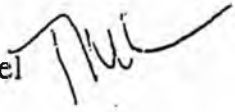
**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

February 15, 1992

SUBJECT: Public Home Care Providers (Work Order No. 7-LS2026A)
TO: Representative Jerry Mackie
FROM: Terri Lauterbach
Legislative Counsel 

Enclosed is a draft responsive to the part of your recent request that concerned the role of home care providers in the lives of the clients they serve. The criminal penalty aspects of your request have been split off into a separate work order that Jerry Luckhaupt is working on.

As you will note from the definitions in the draft, I have attempted to encompass not only the homemaker services and home health aides you referred to in your memo, but also personal care providers, chore performers, and other similar persons who have access to a client's home. As I understand from DHSS, all of these services are being looked at (and will probably be combined for contracting purposes) as they develop their waiver application for home and community-based services. Therefore, it seems prudent to address them all in your bill.

The bill also covers the provision of in-home services to children. They will also be a significant population served by public home care providers if the Medicaid home and community waivers are approved.

Section 1 addresses your concern relating to powers of attorney.

Secs. 2, 3, and 6 address your concerns about reassigning home care providers when a report is made that might implicate them in abuse of one of their clients. You may get some "flak" from law enforcement personnel, particularly about sec. 6, because premature notification to the home care provider could compromise their efforts to investigate leads before "tipping off" a suspect. Of course, there is the counterbalancing policy goal of having the "suspect" reassigned as soon as possible. I only wish to point out the issue for your consideration.

Representative Jerry A. Kie

February 15, 1992

Page 2

Sec. 4 addresses your request for disclosure of the number of verified reports of harm caused by a public home care provider, similar to the current law's requirement relating to institutions.

Sec. 5 provides a definition for the purposes of secs. 2 - 4.

Secs. 7 - 11 relate to criminal background checks for public home care providers.

Sec. 12 provides contingent effective dates for the two sections of the draft that amend statutes enacted last year to implement the mental health trust lands settlement. The settlement statutes are not yet in effect, so I have delayed the effective date of your draft's amendments of those statutes as well.

I hope you find this description helpful and that the bill is responsive enough to your request that you feel conformable ordering a final before the personal bill deadline. Please let me know if I can be of further assistance.

TML:gc
92-133.glc

Enclosure

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF FAMILY AND YOUTH SERVICES

DATE: 1/2/91

TO: Russ Webb
Acting Director

FROM: Pat O'Brien
Social Services
Program Officer

RE: Adult Protective Services (APS) Positions

FILE: 1750

You asked that I reconstruct the APS history of positions.

--Prior to passage of the Protection of the elderly statute, the division (DFYS) performed some supportive services for elderly and vulnerable adults, primarily assessing need for homemaker services and authorizing the service or referring individuals to local community services.

--In 1977 DFYS gained statutory responsibility for licensing adult residential care facilities (commonly called boarding homes) and foster homes. No positions were obtained. Regulations were promulgated in 1980 and limited funds secured for the care of dependent adults residing in existing facilities. Existing licensing staff were assigned the new licensing responsibility. Existing social workers were assigned the adult caseload in 1980 and 81. Most of those clients were vulnerable adults younger than age 65.

--In 1983, the Protection of the Elderly statute was passed without positions being added to the division's budget.

--For a period of a few months in late 1982 and 1983, the Department created a Division of Adult and Aging Services taking three Central Office positions from DFYS (including the WIN coordinator) and combining those positions with the department's Office of Aging positions for an expanded Central Office. Approximately 11 or 12 field social work and clerical positions were transferred from DFYS to the new Adult and Aging Division to provide Adult Protective Services. These field positions had previously been assigned primarily to child protective services.

WIN Social Worker and clerical positions were also transferred from DFYS to the new Adult and Aging Services Division. WIN was a Federally funded program designed to assist adult single parents who were receiving Aid to Families with Dependent Children to find and retain jobs. The Office of Aging positions had primarily administered the Federal grant funds from the Federal Office on Aging.

--Also in 1983 the recently created Older Alaskan's Commission had developed by laws and was establishing an office within the Department of Administration. A decision was made to disband the new Division of Adult and Aging Services and to transfer the positions which had formerly been in the Office of Aging to the Older Alaskan's Commission office in the Department of Administration. The Older Alaskan's Commission then assumed the function of administering federally funded grants to local agencies.

--Following the transfer of Office of Aging positions to the Older Alaskans Commission, the positions originally taken from DFYS were restored to DFYS. Those designated for adult protective services were:

Central Office: Field Administrator - Elizabeth Muktarian
Assoc.Coord. Rng.18 - Jane Miller

Anchorage : Supervisor SW IV - Gladys Langdon
5 Social Worker III's John Burke,
Jerry Swenson,
Doris Julian,
Dorothy Emmons, and
Gary Mandzik
Clerk Typist ?

Fairbanks : Supervisor SW IV ? PCN 3724
Social Worker III Lare Lamr PCN 3725

Juneau : Social Worker III Lisa Clough
half time

Ketchikan : Social Worker III ?
half time

Bethel : Social Worker III ?
half time
(unable to confirm the Bethel position)

--In late 1983 or early 1984, in a budget reduction exercise, the position Jane Miller was holding in Central Office was eliminated.

--In 1984 the way of child protection increased reports caused the division to again look at reallocation of positions to respond most effectively to agency mandates. The homemaker contractor was authorized to perform assessments to determine need for homemaker services. This resulted in a reduced social worker responsibility statewide. A study of the individuals in adult residential and foster care was finalized in September, 1985. Based on the study, those adults with a diagnosed developmental disability or serious mental illness were transferred to the Division of MH&DD for case management, though no positions were transferred. DFYS retained adult cases with a borderline diagnosis and individuals on the wait list of MH&DD. Following the transfer of clients to MH&DD, most APS social workers were reassigned to a child protection caseload. The APS unit in Anchorage was reduced to two workers and the one in Fairbanks was reduced to one position. Remaining APS positions fell to less than half time. The Central office position assumed additional responsibilities, so that there was no longer a Central Office position designated for Adult Protective Services.

--In 1985 the Central Office WIN coordinator position in DFYS and the WIN field social workers and clerical staff were transferred from DFYS to the Division of Public Assistance. Welfare Reform legislation has now converted the WIN program into JOBS, Job Opportunities and Basic Skills Training.

To reconstruct this history, I contacted six DFYS staff and referred to three documents. If necessary more detail might be obtained in personnel files.

TO: *Vicki Irwin* FROM: *P O'Brien* C. 2 14 19 20
 FAX #: 2299 *For your request.* FAX: PHONE #: 465-2145 2
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ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

<u>Age</u>	<u>FY87</u>	<u>FY88</u>	<u>FY89</u>	<u>FY90*</u>	<u>FY91*</u>
18-59	609	577	568	362	279
60 & up	1326	1326	1272	894	846
<u>Sex</u>					
Female	1268	1289	1256	810	725
Male	666	656	625	446	400
<u>Race</u>					
AK Native	792	790	672	461	483
Black	58	59	69	42	36
Caucasian	1020	1000	976	603	511
Unknown	65	91	117	148	178
<u>Services Turnover</u>					
Clients Exiting					
System in the FY	556	438	445	177	137
Clients Began in the FY	301	487	446	122	50
Clients Continued Thru					
to the next FY	554	543	569	871	853
Clients Interrupted					
During the FY	87	47	51	2	3
Clients Entered and					
Exited in the FY	437	428	371	84	86
<u>Homemaker Services</u>					
Number of Clients	1260	1430	1363	76	61
<u>Adult Foster Care</u>					
Number of Clients	27	41	38	28	28
<u>Adult Residential Care</u>					
Number of Clients	66	69	70	77	63

*Homemaker Services were transferred to Public Health in FY90, resulting in a substantial drop in DFYS delivered homemaker services to "at risk" elders and vulnerable adults under the APS program. In addition beginning in FY90 social workers began to transition from the mainframe data system to a new system called Prober. Figures given for FY 90 and 91 are fewer than actual cases, as some cases were recorded only in the new Prober system and are not represented here.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Division of Family and Youth Services

Adult Protective Services Reports of Harm*

<u>Number of Reports:</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>Avg.</u>	<u>%</u>
65 and over:	137		135	275	226	198	54
60 - 64	21		40	28	39	32	9
18 - 60	87		122	185	143	134	37
<u>Sex of Victim:</u>							
Male	85		118	185	161	137	38
Female	160		199	303	247	227	62
<u>Type of Harm:</u>							
Abandonment	10	11	11	17	7	11	3
Abuse	128	117	65	171	126	121	34
Economic Harm	40	69	133	127	98	93	26
Neglect	67	129	100	173	177	129	37
<u>Relationship of Perpetrator to Victim:</u>							
Wife	18		8	7	8	10	4
Husband	41		30	40	31	36	14
Son	40		24	43	64	43	17
Daughter	16		18	19	41	24	10
Other Male Family Member	32		10	30	34	27	10
Other Female Family Member	25		15	19	25	21	8
Other Male	31		64	46	63	51	20
Other Female	20		38	62	51	43	17
<u>Did the Victim Request That the Investigation be Terminated?</u>							
Yes	61		80	117	163	105	44
No	116		85	160	183	136	56
<u>Type of Report</u>							
Mandatory	88		123	169	151	133	67
Other	63		79	77	48	67	33
<u>Was the Report Confirmed?</u>							
Yes	142	202	152	150	222	174	62
No	31	94	145	124	129	105	38

REPORTS OF HARM*

	<u>65 and older</u> (all ages combined)	<u>60-65</u>	<u>18-59</u>	<u>TOTAL</u>
FY84				72
FY85	137	21	87	245
FY86	98	39	195	332
FY87	155	40	122	317
FY88	275	28	185	488
FY89	226	39	143	408

*Due to a transition in data collection to Proper Reports of Harm to adults data is not available after FY89.

DIVISION OF FAMILY AND YOUTH SERVICES
Department of Health and Social Services

Adult Protective Services Annual Report
Fiscal Year Ending June 30, 1989

Total Number of Reports	408
65 and over:	226
60 - 64	39
18 - 59	143

Sex of Victim:

Male	161
Female	247

Type of Harm:

Abandonment:	7
Abuse:	126
Economic Harm:	98
Neglect:	177

*Relationship of
Perpetrator to Victim:

Wife:	8
Husband:	31
Son:	64
Daughter:	41
Other Male Family Member:	34
Other Female Family Member:	25
Other Male:	63
Other Female:	51

Did the Victim Request that
the Investigation be Terminated:

Yes:	163
No:	183

Type of Reporter:

Mandatory:	151
Other:	48

*Was the Report Confirmed:

Yes:	222
No:	129

INCREMENT/DECREMENT DESCRIPTION (limit to 98 characters)

INCREASE PROTECTION OF ELDERLY & VULNERABLE ADULTS-- 1 PPT POSITION & SUPPORT

AGENCY CONTACT/PHONE NUMBER:

Frank Hickey 465-3082

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES.

In FY 89 nearly 1,100 elderly Alaskans over age 60 (one in 25) another 600 vulnerable adults between the ages of 18 and 59 also received protective services. However, the number of persons who actually need protection is probably substantially greater. Studies indicate that, as with child abuse, the reported instances of abuse, neglect, and exploitation of elderly and vulnerable adults represents only a portion of the actual incidents. There has been no study of the unreported incidence of adult abuse in Alaska, however, there is a consensus among advocacy groups that the rate of reporting is below the actual incidence. In many instances persons in need do not seek the service and others request that intervention be terminated because the level of response is inadequate or the services needed are not available. The following illustrates the growth in the at risk population of elderly adults and in the need for services and the decline in capacity to respond to this need:

Year	1983	1985	1988	Percent Change
Population Age 65+	15149(1)	18133(1)	25526(2)	+ 221%
Reports of Harm to Vulnerable Adults	72(3)	310	488	+ 670%
DHS Adult Service Staff	11	8	3.5	- 314%

(1) Alaska Population Projections, Alaska Department of Labor, October 1986.

(2) Housen Research Agency Report 86-A, The Delivery of Senior Services in Alaska, January, 1986.

(3) Reporting of harm to adults over 65 was not mandated by statute until 1983. Prior to that date data was not collected by any state agency.

CODE	EXPENDITURE BY OBJECT	AGENCY REC.	GOV'S PTO.
100	Personal Services	29.9	
200	Travel	1.3	
300	Contractual Services	3.2	
400	Supplies	2.1	
500	Equipment	6.0	
600	Lands, Buildings, Etc.		
700	Grants, Claims, Etc.		
800	Miscellaneous		
TOTAL		42.5	
I-A Transfer (NON-ADD)		1.9	
1002	Federal Funds		
1003	General Fund Match		
1004	General Funds	42.5	
1005	GI/Program Receipts		
1007	I-A Receipts		
POSITION INFORMATION	PPT		
	PPT	1	
	Non Permanent		
	Staff Months	6	
<input checked="" type="checkbox"/>	- Enhance Existing Services Compared To FY 90		<input type="checkbox"/> Formula Program
<input type="checkbox"/>	- New Services Compared to FY 90		
<input type="checkbox"/>	- Continuation of FY 90 Service Level		<input type="checkbox"/> Facility Operation
IMPACT FROM CAPITAL PROJECT (NAME)			
Chapter	SLA	Page/Line	

INCREMENT/
C5 DECREMENT
REQUEST

Agency Priority of

AGENCY Health & Social Services
YBRU
 COMPONENT Family Services
Western Region
 PROJECT _____

FY 91

Page 1 of 5

Revised Date: 11/10/89



AGE 65+ POPULATION INCREASE

The number of persons age 65 years and older increased by 93.7% in Alaska during the 1980s according to figures released from the 1990 Census. The 1990 census counted 22,369 persons age 65 years and over, up from the 1980 total of 11,547. The 65+ age group was the fastest growing age group in the state. Despite that fact, it was still the smallest percentage, making up only 4.1% of the total population. For the United States, this same age group grew by 22.5% and comprised 12.6% of the population.

When looking at the male/female components of this age group, the increase is even more dramatic for women. The number of age 65+ women increased by 104.2% compared with the male increase of 83.2%. Looking at just the 75 years and over age group by sex, the female population increased by 120.9% while the male grew by 98.9%. For the United States, the 75 years and over age group also increased more than the total 65+ age group, growing 33.3% for women and 31.3% for men.

During the same period Alaska's total population grew by 36.9% to 550,043 persons. This ranks Alaska second in growth percentage, behind Nevada's 50.1% increase. The United States' population increased by 9.8% to 248,709,873.

At the sub-state level, the Matanuska-Susitna Borough experienced the largest growth of persons age 65+ with an increase of 155.6%. Four other areas also outpaced the state's growth in this age category. The Kenai Peninsula Borough population grew by 143.7%; Anchorage increased by 134.6%; the Fairbanks Borough increased by 133.3%; and Fairbanks North Star Borough grew by 99.1%.

This Issue

page

- 1 • Age 65+ Population Increase
- 3 • Employment and Earnings of Alaska's Older Workers
- 5 • CD-ROM
- 6 • STF 3A
- 6 • STF 1B
- 9 • New Publications
- 10 • Census Maps Available
- 11 • Where to Get Information

AKCENS is a quarterly newsletter published by the Alaska State Data Center (ASDC). It includes current census information provided by the U.S. Census Bureau, and demographic, economic and labor market information provided by the Research & Analysis Section of the Alaska Department of Labor (DOL). ASDC, based in the Juneau offices of DOL, is a joint venture of the U.S. Bureau of the Census and the State of Alaska.

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65.

The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

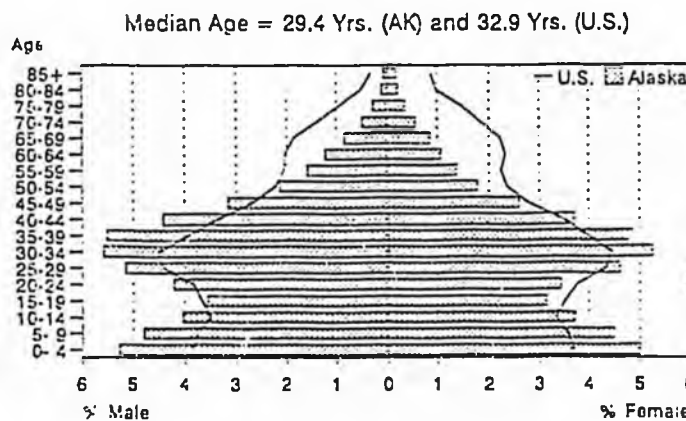
Table 1
Population Comparison for
Persons 65 Years and Older for the
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change 1980-90	Percent
Alaska	11,547	22,369	10,822	93.72
Aleutians East Borough	45	58	13	28.89
Aleutians West C.A.*	62	82	20	32.26
Anchorage Borough	3,520	8,251	4,738	134.60
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	827	2,015	1,188	143.65
Ketchikan Gateway Borough	642	907	265	41.28
Kodiak Island Borough	255	425	170	66.67
Lake and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,866	1,136	155.62
Nome C.A.	339	419	80	23.60
North Slope Borough	146	197	49	33.11
Northwest Arctic Borough	249	261	32	12.85
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.63
Yukon-Koyukuk C.A.	308	392	84	27.27

*C.A. = Census Area

Source: 1990 Census of Population and Housing, STF1A

Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis
Demographics Unit

In FY80 approximately 80% of the homemakers services were related to the protection of the elderly. This translates into an estimated budget of \$1,012,300. Also in that year \$340,100 was included in the component Adult Supportive Services to provide adult residential care. Staff within the Division of Family and Youth Services were assigned to assist adults with protective services, but the actual number can not be identified in our budget documents nor within the agency's records.

FY81 saw an increase in Adult Supportive Services to help with the costs of care in an adult residential care facility. This was accomplished through 1) supplementing SSI payments of SSI eligible individuals, or 2) providing full payment for residential care for those elderly, developmentally disabled or handicapped individuals who do not meet the state and federal eligibility criteria for SSI and cannot afford residential care. In FY82 the Division of Adult & Aging Services was created and then disbanded with the transfer of programs to Dept. of Administration (OAC) and Dept. of Public Safety (Domestic Violence).

In FY87 during the budget reduction exercises the number of hours of adult protective homemaker services was reduced (\$262,700). In FY90 the adult homemaker services was transferred to the Division of Public Health.

Adult Services was increased by \$100,000 in FY89 for adult protection residential care for levels I and II. In FY89 Adult Services was funded at \$372,100 and homemaker services at \$1,488,600 and has remained at that level until FY92. At that time the homemaker services program sustained a reduction of \$388,600. In the governor's FY93 budget submission, the adult homemaker and the home health aide programs are transferred to a new component entitled Home Health Services. This is to find efficiencies in the coordinated administration of these programs and will make the identification of funds specific to elder care even more difficult to identify.

There are currently between 3 and 3.5 social worker positions that specialize in the elder programs. Most other social workers spend some time dealing with the elderly but it is not possible to determine how many positions that actually translates into.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
 Division of Family & Youth Services

General Funds	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	1,352.4	1,462.3	2,050.0	2,050.0	1,760.7	1,760.7	1,060.7	1,860.7	1,060.7	1,472.1	1,472.1

Positions-PFT	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	11	10	8	8	3	3	3	3	3	3	3

	FY83	FY85	FY88	FY89	FY90
Population 65+	15,149	10,133	20,397	21,085	22,459
Population 18+			369,446	374,610	380,609

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HOUSE COMMITTEE REPORT

(7) Date Referred: February 18, 1992 FURTHER REFERRALS: Finance

Date of Committee Action: 4-3-92

The JUDICIARY Committee considered: HB 513

HOUSE BILL NO. 513 LIMITED DRIVERS' LICENSES

"An Act relating to limitations on a drivers' license; and providing for an effective date."

RECOMMENDATIONS: the same title
 be replaced with CS HB 513 (JUD) 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) Public Safety APPROVES PREVIOUS: (Dept/Date)
 fiscal impact Public Safety fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>St. Ellis</i>					
<i>McShunberg</i>	-	<i>Kevin Pat Purnell</i>		✓	
		<i>Mike Miller</i>		✓	
		<i>Terry Martin</i>		✓	
		<i>Mark Stanley</i>		X	

McShunberg

 V. CHAIRMAN'S SIGNATURE

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. DRAFT CSHB 513(JUD)

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to limitations on a drivers' license." BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Representative Ulmer
 Requestor: House Judiciary COMPONENT SERIAL NO.

	5	0	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	518.6	440.6	440.6	440.6	440.6	440.6
TRAVEL						
CONTRACTUAL	51.3	23.1	23.1	23.1	23.1	23.1
SUPPLIES	14.0	7.5	7.5	7.5	7.5	7.5
EQUIPMENT	107.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	690.9	471.2	471.2	471.2	471.2	471.2

CAPITAL						
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REVENUE (Prog. Rec.) FUND SOURCE: 1005	900.0	500.0	500.0	500.0	500.0	500.0
---	-------	-------	-------	-------	-------	-------

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Prog. Rec.) FUND SOURCE: 1005	690.9	471.2	471.2	471.2	471.2	471.2
TOTAL	690.9	471.2	471.2	471.2	471.2	471.2

POSITIONS:

FULL-TIME	13	11	11	11	11	11
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Juanita Hensley Phone: 465-4335
 Division: Motor Vehicles Date: 4/2/92
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton
 Agency: Department of Public Safety Date: 4/2/92

This fiscal note reflects the changes to the bill contained in the proposed Judiciary Committee substitute. Among other changes, that draft includes an application fee of \$100.00 to be paid by persons who wish to obtain a limited license. These fees are shown as program receipt revenues.

The Division of Motor Vehicles administratively revokes approximately 5,000 driver's licenses yearly for excessive breath alcohol or refusal to submit to a chemical test. This bill permits each person whose license is revoked for DWI or Refusal to apply for a limited license. It also requires a hearing officer to hold an administrative review hearing to determine the eligibility of the applicant and issue the limited license.

Information obtained from the Alaska Public Safety Information Network (APSIN), indicates there are currently approximately 4,000 10-year license revocations, which were based on two or more prior convictions for DWI or Refusal. These 4,000 revocations cover the period from November 1, 1983 through December 30, 1990.

If this bill becomes law, it is anticipated that most of these persons would apply for a limited license. In order to handle the additional 4,000 applications for limited licenses for those individuals who had their license revoked between November 1983 and December 1990, and the additional 5,000 applications a year for limited licenses for those whose license revocation was effective after January 1, 1991, one full-time Driver Improvement Specialist/Hearing Officer; two Clerk IV's; and ten Motor Vehicle Representative III's will be required for FY 93 and eight Motor Vehicle Representatives will be required starting in FY 94. The duties of these positions are detailed in the attached new position requests. The total for personal services is 518.6 in FY 93 and 440.6 in FY 94.

Before a license can be reissued after a revocation, the person must apply for a new license and complete all required tests, including a driving skills test, thus requiring the need for ten Motor Vehicle Representative III positions. These MVR III positions will be located in the following Motor Vehicle Offices: Palmer; Fairbanks; Anchorage; Ketchikan; Kodiak; Soldotna; and Juneau.

Any person who was denied a limited license may request an administrative hearing for reconsideration. It takes up to one hour to process an application for a limited license. This includes the time it takes to conduct an administrative review pertaining to eligibility for the limited license. A thorough record must be maintained, in case a hearing officer's decision is appealed to the Superior Court.

DETAIL

		FY93	FY94
100	PERSONAL SERVICES	518.6	440.6
	1 Driver Imp. Spec. 53.6		
	2 Clerk IV's @ 37.3 = 74.6		
	10 MVR III's @ 39.04 = 390.4		
	8 MVR III's starting 1994		
200	CONTRACTUAL		
	Postage	5.1	5.1
	Telephone System	5.0	0
	Telephone toll charges	6.0	6.0
	Copier Maintenance	1.5	1.5
	Office Space (Lease)	10.5	10.5
	Programming Fees	2.2	
	Terminal ID fees	21.0	
400	SUPPLIES (14 Employees)		
	Routine Office supplies	14.0	7.5
500	EQUIPMENT		
	Controller (32 port, installed)	12.0	0
	14 PC/Terminals, Printers	63.0	0
	4 Desks	2.0	
	10 Work Stations	30.0	
	TOTAL	690.9	471.2

Position Title Driver Improvement Specialist		Number of Positions 1	Range/Step 16-A	Bargaining Unit GGU
Time Status PFT	Staff Months 12 each	Location Juneau	Election District	
Type of Expenditure		Justification		
1	2	3	This position will conduct administrative hearings involving the denial of a limited driver's license. It will prepare the file, send notice to parties advising of the date and time of the hearing, conduct the hearing, prepare the file for appeal, enter license action onto the driving record, and handle all correspondence associated with this program.	
Salary*	37.3			
Benefits*	16.3			
Premium Pay (Included in Above)				
Other				
Total Personal Services		53.6		
Travel		0		
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	53.6		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Driver Services

Page 4 of 6
 Revised Date

FY 93

Position Title Clerk IV		Number of Positions 2	Range/Step 9(B)	Bargaining Unit GGU
Time Status PFT	Staff Months 12	Location Juneau	Election District	
Type of Expenditure		Justification		
1	2	3	<p>These positions would handle the review of the application for limited license; deny or issue a limited license certificate; prepare file for hearing officer after the person who was denied a limited license requests a reconsideration; enter license action onto the driving record; handle basic correspondence associated with the application process; and close out files for microfilming.</p>	
Salary*	48.6			
Benefits*	26.0			
Premium Pay (Included in Above)				
Other				
Total Personal Services		74.6		
Travel				
Contractual		34.1		
Commodities		14.0		
Equipment		32.0		
Other				
Total Cost		154.7		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Motor Vehicles

COMPONENT Driver Services

FY 93

Page 5 of 6

Revised Date

Position Title Motor Vehicle Representative III		Number of Positions 10	Range/Step 10(B)	Bargaining Unit GGU
Time Status PFT	Staff Months 12	Location Statewide	Election District	
Type of Expenditure		Justification		
1	2	3	These positions will administer road tests and knowledge examinations to all applicants for limited driver's license. They will verify that the applicant has the necessary documentation prior to issuing exams.	
Salary*	260.0		In addition to testing and licensing duties, the MVR III also monitors quality control and error correction these duties.	
Benefits*	130.4			
Premium Pay (Included in Above)				
Other				
Total Personal Services		390.4		
Travel				
Contractual		17.2		
Commodities				
Equipment		75.0		
Other				
Total Cost		482.6		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety

BRU Motor Vehicles

COMPONENT Driver Services

FY 93

Page 6 of 6

Revised Date _____

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 25, 1992

TO: Rep. Dave Denley, Chair
House Judiciary Committee

FROM: Rep. Fran Ulmer

RE: HB 513, relating to limitations on drivers' licenses

Enclosed is the committee packet for HB 513 which I am sending in anticipation of the bill being scheduled before the Judiciary Committee. You will note that I have included a letter of endorsement from the Court System which states that HB 513 will make it easier for judges and magistrates to make appropriate determinations regarding limited licenses. Since all of the policy issues were disposed of when the original drunk driving legislation (HB 53) passed in 1990, HB 513 should raise no new areas of discussion. HB 513 corrects certain drafting errors of that earlier legislation.

I would greatly appreciate your scheduling HB 513 at the committee's earliest convenience.



Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 25, 1992

TO: Rep. Dave Donley, Chair
House Judiciary Committee

FROM: Rep. Fran Ulmer

RE: HB 513, relating to limitations on drivers' licenses

HB 513 is a technical bill which corrects certain drafting errors made in the revision of DWI statutes passed in 1990 as HB 53. That legislation established the opportunity for persons whose licenses have been revoked as a result of their second, third, fourth, fifth or sixth convictions to be eligible for a limited license and thus "earnback" a portion of the revocation period. The limited license option received overwhelming legislative support and was adopted as a means of encouraging and rewarding persons who have proved themselves to be responsible in effectively addressing their alcohol problems.

Unfortunately, the courts have interpreted the limited license earnback provisions of the prior legislation as applying only to convictions occurring after January 1, 1991 and to third convictions occurring prior to January 1, 1991. The intent of the legislature was that limited license earnback provisions should apply equitably to all convictions occurring both before and after the effective date of the bill (January 1, 1991). Because the original legislative intent was not clear to the courts, the clarifications contained in HB 513 are necessary.

HB 513 clarifies the prior legislation regarding DWI statutes in the following ways:

- (1) Clarifies that limited licenses may be granted for second, third, fourth, fifth and sixth convictions occurring before 1/1/91;
- (2) Specifies the allowable limited license periods for which a person may qualify;
- (3) Clarifies that a person who has two or more revocations running consecutively may be eligible for more than one limited license period and that those periods shall be combined.
- (4) Establishes a limited license application period during the last 180 days of the combined, adjusted minimum revocation periods.



In addition, HB 513 includes a provision that the cost of an alcoholism education and rehabilitation treatment program must be paid for prior to receiving a limited license. This provision was included at the request of the Substance Abuse Directors Association in an effort to sustain on-going programs for alcohol rehabilitation. Although this provision is not a clarification of prior legislation, it is consonant with the underlying purpose of that legislation to advance the state's efforts to support sobriety and safe driving practices.

HB 513 is supported by the Alaska Court System and the Substance Abuse Directors Association.

HB 513 - Limitations on a Drivers' License

Sectional Analysis

Section 1: AS 28.15.201(d)

Requires that, in addition to other criteria for granting limited license privileges, the cost of an alcoholism education and rehabilitation treatment program must be paid for prior to receiving a limited license.

Section 2: AS 28.15.201(e)

Clarifies that limited licenses may be granted for convictions occurring before 1/1/91.

Section 3: AS 28.15.201 (g)

Sets out the allowable limited license periods for which a person may qualify:*

- 2nd conviction: Last 60 days (1 year minimum revocation)
- 3rd conviction: (a) Last 7 years for convictions occurring before 1/1/91
(10 year minimum revocation)
- (b) Last 2 years for convictions occurring after 1/1/91
(5 year minimum revocation)
- 4th conviction: Last 5 years (10 year minimum revocation)
- 5th conviction: Last 5 years (10 year minimum revocation)
- 6th conviction: Last 5 years (10 year minimum revocation)
- 7th conviction: No limited license available

*Current law establishes the minimum mandatory revocation periods. The court may impose longer revocation periods.

AS 28.15.201 (h)

Clarifies that, if a person is eligible for more than one period of limited license privileges, those periods shall be combined. The limited license period shall begin after the completion of any license revocation period for which a limited license is not allowed, and after completion of the adjusted minimum revocation periods for each offense for which a limited license is allowed.

AS 28.15.201 (i)

Establishes a limited license application period during the last 180 days of the combined, adjusted minimum revocation periods.

Section 4: Section 36, ch. 119, SLA 1990

Clarifies that limited license provisions apply to offenses committed before, on, or after December 31, 1990.

Section 5: Clarifies that the act applies to offenses committed before, on, or after the effective date of the act.

Section 6: Makes this act retroactive to January 1,1991.

Section 7: This act takes takes effect immediately.



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, Alaska 99501

(907) 264-8237

February 20, 1992

Representative Fran Ulmer
Rm 421, Capitol
PO Box V
Juneau, AK 99811

Dear Representative Ulmer;

I have reviewed the 2/17/92 version of HB 513. It appears that the primary effect of sections 2-4 of this bill will be to clarify existing law and resolve ambiguities which currently make it difficult to calculate limited license eligibility for third offenders, to determine whether limited license eligibility periods are cumulative, and to reconcile the applicability provision of the 1990 law with the intent of AS 28.15.201.

While sections 2-4 of the bill do not change existing law and are not expected to have a direct fiscal impact on the operations of the court system, those sections should make it easier for judges and magistrates to make appropriate determinations regarding limited licenses. For that reason the court system supports those sections of the bill.

We take no position on section 1, which adds to existing law the requirement that any required alcoholism education and rehabilitation program must be paid for before a limited license can be issued. This section is also expected to have no fiscal impact on the court system.

Thank you for your efforts.

Sincerely,

A handwritten signature in cursive script that reads "Janna Stewart".

Janna Stewart
Magistrate Services

cc: Arthur H. Snowden, II

February 10, 1992

The Honorable Fran Ulmer
State House of Representatives
Capitol Building
Juneau, AK 99801

Attn: Dianne Bergstrom

RE: Legislation to clarify intent of HB53, passed last session

The Substance Abuse Directors Association, at their February 5, 1992 meeting, passed a resolution asking that you consider adding the following stipulation to reinstatement of driving privileges to DUI offenders who are mandated into chemical dependency treatment/education:

Reinstatement of driving privileges will be contingent upon successful completion and payment for mandated treatment services.

If this legislation were passed, the Alcohol Safety Action Program, which currently monitors treatment for DUI offenders for the court system, would monitor successful completion and payment for services and would report this information to Public Safety for re-issuance of driver's licenses.

The rationale for this concept is that it is important to insure that offenders accept the consequences of their actions. Payment for services is part of the consequence of DUI. In addition, therapy is most effective when clients are paying for service. A considerable bank of research evidence suggests that treatment outcomes improve significantly when services of any kind are linked to cost.

Your sensitivity to chemical dependency issues is appreciated in the treatment community.

Warmest regards,



Don Dapceovich
Secretary
State Substance Abuse Directors Association

B. DETERMINING LIMITED LICENSE AVAILABILITY PERIODS

Below are examples of how the legislature intended sections (d) and (e) of AS 28.15.201 to apply to offenders who were charged and sentenced under the old law (prior to January 1, 1991). (Calculations for offenders who are charged and sentenced under the new law are identical except that AS 28.15.201(e) does not apply.)

1st Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days

AS 28.15.201(d) provides limited license availability for the first offense. The offender must complete the mandatory period of complete revocation - 30 days - before requesting a limited license.

Note that AS 28.15.201 describes the limited license availability periods as "the final 60 days", "the final two years", "the final five years", and "the final seven years" of the license revocation. The "mandatory period of complete revocation" is the length of time which must elapse before the limited license availability period begins. For example, for first-time offenders the mandatory revocation period is 90 days. The limited license availability period is the final 60 days. Thus the mandatory period of complete revocation is 30 days (90 days minus 60 days.)

(Reminder: For first offenses only, the period of limited license availability is the same under the new law as under the old law.)

2nd Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days

AS 28.15.201(d) provides limited license availability for the first and second offenses.

The two-time offender must complete the mandatory period of complete revocation for both offenses - 30 days plus 305 days, for a total of 335 days - before requesting a limited license.

3rd Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years

AS 28.15.201(d) provides limited license availability for the first and second offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The three-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years, for a total of 3 years and 335 days - before requesting a limited license.

4th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, and fourth offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The four-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years, for a total of 8 years and 335 days - before requesting a limited license.

5th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years
5th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, fourth, and fifth offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The five-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years plus 5 years, for a total of 13 years and 335 days - before requesting a limited license.

6th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years
5th	10 years	final 5 years	5 years
6th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, fourth, fifth, and sixth offenses. AS 28.15.201 (e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The six-time offender must complete the mandatory period of complete license revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years plus 5 years plus 5 years, for a total of 18 years and 335 days - before requesting a limited license.

7th Offense

Seven-time offenders are not allowed limited licenses under AS 28.15.201. They must complete the complete period of revocation for all offenses.

H B

5 1 4

HOUSE COMMITTEE REPORT

(7)
Date Referred: April 22, 1992

FURTHER REFERRALS:

Date of Committee Action: 4-28-92

The JUDICIARY Committee considered:

HB 514

HOUSE BILL NO. 514

IMPAIRED MEDICAL PRACTITIONERS

"An Act relating to the Board of Medicine and the impaired medical practitioner program."

RECOMMENDATIONS:

be replaced with (S HB 514 (JUD)) the same title 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)

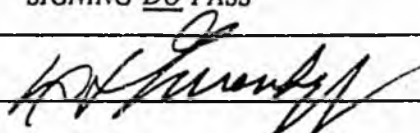
APPROVES PREVIOUS: _____ (Dept/Date)

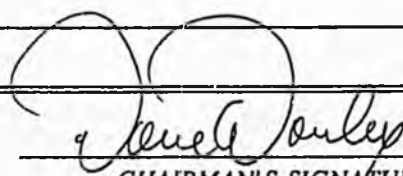
fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) (annex 4-22)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	-	Jerry Martin		✓	
		Mike Miller		✓	
		Mark Hanley		X	
		John Elms		X	
		Kristin Pittman		✓	
		Dave Conley		✓	


CHAIRMAN'S SIGNATURE

1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act relating to the Board of Medicine and BRU: Occupational Licensing
the impaired medical practitioner program. Component: Administration
 Sponsor: Reps. B. Davis, Bruckman
 Requestor: Rep. Lincoln COMPONENT SERIAL NO.

0	3	5	6
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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	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	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	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

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)

The bill make amendments to the medical licensing statutes regarding limited liability coverage and duties of the board to establish an impaired professionals program that will include mentally ill or cognitively impaired medical professionals. New funds are not required to implement the changes made in the bill.

Prepared By: Jennifer Strickler Phone: 465-2144
 Division: Occupational Licensing Date: 04/17/92
 Approved by Commissioner: Glenn A. Olds *Glenn A. Olds*
 Agency: Department of Commerce & Economic Development Date: 4.21.92

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

ALASKA STATE LEGISLATURE

Office of Majority Whip

3111 C STREET, SUITE 508
ANCHORAGE AK 99503
(907) 561-2039

PO BOX V
JUNEAU AK 99811
(907) 465-3875/4894

VICE CHAIR
HEALTH, EDUCATION
& SOCIAL SERVICES

COMMUNITY AND
REGIONAL AFFAIRS

INTERNATIONAL TRADE
AND TOURISM

CHAIR
CHILDREN'S CAUCUS

REPRESENTATIVE BETTYE DAVIS
DISTRICT 14 SEAT B • EAST ANCHORAGE • MULDOON

M E M O R A N D U M

TO: REPRESENTATIVE DAVE DONLEY, CHAIRMAN
HOUSE JUDICIARY COMMITTEE

FROM: REPRESENTATIVE BETTYE DAVIS

B Davis

RE: HB 514

DATE: APRIL 22, 1992

I respectfully request that HB 514, "an act relating to the Board of Medicine and the impaired medical practitioner program," be scheduled for hearing before the House Judiciary Committee, at your earliest convenience. I have attached, for your review, a copy of HB 514, and a sponsor statement.

Your prompt response is appreciated. If you have any questions, please feel free to contact me, or Caren Robinson of my staff, at X3975.



ALASKA STATE LEGISLATURE

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DISTRICT 14 SEAT B • EAST ANCHORAGE • MULDOON

S P O N S O R S T A T E M E N T

I appreciate the committee members hearing HB 514.

HB 514 strengthens the State Board of Medicine and medical practitioner program by requiring that they investigate physicians who are mentally ill or cognitively impaired.

This bill would fill a very important gap, and, if enacted, will allow the State Medical Board to more effectively police their own and keep unfit practitioners from jeopardizing the health of Alaskans.



HOUSE COMMITTEE REPORT

(7) Date Referred: February 18, 1992 FURTHER REFERRALS: Judiciary

Date of Committee Action: 4/22/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 514

HOUSE BILL NO. 514 IMPAIRED MEDICAL PRACTITIONERS

"An Act relating to the Board of Medicine and the impaired medical practitioner program."

- 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) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>Earney</i>	-				
<i>Mary Miller</i>	✓				
<i>Betty Davis</i>	✓				
<i>J. E. [Signature]</i>	✓				
<i>Cheri Davis</i>	✓				
<i>Mark [Signature]</i>	X				

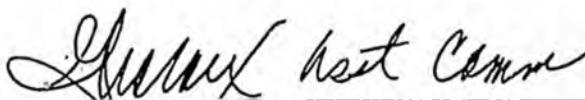
[Signature]
 CO-CHAIRMAN'S SIGNATURE

HB 514: "Impaired Medical Practitioner Program"

This bill extends protection from a lawsuit being brought against a contractor or their agent for reporting or participating in administrative or judicial proceedings.

It also adds mentally ill or cognitively impaired practitioners to the list of practitioners who may be identified, confronted, evaluated, and treated under the impaired medical practitioner program.

The department does not object to these changes and, thus, does not oppose this bill.



Glenn A. Olds, Commissioner

Date:

4.21.92



ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-6334 • (907) 682-2682

April 22, 1992

TESTIMONY BEFORE THE HOUSE HESS COMMITTEE

HOUSE BILL 514

Representative Lincoln, my name is Donald Lehmann. I am a physician specializing in Family Medicine in Sitka. My remarks will be brief.

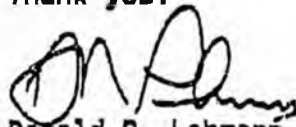
I am here today representing the Alaska State Medical Association. House Bill 514 before you would fill a gap in the duties of the State Medical Board. This bill would require that the board investigate physicians who are mentally ill or cognitively impaired. The State Board has become increasingly effective in its dealings and disciplining of physicians who abuse alcohol and other drugs. Indeed, our current program has become a model for other states. There currently exists a gap in the board's authority to intervene in less than clear cut cases of mental illness or cognitive impairment, such as early Alzheimer's disease or mental impairment due to drugs, though drug abuse cannot be proven. You cannot separate substance abuse and emotional and mental illness. All impairments are identified with a behavioral problem. Only until you identify what the problem is can you truly assess what the impairment might be.

This bill would make it easier to report impaired physicians and would give clear authority and direction to the board to step in early and stop these practitioners from causing harm.

Physicians have a good record of policing our own. We want to make it better. This bill will do just that.

In the interest of public health for all Alaskans, I would encourage your support in speedy passage of this bill.

Thank you.



Donald R. Lehmann, M.D.
Chairman, Legislative Affairs Committee

DRL:bj

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

April 28, 1992

SUBJECT: CSHB 514(JUD) (Work Order No. 17LS-2031\G)

TO: Representative Dave Donley
Attn: Laurie Otto

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

Attached is the final CS you requested for HB 514. Be advised that section 1 of the CS, which immunizes anyone making a good faith report about a medical practitioner licensed under AS 08.64, only applies to persons making reports about medical practitioners licensed under AS 08.64 and not to reports concerning every licensed profession under AS 08. It could conceivably be misunderstood by someone that section 1 of the bill applies to all licensed professions due to its placement in AS 08.02 which deals generally with persons licensed under AS 08.

JL:gc
92-330.glc

Attachment