

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7379 SENATE HEALTH EDUCATION & SOCIAL SERVICES

INSTITUTIONAL ADMINISTRATIVE INVESTIGATION  
POLICY AND PROCEDURE  
(Page 3)

6. If the Superintendent determines there is cause to conduct an administrative investigation, the Superintendent is responsible to oversee conduct of the investigation. The Superintendent shall assign or request assignment of an investigation team unless the Director, Youth Corrections Administrator or supervising Regional Administrator otherwise instructs.
  - A. If the allegation involves child abuse or neglect, the Superintendent will request that a trained CPS worker be appointed to the investigative team. This request may be made directly to the Regional Social Service Manager or indirectly through the Youth Corrections Administrator.
  - B. The Division's Personnel Officer may be appointed to participate as a member of an administrative investigation team.
7. If, as a result of a child abuse report or a law violation report to the Alaska State Troopers, a separate CPS or criminal investigation is initiated, the Superintendent shall appoint a youth facility representative to observe any and all interviews of residents or staff conduct at the institution.
8. The Superintendent shall assure that administrative investigations are conducted fairly and thoroughly.
  - A. Every effort must be made to interview all parties who may have knowledge and factual information concerning the complaint or allegation.
  - B. Interviews shall be recorded and, when possible, conducted by more than a single member of the investigation team.
  - C. The administrative investigation report will not be placed in the employee personnel file.
9. An employee who is accused of misconduct or named in a complaint will be made aware of the allegation or complaint and given the opportunity to respond and to present information prior to the conclusion of an administrative investigation. The employee will

INSTITUTIONAL ADMINISTRATIVE INVESTIGATION  
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(Page 2)

4. Upon receiving a complaint or report of staff misconduct, the Superintendent or designee will make an immediate determination as to whether the allegation does or does not constitute substantial misconduct, and will further determine the need for action to protect the youth facility residents or staff.
  - A. In order to make a preliminary determination concerning the seriousness of complaint or allegation, the Superintendent or designee may interview the person or persons making the complaint or allegation.
  - B. If a resident's or staff's well-being may be jeopardized by an employee remaining on duty, the person must be relieved of duty. On a case-by-case basis, an employee may be relieved, reassigned or suspended pending completion of the administrative investigation. A decision regarding suspension with or without pay will be made by the Superintendent after consultation with the Youth Corrections Administrator and Division Personnel Officer.
  
5. Upon receipt of a report alleging substantial misconduct by a facility employee which has occurred on or off duty, the Superintendent will notify the supervising Regional Administrator and the Youth Corrections Administrator within one business day.
  - A. If the allegation or complaint alleges child abuse or neglect, the Superintendent will file a report of child abuse or neglect with the Regional Social Service Manager immediately following notification to the Regional Administrator and Youth Corrections Administrator. The Regional Social Service Manager will initiate the interagency child abuse reporting protocol, which includes notification to the Department of Law. The Department of Law, as necessary, notifies the appropriate law enforcement agency.
  - B. If the allegation involves law violation other than child abuse or neglect, the Superintendent, after conferring with the Regional Administrator and Youth Corrections Administrator, may notify the Alaska State Troopers and request criminal investigation.

(Cont.)

*New P-10*

DEPARTMENT OF HEALTH & SOCIAL SERVICES  
DIVISION OF FAMILY & YOUTH SERVICES  
MCLAUGHLIN YOUTH CENTER

P & P 315  
November 20, 1989

INSTITUTIONAL ADMINISTRATIVE INVESTIGATION  
POLICY AND PROCEDURE

I. POLICY:

It is Youth Correction's policy to investigate all complaints or allegations of substantial employee misconduct including law violations. Complaints or allegations regarding behavior other than described above will be reviewed and appropriate corrective action will be taken, if necessary, by the responsible supervisor or facility administrator on the basis of known and obvious facts.

II. DEFINITIONS:

1. "Facility employee" means a person in the State's service who is paid a salary or wage and holds a probationary, permanent, or provisional working status in a position assigned to the facility and subject to the direct or indirect supervision of the facility Superintendent.
2. "Facility staff" has the same meaning as facility employee.
3. "Substantial misconduct" and "substantial violation" is any act involving abuse or neglect as defined in AS 47.17.070, any felony criminal offense, or any other act or omission which may be cause for suspension of 30 days or more, demotion, or termination.

III. PROCEDURE:

1. It is the responsibility of all facility staff to promptly notify the Superintendent, either directly or through supervisory channels, of complaints or allegations of employee misconduct involving violation of institutional policy and procedure, youth facility regulation, bargaining unit agreements, personnel rules, executive orders or criminal statutes.
2. The complainant or reporting staff will document the complaint or allegation in writing. Reporting staff will use an Incident Report form for this purpose.
3. Initial reports and subsequent investigative summaries involving complaints or allegation of staff misconduct will be handled in a confidential manner.

(Cont.)

DEPARTMENT OF HEALTH & SOCIAL SERVICES  
DIVISION OF FAMILY & YOUTH SERVICES  
MCLAUGHLIN YOUTH CENTER

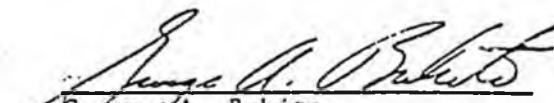
P & P 1807  
April 27, 1987

POLICE INVESTIGATION AND ASSISTANCE  
POLICY AND PROCEDURE  
(Page 3)

IV. REFERENCE:

Alaska Statute 18.65.090  
18.65.086

REVIEWED AND APPROVED BY:

  
George A. Buhite  
Superintendent

GAB:RGH/clh

POLICE INVESTIGATION AND ASSISTANCE  
POLICY AND PROCEDURE  
(Page 2)

- F. All difficulties that arise with regards to assistance provided by law enforcement agencies will be referred to the SSO in the form of a written Incident Report for appropriate action.
- G. All reports of law violations by staff or residents will be forwarded to the SSO for referral to the appropriate law enforcement agency.
- H. At no time are employees of McLaughlin Youth Center to act as law enforcement officials while performing their duties in the community. Specifically, a portion of Alaska Statute title 47.10.210 reads as follows, "Youth Counselors have the powers of a peace officer with respect to the service of process, the making of arrests of minors who violate State or municipal law, and the execution of the court order relating to juveniles." This statutory authority is limited by this policy and procedure in the following manner:
1. While trying to apprehend residents who have absconded from custody, Youth Counselors shall report and assist police agencies in the apprehension of such juveniles.
  2. Youth Counselors shall not act alone in the community as a law enforcement official.
  3. At no time will Youth Counselors be authorized to carry weapons while assisting police officers.
  4. All vehicle operation by Youth Counselors when assisting police officers will be within the limits of traffic laws and regulations.
  5. Any violation of the restrictions listed in this policy and procedure, will result in disciplinary action or dismissal.

(Cont.)

B  
DEPARTMENT OF HEALTH & SOCIAL SERVICES  
DIVISION OF FAMILY & YOUTH SERVICES  
MCLAUGHLIN YOUTH CENTER

ADD RSD  
P & P 1807  
April 27, 1987

POLICE INVESTIGATION AND ASSISTANCE  
POLICY AND PROCEDURE

I. POLICY:

It is McLaughlin Youth Center policy to provide staff with a procedural guide for requesting assistance from law enforcement agencies.

II. RESPONSIBILITY:

It is the responsibility of the Alaska State Troopers (AST) to provide law enforcement assistance to McLaughlin Youth Center (MYC) when the need is indicated. It is the responsibility of the Special Services Officer (SSO) to coordinate and oversee the provisions of this policy.

III. PROCEDURE:

- A. The AST will be contacted immediately in all cases where residents abscond from custody.
- B. All reports of sexual abuse given by the residents will be reported to the AST by the SSO. Written incident reports will be forwarded to the SSO for final disposition.
- C. All special referrals to law enforcement agencies for assistance will be directed to the SSO and followed up with written incident reports.
- D. At no time will any law enforcement officer be allowed access to McLaughlin Youth Center grounds or campus without his/her weapon being properly secured in the institution's gun locker.
- E. The use of law enforcement officers to assist in quelling a disturbance within the institutional complex is an extremely serious circumstance. All available measures, including calling in all available off-duty staff, will be exhausted or determined ineffective before calling in law enforcement officers to deal with internse disturbances. At no time will law enforcement officials be contacted in such matters without the approval of the Superintendent or the Staff Duty Officer (SDO).

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THERAPEUTIC CONFRONTATION  
POLICY AND PROCEDURE  
(Page 3)

D. General Guidelines:

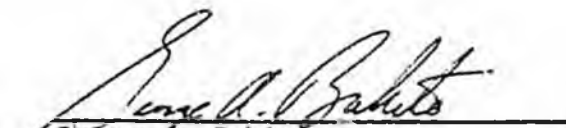
- 1) Do not use an aggressive style. This will often produce escalation beyond a therapeutically productive level; e.g., by speaking louder, longer, moving more quickly or closer than the situation warrants.
- 2) Give a clear message. Mixed or double messages give the resident confusion or the opportunity to focus on the unwanted message. Challenge with common sense principles, facts and reality. Take facts out of the realm of opinion. The truth should stand alone.
- 3) Provide useful feedback and direction at the intellectual and emotional level of the resident. Follow up to determine what message has been received by the resident. Help the resident to receive the communication intended. Youth with emotional states, limited I.Q., learning disabilities and/or characterological traits may not comprehend what appears obvious to staff or even other peers.
- 4) Match staff and resident styles when doing therapeutic confrontation, using direct approaches with residents who are more direct and more indirect approaches with residents who are more indirect.

IV. REFERENCE:

ACA Standards 2-8212  
2-9190

Alaska Statutes 47.10.150  
47.10.250

REVIEWED AND APPROVED BY:

  
George A. Buhite  
Superintendent

THERAPEUTIC CONFRONTATION  
POLICY AND PROCEDURE  
(Page 2)

B. Therapeutic Confrontation is a specific intervention. It is staff initiated, and should be pro-active rather than reactive.

C. Specific guidelines

1) Staff Actions:

a. Body Position

Take a relaxed and as calm a position as possible. Do not take an aggressive stance. Do not project a "ready" demeanor.

b. Voice Tone and Inflection

Use a slightly raised volume and serious tone; use controlled, short statements to get attention and to direct. Loud and/or quick tone, such as hollering or too much emotionality, especially if in the personal space of the resident, is not appropriate. Do not threaten, use derogatory comments, belittle or be coercive.

c. Hand Gestures

Use open hands in a slow pace to give direction. Do not use hand gestures too quickly, close to resident's body, face or eyes. Avoid forceful or rapid movements of hands.

d. Physical Touch

Avoid physical touch. Physical touch in this situation can be misunderstood.

e. Physical holds are restraining or escorting actions

Any physical action such as holds, restraints or physical escorts will follow the guidelines of Policy and Procedure 907, "Resident Management."

(Cont.)

THERAPEUTIC CONFRONTATION  
POLICY AND PROCEDURE

I. POLICY:

It is McLaughlin Youth Center policy to set forth guidelines so that staff may engage in therapeutic confrontation within the overall context of therapeutic structure and ongoing treatment.

A. Discussion:

Staff and institutional control facilitate treatment. Many residents who are institutionalized have shifted the burden of responsibility away from themselves and upon others. Staff control returns this responsibility to the youth, providing him/her with useful feedback and resources for learning to exercise this responsibility. Control is a necessary context for doing effective treatment. It is important for the staff to take a responsible stance and to "hold the line", especially when a resident wants to test the limits. Additionally, therapeutic confrontation occurs in order to accomplish a specific treatment purpose; for example, to challenge denial or a lack of treatment motivation.

II. RESPONSIBILITY:

All staff are responsible for adhering to the following guidelines.

III. PROCEDURE:

Therapeutic Confrontation falls into two major categories:

Confrontation to establish and/or to maintain control; and

Confrontation to accomplish a specific treatment purpose such as challenging the ego defense mechanism of denial or challenging a lack of treatment motivation.

The following guidelines are noted:

- A. A therapeutic confrontation is intended to motivate and not provoke. At times, staff's own frustration level may interfere with their ability to effectively confront a resident. At this time, a confrontation may give staff an opportunity to express their own frustration, but this type of confrontation is usually less than productive.

(Cont.)

STATE OF ALASKA -- AGENCY OPERATING BUDGET

SAL TOTLA

8/08/91

DEPARTMENT OF HEALTH & SOCIAL SERVICES

CATEGORY	FY90 ACT	FY91 AUTH	FY91 SUP	FISCAL YEAR 1992					BILLS
				GOV AND	HOUSE	SENATE	C. C.	W/VETOS	
SOCIAL SERVICES	358435.5	441219.2	-4877.1	467408.9	495763.3	496103.6	487510.2	474244.6	580.3
HEALTH	123122.8	133846.3	565.8	138850.7	160818.7	153609.0	158929.3	157532.2	992.8
*** TOTALS ***	481758.3	580065.5	-4311.3	606259.6	656602.0	649712.6	646439.5	631776.8	1573.1
BUDGET PERCENTAGE CHANGE COMPARED TO FY91 AUTH:				4.5	13.2	12.0	11.6	8.9	-99.7

OBJECTS OF EXPENDITURES:

PERS. SERV.	86378.2	34989.7	385.2	101808.3	103233.4	103818.8	103909.7	103036.0	365.0
TRAVEL	3530.7	3874.5		3613.2	3764.4	3304.4	3804.4	3727.2	126.8
CONTRACTUAL	22872.7	31824.8	565.8	29838.5	31658.5	30948.3	30998.3	30121.3	173.0
COMMODITIES	9578.9	9758.6		9774.5	9797.6	9942.6	9942.6	9775.6	261.4
EQUIPMENT	1679.7	856.0		303.1	403.1	427.1	427.1	427.1	27.5
GRANTS, CLMS	357718.1	438133.5	-5262.3	460322.0	507245.0	500271.4	496857.4	484189.6	619.4
MISC.		628.4		500.0	500.0	500.0	500.0	500.0	

FUNDING SOURCES:

FEDERAL RECEIPTS	146153.0	193630.7	-5435.1	203178.0	213324.7	213491.2	209098.6	204965.9	138.2
GENERAL FUND MATCH	108157.2	126364.9	-1619.8	131886.1	142136.4	142136.4	137743.8	133612.8	115.5
GENERAL FUND	144673.1	124625.2	3231.2	124229.3	134020.9	149027.9	134219.1	128161.1	1271.0
GR/PROGRAM RECEIPTS	6601.3	6637.9	-402.4	7474.1	7568.5	7568.5	7568.5	7566.1	
GOVERNMENTAL HEALTH TRUST	42043.9	92989.8	-1177.4	112117.9	117024.8	110005.0	115282.8	115282.8	48.4
INTER-AGENCY RECEIPTS	16584.8	17213.8	1092.2	20875.1	20934.5	20934.5	20934.5	20934.5	
TITLE XX	5926.1	6101.0		6101.0	6101.0	6101.0	6101.0	6101.0	
PERMANENT FUND DIV FUND	11305.1	12217.3			15043.1		15043.1	14704.5	
CAPITAL IMPR PROJ RCPTS	313.8	284.9		398.1	398.1	398.1	398.1	398.1	

GENERAL FUND PERCENTAGE CHANGE COMPARED TO FY91 AUTH: 7.2 14.3 16.6 12.6 9.7 -99.6

POSITIONS:

FULL TIME	1843.0	1937.0		1917.0	1937.0	1956.0	1957.0	1936.0	5.0
PART TIME	109.0	103.0		104.0	103.0	103.0	103.0	100.0	
TEMPORARY	26.0	34.0		33.0	31.0	31.0	31.0	31.0	
STAFF MONTHS	22774.4	23782.9		23693.9	23924.4	24113.4	24125.4	23862.4	60.0

NOV 03 '91 15:07 LEG. FINANCE BUREAU

FY92 OPERATING BUDGET - GOVERNOR'S VETOES

NOV 03 09:15:07 LES. FINANCE JUNEHO

AGENCY	Explanation	CONFERENCE COMMITTEE		GOVERNOR'S VETOES		ENACTED (LESS VETOES)	
		GENERAL FUND	TOTAL FUNDS	GENERAL FUND	TOTAL FUNDS	GENERAL FUND	TOTAL FUNDS
	Reduce Future Problem Solving			-10.0	-10.0		
	Rural and Urban Exchange Program			-20.0	-20.0		
	ABE Rural Services			-50.0	-50.0		
	Mat-Su Literary Project			-36.0	-36.0		
	Ak Career Info System-Limit Copies			-7.5	-7.5		
	Aniak Grant			-100.0	-100.0		
	Phase Out Professional Teaching Practice Prog			-138.8	<del>138.8</del>		
	Arts Council-General Decrement			-209.4	-209.4		
	Arts Council-Reduce Federal Arts Curriculum			-15.0	-15.0		
	Arts Council-Reduce Rural Arts Program			-150.0	-150.0		
	Kotzebue Tech Oper-Reduce Student Svcs Grant			-51.2	-51.2		
	Mt. Edgecumbe-Reduce RT Student Travel			-2.6	-2.6		
	Counseling & Placement-Forced Vacancy			-30.0	-30.0		
	Independent Living Grants			-11.2	-11.2		
	Assoc for Retarded Citizens/Anch-Specialized Fac			-25.0	-25.0		
	Library Ops-Phase Out Centralized Media Svcs			-150.2	-150.2		
	Reduce Archives and Records Personnel			-40.0	-40.0		
	Museum Ops-General Reduction			-25.0	-25.0		
	Museum Ops-Reduce Museum Acquisitions			-25.0	-25.0		
	Reduce Specific Cultural Programs by 50%			-179.1	-179.1		
	WICHE-Funding for 18 New Students			-148.8	-148.8		
<b>Department of Health and Social Services</b>		<b>394,814.2</b>	<b>646,439.5</b>			<b>384,622.8</b>	<b>631,776.8</b>
	General Relief Assist Burial Services Increase			-38.3	-38.3		
	PFD HH Caseload Increase Related to AFDC, etc			0.0	<del>938.6</del>		
	Medicaid at Governor's Amended Request			-4,125.0	<del>8,250.1</del>		
	General Relief Medical Reduced Payment Rates			-200.0	-200.0		
	Ak Work Prog Reduce ABE & Young Parent RSA			-150.0	-150.0		

FY92 OPERATING BUDGET - GOVERNOR'S VETOES

P. 1

AGENCY	Explanation	CONFERENCE COMMITTEE		GOVERNOR'S VETOES		ENACTED (LESS VETOES)	
		GENERAL FUND	TOTAL FUNDS	GENERAL FUND	TOTAL FUNDS	GENERAL FUND	TOTAL FUNDS
	Reduce Annualization of Comm Based Waivers			-6.0	-6.0		
	Prevention Grants at Gov's Amended Request			-1,314.6	-1,314.6		
	Child Protection Day Care at 62% of FY91 Auth			-260.3	-260.3		
	Eliminate 2% COLA for Residential Child Care			-279.0	-279.0		
	Family Svcs Personal Services Underfunding			-19.4	-19.4		
	Remove Children from Adult Jails (Position)			-25.1	-25.1		
	Delete Fairbanks Probation Officer			-36.2	-43.8		
	Cancel Probation Svcs New Lease in Anchorage			-32.2	-32.2		
	Manilaq Senior Ctr Operation & Maintenance			-150.0	-150.0		
	Norton Sound Child Abuse Prevention Position			-22.2	-22.2		
	Norton Sound Prematernal Home Increase			-106.9	-106.9		
	Anchorage SS Block Grant to Gov's Amended			-823.2	-823.2		
	Fairbanks SS Block Grant to Gov's Amended			-231.2	-281.2		
	Reduce funding to Adult Homemaker Program			-188.6	-188.6		
	Reduce funding to Audiology Program			-141.0	-141.0		
	Disallow Incr for Chlamydia/Gonorrhea Testing			-142.0	-142.0		
	Eliminate Rural Rabies Vaccine Program			-40.0	-40.0		
	Reduce AIDS Legal Support, Testing, Counseling			-119.0	-119.0		
	Reduce Community Hlth Clinic Lease Subsidies			-70.0	-70.0		
	Delete Breast Cancer Detection Center			-42.5	-42.5		
	Statewide Reduction in EMS/Eliminate Increase			-250.0	-250.0		
	EMS Council 15% Reduction			-0.8	-0.8		
	Personnel Long-Distance Calls/Underfunding			-44.1	-44.1		
	Departmentwide 2% Personal Svcs Vacancy			-403.1	-403.1		
	Departmentwide 10% Travel Reduction			-76.4	-76.4		
	Departmentwide Health Benefits Cost Adjustment			-175.6	-175.6		
	Contractual Reductions Equal to 2% Pers Svcs			-228.0	-228.0		
	5.3% General Reduction in Designated BRU's			-450.7	-450.7		

NOV 03 '91 15:08 LEG. FINANCE BUREAU

STATE OF ALASKA

AUDIT DIVISION  
PO. BOX W  
JUNEAU, ALASKA 99811-3300

**THE LEGISLATURE**

BUDGET AND AUDIT COMMITTEE

March 21, 1991

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska  
Statutes, the attached report is submitted for your review.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF FAMILY AND YOUTH SERVICES  
RESIDENTIAL CHILD CARE PROGRAM

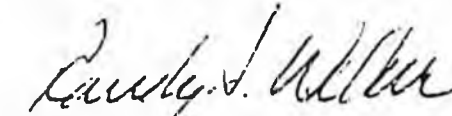
February 13, 1991

Audit Control Number

06-4388-91

The audit mainly addresses issues related to the rate structure for paying providers of residential child care services. In addition, we analyzed staffing levels, turnover rates, and salary levels for some grantees and summarized the funding sources of some providers' operations. The scope of the review was developed from a special request of the Legislative Budget and Audit Committee.

The audit was conducted in accordance with governmental performance auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope and Methodology section of this report.



Randy S. Welker, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE AND METHODOLOGY

In accordance with a Legislative Budget and Audit Committee special request and the provisions of Title 24 of the Alaska Statutes, a review was conducted on various issues relating to the purchase of residential child care (RCC) services by the Department of Health and Social Services, Division of Family and Youth Services (DFYS).

### Objectives

The objective of the review was to answer specific questions asked by the Committee, with minor modifications. The specific issues in the request were analyzed under three topics: (1) Rate Structure, (2) Staffing Ratios, Turnover Rates, and Salaries, and (3) Provider Profile. The Audit Issues and Analysis section of this report details the questions under these topic areas with our responses.

### Scope and Methodology

Audit resources focused primarily on grants administered from FY 89 through FY 91, with emphasis placed on FY 90 activity.

Fieldwork procedures utilized during the course of the audit included analytical review of a wide variety of materials:

1. The request for proposals for FY 89 residential child care services.
2. Responses to the request for proposals submitted by grantees.
3. A study prepared by Banerjee Associates entitled: "Children's Residential Services Rate Study, Final Report, July 30, 1988."
4. Various grantees' budgetary data, quarterly cumulative fiscal reports, and audited financial statements.
5. DFYS and grantee correspondence related to RCC services.
6. Professional literature and newspaper articles relating to residential treatment services.

In addition to document review and analysis, interviews were conducted with selected grantees and various DFYS personnel.

## ORGANIZATION AND FUNCTION

Title 47 of the Alaska Statutes charges the Department of Health and Social Services (DHSS) with responsibility for providing a range of services designed to remedy or prevent abuse, neglect and exploitation of children, youth, and adults. To meet these statutory responsibilities, the Department created the Division of Family and Youth Services (DFYS) in 1980 by combining the Division of Social Services with the youth section of the Division of Corrections.

Residential child care services are purchased under grants to facilities licensed by the State to provide 24-hour care or day treatment for one or more children. Regulations define a child as a person under 18 years of age who has not been judicially emancipated, or a person under 20 years of age who is in the custody of the department. Grant awards are based on the purchase of a specified number of beds for the level of care requested in specific areas of the State. According to DFYS, a total of 212 beds for emergency shelter and residential treatment and 28-day treatment slots were purchased from 17 grantees in FY 90. Payment rates for emergency shelter and residential treatment ranged from \$95 to \$185 per bed per day.

### Payment Rate Structure

In June 1982, the Legislature suspended the operation of the "full cost of care" payment rate structure provided for under AS 47.40.040, and AS 47.40.050 from July 1, 1982 to June 30, 1984. During this time frame DHSS was ordered to conduct a study of alternatives to the method of establishing payment rates under AS 47.40.

A committee of five appointed by the commissioner of DHSS was formed to conduct the study. Three members of the committee were employees of DHSS and two members represented RCC providers. The committee addressed various issues including the rate setting mechanism, methods of reimbursement for capital costs, sources of funding, allowable expenses, service providers, cost comparisons among facilities, accreditation, and appeal procedures.

The committee issued a report to the Legislature on their findings in January 1984. The report recommended that the payment for services move from a "full cost of care" methodology to a granting process. However, the report was deficient in that it failed to establish or define a methodology for setting rates.

The current rate structure for paying RCC providers was initiated in FY 89. DFYS instituted the new rate structure as a systematic method of calculating grant awards to

treatment. These emotional problems include conduct, anxiety, affect and adjustment disorders, and poor impulse control. Intensive treatment programs must provide a safe environment for children who have a combination of treatment needs and are a danger to themselves and/or others as evidenced by suicidal or homicidal threats or attempts or are chronic runaways.

The RFP also identified three levels of care and supervision as follows:

Level 1. Basic Care/Structured Supervision.

Level 2. Controlled Supervision.

Level 3. Staff Secure.

The level of care dictates the staff-to-client ratio required of a provider.

# **CORRECTION**

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

## ORGANIZATION AND FUNCTION

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In June 1982, the Legislature suspended the operation of the "full cost of care" payment rate structure provided for under AS 47.40.040, and AS 47.40.050 from July 1, 1982 to June 30, 1984. During this time frame DHSS was ordered to conduct a study of alternatives to the method of establishing payment rates under AS 47.40.

A committee of five appointed by the commissioner of DHSS was formed to conduct the study. Three members of the committee were employees of DHSS and two members represented RCC providers. The committee addressed various issues including the rate setting mechanism, methods of reimbursement for capital costs, sources of funding, allowable expenses, service providers, cost comparisons among facilities, accreditation, and appeal procedures.

The committee issued a report to the Legislature on their findings in January 1984. The report recommended that the payment for services move from a "full cost of care" methodology to a granting process. However, the report was deficient in that it failed to establish or define a methodology for setting rates.

The current rate structure for paying RCC providers was initiated in FY 89. DFYS instituted the new rate structure as a systematic method of calculating grant awards to

providers. Grants awarded to providers are based on a payment rate per day multiplied by the number of beds being purchased from that provider. The payment rate structure as described in the request for proposal for FY 89 RCC services is multi-layered for additional services provided. Generally speaking, providers of Category II through IV treatment services are granted a basic rate of \$90 per bed per day increased by \$15 for emergency shelters. Providers of day treatment, Category I, are paid at 70% of the basic rate.

A facility may receive incremental additions to the basic rate for additional services provided. For example, the basic rate is increased by a predetermined rate for night supervision, psychological counseling, and individual and group therapy.

### Service Categories

The FY 89 request for proposal for RCC services describes the categories of services purchased by DFYS as follows:

#### Category I: Day Treatment Programs

An intensive daytime program with services designed for the individual. The emphasis of each program is on counseling for the child, family members and foster parents, development of interpersonal, living and problem solving skills, physical and academic education, and positive recreation.

#### Category II: Emergency Shelter

A temporary residential care facility for children who are in immediate danger in their present environment or who are not committable to Alaska Psychiatric Institute or a juvenile detention center but no other alternative is currently available.

#### Category III: Specialized Residential Care

A highly structured program providing 24-hour care, supervision, and treatment services for children with moderate to severe emotional and behavioral problems who require an integrated program of specialized treatment and residential care. Specialized residential care includes: (a) programs for emotionally disturbed children, (b) sex offender treatment programs, (c) programs for dysfunctional behavior, and (d) emancipation/transition programs.

#### Category IV: Intensive (Staff Secure) Residential Treatment

Intensive treatment programs provide 24-hour interdisciplinary, psychotherapeutic treatment for children who have severe emotional disorders and require secure residential

treatment. These emotional problems include conduct, anxiety, affect and adjustment disorders, and poor impulse control. Intensive treatment programs must provide a safe environment for children who have a combination of treatment needs and are a danger to themselves and/or others as evidenced by suicidal or homicidal threats or attempts or are chronic runaways.

The RFP also identified three levels of care and supervision as follows:

Level 1. Basic Care/Structured Supervision.

Level 2. Controlled Supervision.

Level 3. Staff Secure.

The level of care dictates the staff-to-client ratio required of a provider.

## AUDIT ISSUES AND ANALYSIS

Included within the special audit request were questions on various issues related to the residential child care (RCC) program. In response to those areas of interest, we formatted our analysis of questions under three topics: Rate Structure; Staffing Ratios, Turnover Rates, and Salaries; and Provider Profile. The following summarizes our response to each question.

### RATE STRUCTURE

1. What are rates of reimbursement for RCC grants based on? Are the rates based on the cost of service provided? If not based on the cost of service, why not?

As discussed further in Recommendation No. 1 on page 15 of this report, the current rate structure used by the Division of Family and Youth Services (DFYS) to reimburse providers for RCC services has deficiencies. Costs unique to each facility are not taken into account in the rate structure. Generally, a standard rate is applied to all facilities. The following describes the development of payment rates.

The rate structure for reimbursing providers, as described further in the Organization and Function section of this report, was designed by DFYS. Providers are awarded grants based on a fixed rate for a predetermined number of beds as specified in the request for proposal. The fixed rate includes, but is not limited to, a basic rate which reimburses providers for the cost of food, clothing, shelter, daily supervision, social services, and administrative oversight. Supplemental rates are available for enhanced services above and beyond services already provided under the basic rate.

The basic rate was taken from a rate study prepared by Banerjee Associates in July 1988. This study used information based on actual costs of residential care providers. According to the study, some of the techniques used to develop the proposed rate system included: (1) data provided by facilities for the 1987 Annual Cost Report (IVE) [Non-Voluntary Foster Care federal program], (2) the development of theoretical models to provide a framework for the rate system, and (3) the collection and review of extant materials on rates, in professional literature and from other jurisdictions.

The rates for category III services (residential treatment) were broken down by facility size as follows. Maximum ranges were calculated for higher intensity levels of treatment.

<u>Facility Size</u>	<u>Basic</u>	<u>Maximum</u>
Family Size (less than 6)	\$ 79.57	\$102.47
Small (6-9)	\$ 71.32	\$109.38
Medium (10-14)	\$ 78.66	\$119.44
Large (more than 15)	\$109.23	\$137.56

DFYS originally used the minimum rate for a family size facility of \$80 (rounded) as the basic rate. Negotiations between a previous DFYS director and RCC providers resulted in a rate increase to \$90 per bed per day. Generally, the day treatment rate was calculated at 70% of the original basic rate. (This percentage approximates the time spent by each youth per 12-hour day at the treatment facility.)

The study also suggested that the base rate be increased by incremental rates for added services, however, no amounts were suggested.

According to DFYS, incremental rates were generally calculated for each service based on what it would cost to add that staff person on a per day basis. As stated in the body of Recommendation No. 1, documentation supporting the development of these cost components is not available. Examples of incremental rates are as follows:

- Individual Therapy (\$10 per bed per day)
- Awake Night Staff (\$5 per bed per day)
- Psychological Consultation (\$5 per bed per day)
- Controlled Supervision (\$20 per bed per day)
- Secure Supervision (\$70 per bed per day)

2. Were geographical cost differentials included in the rate structure?

The FY 89 request for proposal for awarding grants to RCC providers included a 25% cost of living differential to be applied to the basic rate. The geographic cost differential was only to be applied to grants awarded to facilities located in Bethel and Nome. Three providers' rates included the geographic cost differential - the Bethel Receiving Home, the Bethel Group Home, and the Nome Receiving Home. The amount of the cost differential added was arbitrarily set at 25% of the basic rate of \$90. Incremental increases were not adjusted by the arbitrary 25% cost differential. For further discussion, see Recommendation No 1. d. on page 16 of this report.

3. Have providers received adequate increases in their funding to cover the effects of inflation?

The current rate structure for awarding grants to RCC providers was implemented in FY 89. Rates have not been adjusted since then. Therefore, any increases in costs due

to the effects of inflation have been absorbed by the facility. For further discussion, see Recommendation No 1. c. on page 16 of this report.

#### STAFFING RATIOS, TURNOVER RATES, AND SALARIES

#### 4. What is the proper staff-to-client ratio for the service being provided?

Staff-to-client ratios required of the RCC facilities are based on standards for levels of supervision which are outlined in the FY 89 Request for Proposal (RFP). The three levels of supervision and their ratios per the RFP are as follows:

<u>Level of Supervision</u>	<u>Staff/Client Ratio</u>	
	<u>Waking Hours</u>	<u>At Night</u>
Structured	1:6	1:12
Controlled	1:5	1:10
Staff Secure	1:3	1:6

The RFP identifies the level of supervision required at each location.

We did not evaluate the adequacy of the staff-to-client ratios shown above. It is our belief that the issue of proper staff to client ratios should be addressed by qualified DFYS field staff. See Recommendation No. 3 on page 19.

A facility must be licensed by DFYS to operate as an RCC facility. DFYS requires a minimum staff-to-client ratio for basic care of 1:6 during waking hours and 1:12 at night (structured supervision). DFYS Licensing Section believes these minimum staffing level requirements provide proper supervision to care for and protect children placed in RCC facilities. No documentation is available to support the ratios required.

Controlled and staff secure supervision staff-to-client ratios were initially established by DFYS in the RFP at 1:4 and 1:2 during waking hours, and 1:8 and 1:4 at night, respectively. DFYS based these two ratios on their individual understanding and expertise in the field. However, a teleconference between the director of DFYS at that time and interested providers resulted in a change to these staffing levels. The ratios were decreased to the levels specified in the RFP. Again, no supporting documentation exists for either set of ratio requirements.

Six providers' facilities were visited during the course of the audit - Juneau Youth Services, Inc.; Alaska Baptist Family Services; Alaska Children's Services, Inc.; Alaska Youth and Parent Foundation, Inc.; Booth Memorial Youth and

Family Services, and Mat-Su Community Mental Health Services, Inc. These six providers represent 59% of the RCC grants awarded and 56% of the total beds and day treatment slots purchased by the State in FY 90. All of these facilities indicated that the required staffing levels are insufficient to properly care for the level of intensity of disturbed children that DFYS is placing in their facilities.

In December 1990, The Child Welfare League of America published its new regulations for basic care staffing levels. A ratio of 1:5 during waking hours and 1:10 at night was recommended. According to the league, the higher staffing level requirements are in response to the higher intensity level of children's problems seen today.

5. What are staff turnover rates of RCC providers?

Historically, the social worker/counseling field has been known to have a high rate of turnover. Our analysis of staffing patterns at six RCC facilities showed a high level of turnover, especially in the entry level positions. The turnover rate for these positions averaged 58%. Providers believe the reason for staff leaving includes employees seeking job opportunities available with the State of Alaska and employees experiencing a high level of job burnout.

There appears to be a direct correlation between salary levels and the turnover rate. Generally, as discussed below in question six, salary levels in positions at RCC facilities are lower than in comparable state positions. This is particularly true in the entry level positions.

6. How do salaries paid by RCC providers compare with salaries paid by the State of Alaska for similar positions?

We compared salaries paid by RCC providers with salaries of similar state positions. We used education and experience requirements of positions as the basis for our comparison. Duties performed within the job classifications were not considered as a basis for comparison purposes. Also not included in the salary comparison amounts were fringe benefits, housing, or subsistence paid by either the RCC providers or the State.

Our comparison showed that salaries paid by RCC providers averaged 82% of the salary paid by the State of Alaska for similar positions. Entry level staff salaries have the largest deviations. These salaries averaged 64% of the salary paid by the State for similar entry level positions. Many providers believe this contributes to the high turnover rate noted in response to question five.

PROVIDER PROFILE

7. Are RCC providers properly classified based on the intensity of services provided?

In FY 89, grant awards were made to providers based on the criteria established in the request for proposal (RFP). In that proposal, DFYS identified the number of beds being requested for the four service categories - Day Treatment, Emergency Shelter, Specialized Residential Care, and Intensive Residential Treatment - in specific locations throughout the State. For each category and location, the levels of supervision and treatment being requested are also identified. Respondents to the RFP specify which service they intend on providing.

As discussed in Recommendation No. 3 on page 19, monitoring providers by DFYS is lacking. The department does not have a system for monitoring to ascertain that the providers are providing the services requested in the RFP. Monitoring procedures could include evaluating the adequacy of placements to ensure that the level of intensity required by clients is compatible with the provider's abilities.

8. Are there providers receiving funds that are not in full operation?

According to DFYS, the number of beds licensed for each facility and the number of beds purchased by the state RCC program during FY 90 are as follows. Beds not purchased by the RCC program may be funded by other sources.

<u>Provider</u>	<u>Licensed Number of Beds</u>	<u>Number of Beds Purchased by State</u>
Alaska Baptist Family Services	12	10
Alaska Children's Services - Residential Care	40	32
Intensive Residential Treatment	20	18
Booth Memorial Youth and Family Services - Residential Care	18	10
Day Treatment (Slots)	N/A	13
Kenai Peninsula Community Care	23	15
Kodiak Baptist Mission	12	11
Mat-Su Community Mental Health Services	5	5
Alaska Youth and Parent Foundation	25	15
North Slope Borough	12	12
North Star Children's Home	8	8
Presbyterian Hospitality House	15	15

<u>Provider (cont.)</u>	<u>Licensed Number of Beds</u>	<u>Number of Beds Purchased by State</u>
Gateway Center for Human Services - Residential	5	5
Emergency Shelter	5	5
Ketchikan Youth Services (Day Treatment Slots)	N/A	10
Juneau Youth Services - Residential Care	16	14
Emergency Shelter	8	6
Day Treatment (Slots)	N/A	5
Youth Advocates of Sitka	5	5
Bethel Group Home	8	8
Bethel Receiving Home	16	8
Nome Receiving Home	6	6

During FY 90, one provider, Gateway Center for Human Services located in Ketchikan began providing residential care services in October 1989 and emergency shelter services in March 1990. Emergency shelter services were discontinued in September 1990. Funds granted were adjusted for the reduction in service. Grantees awarded FY 90 RCC funds have been operating as follows:

<u>Years of Operation</u>	<u>Number of Grantees</u>
2 years or less	1
3-5 years	1
6-10 years	0
11-19 years	8
More than 20 years	7

9. Are other state, federal, or private funds being used to fund residential treatment services?

Providers receive funds from sources other than the DFYS, RCC grant award to operate their program. Analysis of five providers' available FY 90 audited financial statements showed that the percentage of funding received from other sources ranged from 9% to 20%. Current regulations do not require providers to match internally generated funds with the state grant. Individual policies on fund raising activities vary from provider to provider. However, most agencies do receive some federal funding and United Way contributions. In addition, some providers operate other programs which help fund a portion of administrative costs.

A review of FY 90 RCC providers' financial statements showed the following examples of other revenue sources:

- a. State of Alaska, Division of Mental Health and Developmental Disabilities.
- b. State of Alaska, Department of Education.
- c. Federal School Lunch Program.
- d. Municipal/Borough Funding.
- e. Private Contributions.
- f. Interest Income from Investments.
- g. United Way.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Department of Health and Social Services, Division of Family and Youth Services (DFYS) should reevaluate the current payment methodology used to reimburse residential child care (RCC) providers and then, in accordance with AS 47.40.011(b), adopt regulations implementing the payment process.

Regulations have not been adopted by DFYS to define the methodology of setting RCC rates. During our review of the rate structure which is used to reimburse providers, we identified several weaknesses. The current structure does not ensure that providers will be reimbursed for allowable costs.

Generally, grants to facilities are based on a fixed rate per bed per day. The fixed rate is comprised of a basic rate and may include supplemental rates for additional services provided. During our review of the rate structure, we noted the following deficiencies:

- a. Basic Rate Was Not Predicated on Facility Size. The basic rate, a major component in the rate structure, was derived from a study entitled: "Children's Residential Services Rate Study, Final Report, July 30, 1988." Components of the basic rate include the costs of providing: shelter, food, daily supervision, clothing, liability insurance, and administrative oversight.

The study prepared by Banerjee Associates computed basic rates for four sizes of facilities ranging from 6 beds or less to more than 15 beds. However, DFYS selected the basic bed rate of \$80 for residential treatment, family size facility (6 or less residents), as the foundation for the rate structure. This base rate, increased to \$90, was used as a basic rate for all grantees, no matter how many beds were licensed for the facility. Therefore, a facility that had 32 beds would have the same basic rate as a 5 bed facility.

- b. Applying Fixed Rates to All Facilities Does Not Take Into Consideration Differing Operations. Not all facilities are alike. Facilities have differing operating costs. Consequently, applying a standard rate to all providers does not ensure providers will be equally reimbursed for allowable costs. Some providers have to pay for facility rent while others have no rent obligations. In addition, some providers, usually the older organizations, have large endowments that provide

substantial other income to supplement program operations while others are relatively new and do not have this resource.

- c. Cost of Living Allowances Were Not Incorporated in the Rate Setting Process. The rate structure for awarding RCC grants has not been adjusted since the development of the rate structure in FY 89. Consequently, cost increases due to the effects of inflation have not been covered by the rate setting process. Therefore, the potential exists that providers with increasing costs may not be fully reimbursed for their operating costs.
- d. Geographic Differentials Were Arbitrarily Established and Applied. The FY 89 request for proposal for awarding grants to RCC providers included a 25% cost of living differential to be applied to the basic rate. However, the geographic differential was only to be applied to grants awarded to facilities located in Bethel and Nome - the Bethel Receiving Home, the Bethel Group Home, and the Nome Receiving Home. Studies exist that show costs may differ for facilities located in other regions of the State. However, rates established for those facilities in other locations of the State were not adjusted by a geographic differential.

Furthermore, the percentage of the geographic differential added was arbitrarily set at 25% of the basic rate of \$90. Incremental increases were not adjusted by the 25% cost differential.

According to the Banerjee Study (the original source for the basic rate), geographic differentials should be adjustments to the basic rate. The Study stated: "It is recommended that the Basic Rate be . . . adjusted for geographic differences in accord with Alaska standard practice."

- e. Documentation Does Not Exist to Support Changes Made to the Basic Rate or Incremental Additions to the Basic Rate. Facilities receive a basic bed rate per day plus incremental rate levels added for services provided in excess of the basic level of care. (See Organization and Function section of this report for further information). A basic rate of \$80 was taken from the Banerjee Study. However, DFYS adjusted this amount to \$90 per bed per day. Justification for the \$10 increase was not available. In addition, the source for incremental level rate adjustments to the basic rate was not supported by computations. Accordingly, we are unable to determine the reasonableness of the rate increases due to the lack of documentation.

5. Incomplete Data Was Used to Compute Basic Rates. The report, prepared by Banerjee Associates, contained several qualifications. For example, the report included qualifications on the completeness of data used to derive cost figures:

The twin restraints of limited time and resources allocated to the study precluded both the collection of primary data and significant follow-up efforts to extend the secondary data available through the IVE [Non-Voluntary Foster Care federal program] reports and other extant documents. In addition, the providers did not make available figures on certain cost items as a group of them had proposed doing. The IVE data were difficult to analyze for several reasons. The figures were incomplete in a number of instances and they were predicated on different premises or it was impossible to determine the premise on which a specific item was based.

AS 47.40.011 (b) states:

The department shall adopt regulations . . . . establishing the procedures to be followed in awarding grants, the types of services for which payment may be made, costs that may be paid with grant money, and the method of payment. [Emphasis added.]

Title 7 AAC 50.965 states:

Payment. (a) The department will reimburse a grantee for the allowable costs incurred by the grantee in performing its duties under the residential child care facility grant. The department will, however, pay a grantee no more than the total amount awarded in the residential child care facility grant.

This regulation does not specifically address the method of payment.

Because no regulations that outline the methodology that would assure adequate reimbursement of costs have been promulgated, the quality of care may be affected for homes where payment rates do not meet operating costs. Facilities that are unable to provide staff with sufficient salaries will tend to have a higher rate of turnover. A high rate of turnover is believed to adversely affect treatment of residents. Social bonding between staff and residents is thought to be an integral part of the treatment process, especially for severely emotionally disturbed children.

In addition, facilities are unable to provide formal input into the rate structure by not having the methodology addressed in regulation. Consequently, providers may become dissatisfied with the method of reimbursing them for operating costs and decide to no longer respond to requests for proposals.

We realize the development of a payment methodology is a difficult and complex task. We do not anticipate an adequate payment methodology will be developed overnight. Many variables will have to be considered in designing a methodology that will reimburse grantees for the fair share of providing RCC services. Recognizing that no two providers are alike, the rate structure should ensure that providers are reimbursed for the net cost of operations to the fullest extent possible. Ultimately, regulations that are adopted should promote both efficient operations and quality of care and include incentives for cost containment.

Recommendation No. 2

DFYS should develop an accounting policies and procedures manual to assist providers in reporting financial information.

Title 7 AAC 50.955(a)(2) and (3) requires RCC grantees to submit to DFYS quarterly expenditure reports and a final expenditure report. Review of these reports and discussions with some providers showed that reporting of financial information is not consistent between providers. The following are examples of inconsistencies:

- a. Some facilities do not report all costs associated with the RCC grant. They only report costs up to the amount of the grant.
- b. Not all agencies report the value of donations received as revenue or as in-kind costs.
- c. Facilities that operate more than one program do not allocate costs and report them similarly. Some facilities allocate administrative costs to all grants while others do not. In addition, some allocations are based on judgements and are not supported.

As a result of the above, for some providers, we are unable to determine the actual cost of providing RCC. Comparing costs between facilities is not meaningful based on quarterly financial status reports submitted by facilities.

Much of the inconsistency in reporting is caused by the lack of accounting and reporting instructions to act as guidelines for facilities to use in reporting fiscal data.

According to RCC providers, DFYS has not provided instructions or training to assist providers in preparing quarterly financial status reports.

To be useful and comparable, accuracy and uniformity in financial reporting should be pursued for providers of RCC services.

Recommendation No. 3

DFYS should maintain documentation to justify staffing levels being requested of RCC providers and monitor the providers.

DFYS has no documentation to support staffing level requirements requested in the FY 89 RCC request for proposal (RFP). The draft RFP for FY 89 services was published with staff-to-client ratios for structured, controlled, and intensive supervision at 1:6, 1:4, and 1:2, respectively. After a teleconference between the previous DFYS director and providers, the ratios were changed to 1:5 for controlled supervision and 1:3 for intensive supervision. However, no justification for the revision was available.

According to some providers, the current required staff-to-client ratio is insufficient to meet the needs of the children. DFYS admits that the level of disturbance of children being placed into residential care has been increasing, thus requiring more sophisticated treatment or supervision.

Furthermore, at present, no policy for monitoring providers is in place to ensure compliance with levels of supervision and treatment specified in the RFP or that present levels are adequate. DFYS awards grants to facilities to provide for the care and treatment of children placed in their facility. For some facilities, the payment rate consists of a basic rate plus incremental increases for higher levels of services. According to division staff, the rate of some incremental level increases is based on higher staffing levels. Without monitoring, DFYS is unable to evaluate the adequacy of those staffing levels established. In addition, understaffing at the facilities could jeopardize the safety of children and staff.

Alaska Statute 47.10.230(b) states:

. . . A child under the care of the department may not be placed in a family home or institution that does not maintain adequate standards of care.

Increased monitoring efforts would result in DFYS knowing what staffing level is appropriate at each facility and for the level of intensity of children placed in the facility.

Developing RFPs based on the results of periodic monitoring would provide acceptable justification for the levels being requested. Therefore, DFYS should develop and implement a plan to monitor facilities. DFYS should also maintain documentation of the decision making process.

**DEPT. OF HEALTH AND SOCIAL SERVICES**

**OFFICE OF THE COMMISSIONER**

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Michael J. Deegan, CPA  
In-Charge Auditor  
Division of Legislative Audit  
P O Box W  
Juneau, AK 99811-3300

**RECEIVED**  
MAY - 6 1991

LEGISLATIVE AUDIT

Dear Mr. Deegan:

Re: Audit Control Number 26-4388-91  
Special Audit on Division of Family and Youth Services,  
Residential Child Care Grant Program  
February 13, 1991

Thank you for the opportunity to respond to the report on the residential child care grant program within the Division of Family & Youth Services. We believe your analysis of the issues will assist the Division in improving the payment system for residential child care. Our specific comments to your recommendations follow:

Recommendation No. 1

The Department of Health and Social Services, Division of Family and Youth Services (DFYS) should reevaluate the current payment methodology used to reimburse providers of residential child care (CC) and then, in accordance with AS 47.40.011(b), adopt regulations implementing the payment process.

We agree that the payment methodology needs to be reevaluated and that there are weaknesses in the rate structure. The current system is designed so that the Department specifies the services needed for which it will reimburse. However, limitations in funding preclude the Division from covering all allowable costs.

We basically agree with the deficiencies in the current structure you have noted, and will comment on each as follows:

- a. Basic Rate was Not Predicated on Facility Size. The current rate structure was based on the Banerjee study, which had a number of inadequacies, including the size breakdowns used. We agree that facility size affects operating costs and

believe that there is an economy of scale that operates so that facilities of fewer beds will cost more per child than large facilities. The Banerjee study came to an opposite conclusion, but failed to provide adequate evidence to support higher rates for larger facilities. Thus, DFYS was faced with an inadequate study and no time to initiate a new study. As a result, using some of the Banerjee data, a rate structure was developed that would allow residential care providers an increase, and would be as fair as possible. DFYS selected the middle payment range as the fairer of the options available at the time.

- b. Applying Fixed Rates to All Facilities Does Not Take Into Consideration Differing Operations. We agree that there should be a way to differentiate between costs that some facilities have to incur that other facilities do not. The issue of facility rent costs is certainly one that needs attention. Some facilities are paying rent to individuals or organizations not connected to the facility operator; others pay rent to an umbrella agency; others have received state capital grants to build facilities and now own those facilities outright, although they may have repair and replacement costs. In some communities, we have been unable to negotiate operating grants, because there are no facilities available for rent or purchase that will accommodate the needed services. We believe part of this problem could be solved by the state owning the buildings and the Division granting only for operation of the programs delivered at the facility and facility repair and upkeep.

You have also referred to some programs having endowments that allow those programs to supplement program operations. DFYS wants to have a system that will reward, not penalize, facilities that are able to raise funds which can enrich the basic programs the state can fund.

- c. Cost of Living Allowances were Not Incorporated in the Rate Setting Process. DFYS has requested funding of Cost of Living Allowances through the budget process but requested increases have consistently been either not funded or vetoed. DFYS agrees that the potential exists for providers with increasing costs to not be fully reimbursed for operating costs which are associated with the level of services required

by DFYS. AS 47.40.041 establishes a contingency procedure if legislative appropriation does not cover the costs required: "If insufficient money is appropriated to fund all grants awarded, the department shall prorate grant amounts, reduce the number of beds contracted for, or otherwise adjust grants to the extent of the appropriated funds." However, DFYS consistently confronts the fact that there are an insufficient number of beds, and therefore DFYS cannot afford to reduce the number of beds in order to increase cost reimbursement to grantees.

d. Geographic Differentials Were Arbitrarily Established and Applied. DFYS has established a geographic differential payment system for foster care which could be used for the residential care system as well. (This system is found in 7 AAC 50.720(c).) However, to implement such a system would create a significant cost increase which could not be implemented unless significant additional funding were appropriated. To apply a geographic differential in the absence of increased funding would mean that other funded programs would be reduced, which would also be unfair.

e. Documentation Does Not Exist to Support Changes Made to the Basic Rate or Incremental Additions to the Basic Rate. We concur that the documentation is unavailable.

f. Incomplete Data was Used to Compute Basic Rates. We concur that incomplete data was used in the original rate computation. Part of the difficulty, as noted in the Banerjee quote, is that "providers did not make available figures on certain cost items." Lack of information on all costs incurred by grantees will continue to affect the ability of DFYS to improve the rate system. We expect considerable opposition from some providers to providing complete costs data. In FY92, agencies receiving residential care grants will be required to submit financial reports that include all sources of funding for each budget category. This should then give DFYS complete information on total funding.

Recommendation No. 2

DFYS should develop an accounting policies and procedures manual

To assist providers in reporting financial information.

DFYS agrees that the development of an accounting policies and procedures manual would be useful to all concerned. DFYS proposes to establish a working group to include residential child care providers, DFYS staff, and staff from the Department's Accounting Section which would be charged with development of more appropriate reporting forms, accompanying instructions, and a policy and procedures manual.

Recommendation No. 3

DFYS should maintain documentation to justify staffing levels being requested of RCC providers and monitor the providers.

It is our understanding that the staffing levels requested were based on a review of staffing requirements then being recommended by national groups such as the Child Welfare League of America, the Residential Child Care Consortium, and licensing requirements. Ultimately, the ratios were a professional assessment, based on the state of the art at that time. It would certainly be useful to reassess the current thinking in the field to determine whether higher staffing ratios are needed because of the levels of disturbance that are being exhibited by children going into out of home care today. Review of current national standards and a project currently underway to assess children in foster care on the severity of problems and needs for supervision may be of assistance in determining staffing levels.

We recognize that monitoring of providers for compliance with requirements in the RFP, including staffing levels, is important. However, there are no funds in the proposed FY92 budget for grant compliance monitoring. It will be impossible to assess some areas of grant compliance without conducting on-site reviews and thorough analysis of written reports. DFYS does not have the capability in either staffing or travel budget to perform this function at the current time. Projected budget reductions will make it even more unlikely that adequate monitoring will occur in the future.

We appreciate the efforts of your staff to analyze all the issues that have led to the current situation we encounter in the residential care grant program. Your auditors have raised important questions, and have been both objective and professional

Michael J. Deegan, CPA  
Audit Response  
Page 5

in their approach. Thank you for the opportunity to respond.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore Mala", followed by a horizontal line.

Theodore A. Mala, MD, MPH  
Commissioner

APPENDIX A  
GENERAL PROVISIONS

## Article 1. Definitions.

- 1.1 In this contract and appendices, "Project Director" or "Agency Head" or "Procurement Officer" means the person who signs this contract on behalf of the Requesting Agency and includes a successor or authorized representative.
- 1.2 "State Contracting Agency" means the department for which this contract is to be performed and for which the Commissioner or Authorized Designee acted in signing this contract.

## Article 2. Inspection and Reports.

- 2.1 The department may inspect, in the manner and at reasonable times it considers appropriate, all the contractor's facilities and activities under this contract.
- 2.2 The contractor shall make progress and other reports in the manner and at the times the department reasonably requires.

## Article 3. Disputes.

- 3.1 Any dispute concerning a question of fact arising under this contract which is not disposed of by mutual agreement shall be decided in accordance with AS 36.30.620-632.

## Article 4. Equal Employment Opportunity.

- 4.1 The contractor may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, or because of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position(s) do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The contractor shall take affirmative action to insure that the applicants are considered for employment and that employees are treated during employment without unlawful regard to their race, color, religion, national origin, ancestry, physical handicap, age, sex, marital status, changes in marital status, pregnancy or parenthood. This action must include, but need not be limited to, the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting out the provisions of this paragraph.
- 4.2 The contractor shall state, in all solicitations or advertisements for employees to work on State of Alaska contract jobs, that it is an equal opportunity employer and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.
- 4.3 The contractor shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' compensation representative of the contractor's commitments under this article and post copies of the notice in conspicuous places available to all employees and applicants for employment.
- 4.4 The contractor shall include the provisions of this article in every contract, and shall require the inclusion of these provisions in every contract entered into by any of its subcontractors, so that those provisions will be binding upon each subcontractor. For the purpose of including those provisions in any contract or subcontract, as required by this contract, "contractor" and "subcontractor" may be changed to reflect appropriately the name or designation of the parties of the contract or subcontract.
- 4.5 The contractor shall cooperate fully with State efforts which seek to deal with the problem of unlawful discrimination, and with all other State efforts to guarantee fair employment practices under this contract, and promptly comply with all requests and directions from the State Commission for Human Rights or any of its officers or agents relating to prevention of discriminatory employment practices.
- 4.6 Full cooperation in paragraph 4.5 includes, but is not limited to, being a witness in any proceeding involving questions of unlawful discrimination if that is requested by any official or agency of the State of Alaska; permitting employees of the contractor to be witnesses or complainants in any proceeding involving questions of unlawful discrimination, if that is requested by any official or agency of the State of Alaska; participating in meetings; submitting periodic reports on the equal employment aspects of present and future employment; assisting inspection of the contractor's facilities; and promptly complying with all State directives considered essential by any office or agency of the State of Alaska to insure compliance with all federal and State laws, regulations, and policies pertaining to the prevention of discriminatory employment practices.
- 4.7 Failure to perform under this article constitutes a material breach of the contract.

## Article 5. Termination.

The Project Director, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the State. The State is liable only for payment in accordance with the payment provisions of this contract for services rendered before the effective date of termination.

## Article 6. No Assignment or Delegation.

The contractor may not assign or delegate this contract, or any part of it, or any right to any of the money to be paid under it, except with the written consent of the Project Director and the Agency Head.

## Article 7. No Additional Work or Material.

No claim for additional services, not specifically provided in this contract, performed or furnished by the contractor, will be allowed, nor may the contractor do any work or furnish any material not covered by the contract unless the work or material is ordered in writing by the Project Director and approved by the Agency Head.

## Article 8. Independent Contractor.

The contractor and any agents and employees of the contractor act in an independent capacity and are not officers or employees or agents of the State in the performance of this contract.

## Article 9. Payment of Taxes.

As a condition of performance of this contract, the contractor shall pay all federal, State, and local taxes incurred by the contractor and shall require their payment by any Subcontractor or any other persons in the performance of this contract. Satisfactory performance of this paragraph is a condition precedent to payment by the State under this contract.

## Article 10. Ownership of Documents.

All designs, drawings, specifications, notes, artwork, and other work developed in the performance of this agreement are produced for hire and remain the sole property of the State of Alaska and may be used by the State for any other purpose without additional compensation to the contractor. The contractor agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The contractor, for a period of three years after final payment under this contract, agrees to furnish and provide access to all retained materials at the request of the Project Director. Unless otherwise directed by the Project Director, the contractor may retain copies of all the materials.

## Article 11. Governing Law.

This contract is governed by the laws of the State of Alaska. All actions concerning this contract shall be brought in the Superior Court of the State of Alaska.

## Article 12. Conflicting Provisions.

Unless specifically amended and approved by the department of Law the General Provisions of this contract supersede any provisions in other appendices.

## Article 13. Officials Not to Benefit.

Contractor must comply with all applicable federal or State laws regulating ethical conduct of public officers and employees.

## Article 14. Covenant Against Contingent Fees.

The contractor warrants that no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, contingent fee, or brokerage except employees or agencies maintained by the contractor for the purpose of securing business. For the breach or violation of this warranty, the State may terminate this contract without liability or in its discretion deduct from the contract price or consideration the full amount of the commission, percentage, brokerage, or contingent fee.

## Article 15. CIVIL RIGHTS OF CLIENTS

15.1. The Contractor shall comply with Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Food Stamp Act of 1977, Alaska Statute 18.80.200 - 280, and pertinent portions of the Code of Federal Regulation (CFR) for implementation of the foregoing.

The Contractor shall make no distinction or discriminate against the client, recipient, applicant or beneficiary of the Department's federally assisted programs on the basis of race, color, age, national origin, sex, political belief, religious creed, or handicap. No client, recipient, applicant or beneficiary of these federally assisted programs shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Department has responsibility.

15.2. Distinction on the grounds of race, color, age, national origin, sex, political belief, religious creed, or handicap includes:

1. Any type of segregation, separate or different treatment, or other discrimination on that ground;

2. The imposition of any admission, enrollment, quota eligibility, or other requirement or condition which individuals must meet in order to be provided any service or other benefit under the program or to be afforded an opportunity to participate in the program if the race, color, age, national origin, sex, political belief, religious creed, or handicap of individuals is considered in determining whether they meet any such requirement or condition;

3. The use of membership in a group as a basis for the selection of individuals for any purpose if in selecting members of the group there is discrimination on the grounds of race, color, age, national origin, sex, political belief, religious creed, or handicap;

4. The assignment of personnel to provide services, or the assignment of times or places for the provision of services, on the basis of race, color, age, national origin, sex, political belief, religious creed, or handicap of the individual to be served.

15.3. The Contractor shall set up and operate internal information collection systems to provide necessary racial statistics for staff, clients, or beneficiaries. Records and reports shall be available for review by the Department, U.S. Dept. of Health and Human Services, and the U. S. Dept. of Agriculture, upon request.

15.4. In determination of whether a Contractor is illegally discriminating in the provision of benefits or services, consideration shall be given to the purpose of the service as expressly stated in any federal statute, state statute, or local statute or ordinance adopted by an elected general purpose legislative body. In making such determination it shall be acknowledged that certain federal, state or local funding is legally designated for specific groups by age, sex, handicap, income, or other specific and legal eligibility criteria. For example, programs for the aging, blind, disabled and youth provide services legally only for those groups. Also, institutions may legally serve a special age, sex, or handicap group depending upon their protective treatment, or rehabilitative needs and funding sources to provide the services.

## ARTICLE 16.

Subject to the availability of spending authority to the Department of Health and Social Services to fund this contract, and provided such spending authority is not revoked, rescinded, reduced, or withheld, \$ 5,000 will be the total amount of this contract. The Department will promptly provide the contractor written notice if funding under this contract is revoked, rescinded, reduced, or withheld, and the effective date of such action.

## APPENDIX B' INDEMNITY AND INSURANCE

### Article 1. Indemnification

The contractor shall indemnify, save harmless and defend the state, its officers, agents and employees from all liability, including costs and expenses, for all actions or claims resulting from injuries or damages sustained by any person or property arising directly or indirectly as a result of any error, omission or negligent act of the contractor, subcontractor or anyone directly or indirectly employed by them in the performance of this contract.

All actions or claims including costs and expenses resulting from injuries or damages sustained by any person or property arising directly or indirectly from the contractor's performance of this contract which are caused by the joint negligence of the state and the contractor shall be apportioned on a comparative fault basis. Any such joint negligence on the part of the state must be a direct result of active involvement by the state.

### Article 2. Insurance

Without limiting contractor's indemnification, it is agreed that contractor shall purchase at its own expense and maintain in force at all times during the performance of services under this agreement the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the contractor's policy contains higher limits, the state shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a 30 day prior notice of cancellation, nonrenewal or material change. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach and grounds for termination of the contractor's services.

**2.1. Workers' Compensation Insurance:** The contractor shall provide and maintain, for all employees of the contractor engaged in work under this contract, Workers' Compensation Insurance as required by AS 23.30.045. The contractor shall be responsible for Workers' Compensation Insurance for any subcontractor who directly or indirectly provides services under this contract. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection not less than \$100,000 per person, \$100,000 per occurrence. Where applicable, coverage for all federal acts (i.e. U.S.L. & H. and Jones Acts) must also be included.

**2.2. Comprehensive (Commercial) General Liability Insurance:** with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where generally applicable and shall include premises-operations, independent contractors, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.

**2.3. Comprehensive Automobile Liability Insurance:** covering all owned, hired and non-owned vehicles with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000 property damage.

## ARTICLE 15

### CIVIL RIGHTS OF CLIENTS

(a) The Contractor shall comply with Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Food Stamp Act of 1977, Alaska Statutes, Sections 18.80.200 - 18.80.280, pertinent portions of the Code of Federal Regulations (CFR), and the Department's Policy and Procedure 190-6 for implementation of the foregoing.

The Contractor shall make no distinction or discrimination against the client, recipient, applicant or beneficiary of the Department's federally assisted programs on the basis of race, color, age, national origin, sex, political belief, religious creed, or handicap. No client, recipient, applicant or beneficiary of these federally assisted programs shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Department has responsibility.

(b) Distinction on the grounds of race, color, age, national origin, sex, political belief, religious creed, or handicap includes:

1. Any type of segregation, separate or different treatment, or other discrimination on that ground;
2. The imposition of any admission, enrollment, quota eligibility, or other requirement or condition which individuals must meet in order to be provided any service or other benefit under the program or to be afforded an opportunity to participate in the program if the race, color, age, national origin, sex, political belief, religious creed, or handicap of individuals is considered in determining whether they meet any such requirement or condition;
3. The use of membership in a group as basis for the selection of individuals for any purpose if in selecting members of the group there is discrimination on the grounds of race, color, age, national origin, sex, political belief, religious creed, or handicap;
4. The assignment of personnel to provide services, or the assignment of times or places for the provision of services, or the assignment of times or places for the provision of services, on the basis of the race, color, age, national origin, sex, political belief, religious creed, or handicap of the individual to be served.

(c) The Contractor shall set up and operate internal information collection systems to provide necessary racial statistics for staff, clients, beneficiaries and/or participants. Records and reports shall be available for review by the Department, U.S. Department of Health and Human Services and the U.S. Department of Agriculture, upon request.

(d) The Contractor shall make available to beneficiaries, participants, and other interested persons information regarding the provisions of Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Food Stamp Act of 1977, Alaska Statutes, Sections 18.80.200 - 18.80.280, pertinent CFR, and the Department's Policy and Procedure 190-6.

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ALASKA STATE LEGISLATURE · SENATE

SENATOR RICHARD I. ELIASON

LABOR & COMMERCE COMMITTEE, CHAIRMAN  
RESOURCES COMMITTEE  
RULES COMMITTEE  
LEGISLATIVE BUDGET & AUDIT COMMITTEE  
SELECT COMMITTEE ON  
LEGISLATIVE ETHICS



P.O. BOX 143  
SITKA, ALASKA 99835

P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4916

FAX (907) 465-4928

**Senate Bill 1 - Early Funding for Education**

**Sectional Analysis**

Section 1 - Adds language which sets a deadline of April 7 by which the Legislature shall appropriate funds for the school construction account. *Deleted*

Section 2 - Changes the date from April 1 to April 30 for the borough school boards to submit the school budget for the following school year to the borough assembly.

✓ Section 3 - Adds language which sets a deadline of April 7 by which the Legislature shall appropriate funds for the public school foundation account.

✓ Section 4 - Includes as a responsibility of the Legislature, the appropriation of money for public school construction debt retirement, public school foundation program, pupil transportation, student lunch program, cigarette tax distribution, tuition students, boarding home grants, youth in detention, and schools for the handicapped no later than April 7 of each year for the succeeding fiscal year.

Section 5 - July 1, 1991, effective date

FISCAL NOTE

No. 1

Bill Version: SB1

(S) Publish Date: 2/1/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Education  
 Title: Deadlines for action on funding BRU: K-12 Support  
of public education Component: Foundation  
 Sponsor: Eliason  
 Requestor: Eliason COMPONENT SERIAL NO. 

0	1	4	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Mary Hakala Phone: 465-2800  
 Division: Commissioner's Office Date: 1/25/91  
 Approved by Commissioner: Steve Adle Acting Commissioner  
 Agency: Education Date: 1/28/91

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

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Department Affected: Education  
 Title: Deadlines for action on funding BRU: K-12 Support  
of public education Component: Foundation  
 Sponsor: Eliason  
 Requestor: Eliason COMPONENT SERIAL NO. 

0	1	4	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Mary Hakala Phone: 465-2800  
 Division: Commissioner's Office Date: 1/25/91  
 Approved by Commissioner: Steve Hole Acting Commissioner  
 Agency: Education Date: 1/28/91

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

**FISCAL NOTE**

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL NO.** SCR 4

Revision Date: \_\_\_\_\_ Department Affected: Health & Social Services  
 Title: a Resolution relating to the BRU: Assistance Payments  
payment of finder's and realtor's fees Component: General Relief Assistance  
 Sponsor: Fahrenkamp  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

--	--	--	--

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	-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: No fiscal impact.

**ANALYSIS: (Attach a separate page if necessary.)**

No fiscal impact.

Prepared By: Jan L. Hansen, Director Phone: 465-3347  
 Division: Division of Public Assistance Date: \_\_\_\_\_  
 Approved by Commissioner: [Signature]  
 Agency: HSS Date: 1/29/91

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



Official Business

# Alaska State Legislature

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

## Senate Health, Education, & Social Services Committee

31 January 1991

MEMORANDUM

TO: Senator Arliss Sturgulewski

FROM: Staff

**July 1** - Tax Bills to be Mailed (AS 29.45.240)

**June 15** - Rate of Levy determined by municipality - (AS 29.45.240)

**May 31** - Assembly to appropriate school budget from local sources  
(AS 14.14.060)

\***April 1** - School board to submit school budget for following school  
year to assembly (AS 14.14.060)

\*SB 1 proposes to change to \***April 30**

**April 7** - Proposed early funding deadline

**March 1** - Revenue projections to the Legislature

**2nd or 3rd Monday in January** - Convening of the Legislature

There was discussion about requiring that an appropriation be made 45 or 60 days after convening of the Legislature. This presents one immediate question - when does the count start? The suit over adjournment requires us to disregard the first day of

# **CORRECTION**

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

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SCR 4

Revision Date: \_\_\_\_\_ Department Affected: Health & Social Services  
 Title: a Resolution relating to the BRU: Assistance Payments  
payment of finder's and realtor's fees Component: General Relief Assistance  
 Sponsor: Fahrenkamp  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: No fiscal impact.

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

Prepared By: Jay L. Hansen, Director Phone: 465-3347  
 Division: Division of Public Assistance Date: \_\_\_\_\_  
 Approved by Commissioner: [Signature]  
 Agency: HSS Date: 1/29/91

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

SB10

Reason for early funding

Also:

how count days?  
ie. adjournment  
lawsuit

Tax Bills - ~~July 1~~ <sup>July 1 (initial)</sup> July 15

~~Auto Rate -~~

Assembly Budget - <sup>appropriate description</sup> May 31

School Budget - <sup>14,14,000 current level</sup> 5 35 April (Title I) proposed change

Early funding - of which (17) 14.

Convening of Legislature	2405080	2nd Monday or 3rd Monday	*
MAE Revenue Projections	1.45	Jan (2nd Monday)	10 <sup>th</sup> (1st 3 yrs)
	2.60	Jan (2nd Monday)	
	3.45	Jan (3rd Monday)	7 <sup>th</sup>
	3.60	Jan (3rd Monday)	7 <sup>th</sup>

45 days	} 31 days Jan	14	14	21	
60 days		} 28 days Feb	25	25	28
			18	18	49
	(3) 31			21	25 Feb
	17			28	
	17			11	(11 March)
	28	03 March	04 MAR	60	+1
	48	18 March	19 MAR		12 MAR
	60				

Fixe Ford - can we include language

"Shall" appropriate and bind succeeding legislature

At Adams:

Add in school construction \$ to early

funding (Priority I + II) so as to benefit

REAA's, planning

4/3/81 understanding



Official Business

# Alaska State Legislature

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

## Senate Health, Education, & Social Services Committee

31 January 1991

### MEMORANDUM

TO: Senator Arliss Sturgulewski

FROM: Staff

**July 1** - Tax Bills to be Mailed (AS 29.45.240)

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**April 7** - Proposed early funding deadline

**March 1** - Revenue projections to the Legislature

**2nd or 3rd Monday in January** - Convening of the Legislature

There was discussion about requiring that an appropriation be made 45 or 60 days after convening of the Legislature. This presents one immediate question - when does the count start? The suit over adjournment requires us to disregard the first day of

session as a counted day.

Had we been required to appropriate school funds 45 or 60 days from the convening of the this legislative session, the appropriation would have been made on March 7 or March 22.

Under the same circumstances next year (1992, a Leap Year) the appropriation would be made on February 27 or March 13.

CS FOR SENATE BILL NO. 1 (FINANCE)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/7/91  
 Referred: Rules

Sponsor(s): SENATORS ELIASON, Shultz, Fischer, Rodey, Frank, Menard, Jones, Collins, Uehling, Sturgulewski

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to deadlines for action on funding of public education; and providing  
 2 for an effective date."

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

4 \* Section 1. AS 14.14.060(c) is amended to read:

5 (c) The borough school board shall submit the school budget for the following school  
 6 year to the borough assembly by April 30 [APRIL 1] for approval of the total amount. Within  
 7 30 days after receipt of the budget the assembly shall determine the total amount of money to  
 8 be made available from local sources for school purposes and shall furnish the school board with  
 9 a statement of the sum to be made available. If the assembly does not, within 30 days, furnish  
 10 the school board with a statement of the sum to be made available, the amount requested in the  
 11 budget is automatically approved. By May 31, the assembly shall appropriate the amount to be  
 12 made available from local sources from money available for the purpose.

13 \* Sec. 2. AS 14.17.225(b) is amended to read:

14 (b) Money to carry out the provisions of AS 14.17.010 - 14.17.190 may be appropriated

1 annually by the legislature into the public school foundation account. Before April 7 the  
2 legislature shall appropriate funds for direct and indirect services and other funding under  
3 this chapter for the next fiscal year. If amounts in the account are insufficient to meet the  
4 allocations authorized under AS 14.17.010 - 14.17.190 for a fiscal year, each district's basic need  
5 shall be reduced pro rata as necessary to make the funds available sufficient to meet the  
6 allocations for that fiscal year.

7 \* Sec. 3. AS 37.07.030 is amended to read:

8 Sec. 37.07.030. RESPONSIBILITIES OF THE LEGISLATURE. The legislature shall

9 (1) provide for a budget review function;

10 (2) analyze the comprehensive operating and capital improvements programs and  
11 financial plans recommended by the governor;

12 (3) adopt legislation to authorize implementation of the governor's comprehensive  
13 operating and capital improvements programs and financial plans or appropriate alternatives to  
14 those plans;

15 (4) provide for a post-audit function to cover financial transactions, program  
16 accomplishment, and compliance with legislative intent;

17 (5) adopt or revise the estimate of receipts required to balance the succeeding  
18 fiscal year's budget in order that proposed expenditures do not exceed estimated receipts for that  
19 fiscal year;

20 (6) adopt, revise, or initiate revenue measures in order to balance the succeeding  
21 fiscal year's budget and the capital improvements section of the budget for the succeeding six  
22 years;

23 (7) appropriate money for the public school foundation program under  
24 AS 14.17, pupil transportation, student lunch program, cigarette tax distribution, tuition  
25 students, boarding home grants, youth in detention, and schools for the handicapped no  
26 later than April 7 of each year for the succeeding fiscal year.

27 \* Sec. 4. This Act takes effect July 1, 1991.

## SENATE BILL NO. 1

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS ELIASON, Shultz, Fischer, Rodey, Frank, Menard, Jones, Collins

Introduced: 1/21/91

Referred: HESS and Finance

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to deadlines for action on funding of public education; and providing  
2 for an effective date."

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

4 \* Section 1. AS 14.11.100(c) is amended to read:

5 (c) The school construction account is established. Funds to carry out the provisions of  
6 this section shall be included within the general appropriation bill submitted to the legislature  
7 under AS 37.07.020 and may be appropriated annually by the legislature to the account. Before  
8 April 7 the legislature shall appropriate funds to school districts under this section for the  
9 next fiscal year. If amounts in the account are insufficient for the purpose of providing the share  
10 to which a borough or city is entitled under this section, those funds that are available shall be  
11 distributed pro rata among the eligible local governments except that the legislature may direct  
12 that additional debt service on refunding bonds that exceeds the total debt service on the refunded  
13 bonds be disregarded in whole or in part.

14 \* Sec. 2. AS 14.14.060(c) is amended to read:

1 (c) The borough school board shall submit the school budget for the following school  
2 year to the borough assembly by April 30 [APRIL 1] for approval of the total amount. Within  
3 30 days after receipt of the budget the assembly shall determine the total amount of money to  
4 be made available from local sources for school purposes and shall furnish the school board with  
5 a statement of the sum to be made available. If the assembly does not, within 30 days, furnish  
6 the school board with a statement of the sum to be made available, the amount requested in the  
7 budget is automatically approved. By May 31, the assembly shall appropriate the amount to be  
8 made available from local sources from money available for the purpose.

9 \* Sec. 3. AS 14.17.225(b) is amended to read:

10 (b) Money to carry out the provisions of AS 14.17.010 - 14.17.190 may be appropriated  
11 annually by the legislature into the public school foundation account. Before April 7 the  
12 legislature shall appropriate funds for direct and indirect services and other funding under  
13 this chapter for the next fiscal year. If amounts in the account are insufficient to meet the  
14 allocations authorized under AS 14.17.010 - 14.17.190 for a fiscal year, each district's basic need  
15 shall be reduced pro rata as necessary to make the funds available sufficient to meet the  
16 allocations for that fiscal year.

17 \* Sec. 4. AS 37.07.030 is amended to read:

18 Sec. 37.07.030. RESPONSIBILITIES OF THE LEGISLATURE. The legislature shall

- 19 (1) provide for a budget review function;
- 20 (2) analyze the comprehensive operating and capital improvements programs and  
21 financial plans recommended by the governor;
- 22 (3) adopt legislation to authorize implementation of the governor's comprehensive  
23 operating and capital improvements programs and financial plans or appropriate alternatives to  
24 those plans;
- 25 (4) provide for a post-audit function to cover financial transactions, program  
26 accomplishment, and compliance with legislative intent;
- 27 (5) adopt or revise the estimate of receipts required to balance the succeeding  
28 fiscal year's budget in order that proposed expenditures do not exceed estimated receipts for that  
29 fiscal year;
- 30 (6) adopt, revise, or initiate revenue measures in order to balance the succeeding  
31 fiscal year's budget and the capital improvements section of the budget for the succeeding six

1 years;

2 (7) appropriate money for public school construction debt retirement under  
3 AS 14.11.100, public school foundation program under AS 14.17, pupil transportation,  
4 student lunch program, cigarette tax distribution, tuition students, boarding home grants,  
5 youth in detention, and schools for the handicapped no later than April 7 of each year for  
6 the succeeding fiscal year.

7 \* Sec. 5. This Act takes effect July 1, 1991.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

January 31, 1991

SUBJECT: Education budget deadline  
(SB 1)

TO: Senator Arliss Sturgulewski

FROM: Michael F. Ford *M.F.*  
Legislative Counsel

You have asked what would be the legal effect of adding language to SB 1, providing that the prior year's appropriation for education would automatically be made if the legislature failed to appropriate money by the funding deadline. This type of automatic appropriation would not bind a future legislature. Under Article IX, section 13 of the Alaska Constitution each legislature has total and absolute power to fund or not fund as the legislature chooses, subject of course to the governor's veto power. This power cannot be changed by statute, but could be changed by constitutional amendment.

There are numerous examples of similar funding statutes, such as the requirement for funding bonded debt retirement contained in AS 14.11.100(a). However, none of these statutes bind the legislature to make an appropriation. The legislature may weigh competing public needs against available revenue and fund some items and not others, or fund at a lower level than established in statute. In short, the legislature cannot create by statute an enforceable right to appropriate funds.

Please contact me if you have further questions.

MFF:gc  
91-049.glc

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY

### LEGISLATIVE REFERENCE LIBRARY

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

Mary Van Nimwegen

2/1/89	Sen. Finance	9:10am
2/8/89	Sen Finance	9:15am
3/1/89	Senate Finance	9:10am
3/2/89	Senate Finance	9:40am
3/3/89	Senate Finance	9:25am



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

## ANCHORAGE REGIONAL OFFICE

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

## JUNEAU OFFICE

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

## FAIRBANKS REGIONAL OFFICE

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

January 28, 1991

To: Senator Sturgulewski, Chair  
Members, Senate HESS Committee

Re: SB 1; "An Act relating to deadlines for action  
on funding public education; and, providing for an  
effective date."

NEA-Alaska supports the basic concepts contained in SB 1. Funding decisions relative to public education in Alaska, at both the State and local level must be done much earlier in the process than has been so in recent years.

Program, basic services, and staffing decisions cannot be put off until the "11th" hour and still have the continuity and quality that we all expect from our public schools.

We do encourage that the Committee give serious consideration to two suggestions which we feel will enhance this legislation.

Because sometimes the precision of a specific date tends to generate arguments on issues not always germane to the primary intent of legislation, relative to Sec. 3, page 2, lines 9-16, AS 14.17.225(b), and possibly other sections of this bill which contain specific dates, we recommend that this appropriation be mandated within forty-five (45) days after the Legislature convenes.

In the event the Legislature failed to meet a funding appropriation deadline there is no provision in this legislation to provide for critical alternatives. We encourage that provision be made in this legislation that, minimally, in the event the Legislature fails to make an appropriation by the funding deadline, the level of state funding for the subsequent year will be no less than the previous year.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners  
Executive Director

Don Oberg  
President

cc: Senator Eliason

# ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

*Serving Alaskan Education*



## OFFICERS

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Fairbanks

PRESIDENT-ELECT  
Percy Frisby  
Hydaburg

PAST PRESIDENT  
Jean Buchanan  
Anchorage

SECRETARY/TREASURER  
Carole Huntington  
Galena

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Luke Titus

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Michael Williams

EX-OFFICIO DIRECTOR  
Dick Anderson  
Delta-Greely

EXECUTIVE  
DIRECTOR  
Carl F.N. Rose

January 22, 1991

The Honorable Sen. Arliss Sturgulewski  
Chairperson  
Senate HESS Committee  
Alaska State Legislature  
Juneau, Alaska

**Re: IN SUPPORT OF SB 1-EARLY FUNDING FOR EDUCATION**

Dear Sen. Sturgulewski:

The Association of Alaska School Boards enthusiastically supports SB 1-"An Act relating to deadlines for action on funding of public education; and providing for an effective date."

Without having advance knowledge of stable funding levels districts are forced to react to a budget crisis rather than prepare a budget that reflects the needs of Alaska's youth. Early planning of programs, staffing and procurement of supplies, equipment and maintenance are critical for providing students with quality education.

The ability to plan wisely is largely dependent on knowing what the available financial resources will be early in the planning process. Traditionally, school districts' revenues from the State foundation formula are not known until May-after the date budgets must be completed by school districts.

AASB requests that the Legislature determine the funding level for education for the following fiscal year early in the legislative session to allow school districts adequate time for planning and budget preparation before submitting budgets to the Department of Education. AASB also supports modification of the due date for submission of a municipal school district budget to the municipal government until after funding levels for the next fiscal year are known.

Respectfully submitted,

Carl F.N. Rose,  
Executive Director



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

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

## POSITION STATEMENT FOR

SB 1

"AN ACT RELATING TO DEADLINES FOR ACTION ON FUNDING OF PUBLIC  
EDUCATION; AND PROVIDING FOR AN EFFECTIVE DATE."

The Alaska Council of School Administrators is in support of SB 1.

The orderly development of the school districts budget has always been of the highest priority for school administrators and particularly for superintendents who's responsibility it is to develop such a budget.

Districts have experiences the consequences of late notification of the state's level of funding to a district and have had to start the next year of school unprepared, under staffed and with supplies yet on order.

Early funding, provided it is full entitlement funding, allows for a smooth transition into the next school year and for continuity in programs and staffing.

Our only recommendation for consideration would be to consider the extension of the notification of certified employees for continued employment be extended to be compatible with the early funding time table.

We do believe that early, full funding of the foundation funding program would be an asset to the stabilization of the planning, development and implementation of future school budgets.

We look forward to working with the Senate on SB 1.

1991



January

M	T	W	T	F	S	S
	1	2	3	4	5	6
	7	8	9	10	11	12
	13	14	15	16	17	18
	19	20	21	22	23	24
	25	26	27	28	29	30
	31					

February

M	T	W	T	F	S	S
				1	2	3
	4	5	6	7	8	9
	10	11	12	13	14	15
	16	17	18	19	20	21
	22	23	24	25	26	27
	28					

March

M	T	W	T	F	S	S
				1	2	3
	4	5	6	7	8	9
	10	11	12	13	14	15
	16	17	18	19	20	21
	22	23	24	25	26	27
	28	29	30	31		

April

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May

M	T	W	T	F	S	S
				1	2	3
	4	5	6	7	8	9
	10	11	12	13	14	15
	16	17	18	19	20	21
	22	23	24	25	26	27
	28	29	30	31		

June

M	T	W	T	F	S	S
					1	2
	3	4	5	6	7	8
	9	10	11	12	13	14
	15	16	17	18	19	20
	21	22	23	24	25	26
	27	28	29	30	31	



S B

3

# FISCAL NOTE

No. 6  
 Bill Version: CS SB 3 (JUD)  
 (S) Publish Date: 4/15/91

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL 1**

Revision Date: \_\_\_\_\_ Dept. Affected Health and Social Services  
 Title: An Act relating to protection of BRU: Family Services  
elderly persons from harm. Component: All components  
 Sponsor: Kerttula  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. \_\_\_\_\_ 0254

Expenditures/Revenues (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>REVENUE</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

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

Estimate of current year impact: **NONE**

**ANALYSIS:** (Attach a separate page if necessary)

Implementation of the provisions of this committee substitute for Senate Bill No. 3 will have no fiscal impact on the Division of Family and Youth Services.

Prepared by: Michael L. Price, Director  
 Division: Family and Youth Services

Approved by Commissioner: Tommy Branstetter for  
 Agency: Department of Health and Social Services

Phone: 465-3170  
 Date: 4/12/91  
 Date: 4/12/91

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

**STATE OF ALASKA  
1991 LEGISLATIVE SESSION**

**BILL NO. SB 3**

Revision Date: January 21, 1991 Department Affected: Health & Social Services  
 Title: "An Act relating to protection of elderly person from harm" BRU: Family Services  
 Component: Southcentral, Northern, Northwestern, Western & Southeastern  
 Sponsor: Kerttula  
 Requestor: Senate HESS COMPONENT SERIAL NO. 

0	2	5	4
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Implementation of the provisions of this bill would have no fiscal impact on the Division of Family & Youth Services.

Prepared By: Russ Webb, Acting Director Phone: 465-3191  
 Division: Family & Youth Services Date: January 28, 1991  
 Approved by Commissioner: Theodore A. Mala, MD, MPH  
 Agency: Department of Health & Social Services Date: 1/28/91

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



Official Business

# Alaska State Legislature

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

## MEMORANDUM

**TO:** Senator Arliss Sturgulewski, Chairman  
Senate Health, Education, and  
Social Services Committee

**FROM:** Senator Jay Kerttula

**SUBJ:** Senate Bill 3 --  
Investigation of Elder Abuse

*Jay*  
*+ thank you*

I appreciate your scheduling Senate Bill 3, relating to the protection of elderly persons from harm.

Alaska Statute 47.24.020 requires the department to investigate reports of elder abuse, interview the elderly person and prepare a written report. The law directs the department to stop the investigation at the elderly person's request.

There are two large gaps in Alaska's ability to effectively protect senior citizens from abuse under AS 47.24.020.

1) termination of investigations after telephone interviews leaves the elderly extremely vulnerable to coercion by their abusers.

2) great delays in investigating reports of abuse leave seniors in abusive situations for an unconscionable period of time. Delays in investigation also result in a tendency on the part of police and emergency room physicians to not report, since they believe that the Division of Family and Youth Services will not respond.

Senate Bill 3 is aimed at helping alleviate the first problem, and I urge the Senate HESS Committee to pass the bill. For your information I have attached some background information on elder

abuse which was contained in report which Legislative Research did at my request. I have also attached a statistical breakdown of the number of clients served by Adult Protective Services, as well as the allegations of harm to adults which are reported to Adult Protective Services.



Official Business

# Alaska State Legislature

Senate

Committee on Finance

Pouch V  
State Capitol  
Juneau, Alaska 99811

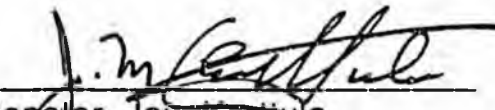
## SPONSOR STATEMENT SENATOR JAY KERTTULA

### SENATE BILL 3 -- ELDER ABUSE

Alaska Statute 47.24.020 requires the Department of Health and Social Services to investigate reports of elder abuse, interview the elderly person and prepare a written report. The law directs the department to stop the investigation at the elderly person's request.

Senate Bill 3 requires an in-person interview prior to termination of an investigation of elder abuse. While this requirement is implied in existing statute, the long-term care ombudsman has stated that many investigations are currently terminated after telephone interviews. The long-term care ombudsman testified to situations of older Alaskans who were subjected to extended periods of abuse after being coerced by their abuser into requesting termination of investigations over the telephone. Senate Bill 3 clarifies the meaning of "personal interview" which is required by existing statute.

Senate Bill 3 has a "0" fiscal note from the Department of Health and Social Services and is supported by both the administration and the long-term care ombudsman. I urge passage of Senate Bill 3.

  
\_\_\_\_\_  
Senator Jay Kerttula

## **ELDER ABUSE BACKGROUND**

Nationally, the most common forms of elder abuse are physical abuse (including neglect) and financial exploitation. They are followed by emotional abuse or neglect, and sexual abuse. Elders also are often victims of self-neglect. Elders who are abused physically may be beaten, slapped, cut, burned or shoved; they may be deprived of food, supervision or medical care; they may be sexually abused; or they may be forcibly confined to a bed, a chair or a room. Those who are emotionally abused may be assaulted or threatened verbally. They also may be frightened, humiliated, intimidated, isolated or treated as children.

### **Profiles of the Typical Victim and Elder Abuser**

The typical victim is a frail, 75-year-old woman who cannot care for herself. The victim generally depends on the family or an unrelated person for care and protection. Victims may have a drinking problem and a tendency to take the blame for the abuse. They may be excessively loyal to the caregiver. They may also have a history of abuse and be unpleasant or demanding.

The typical abuser is under stress, has a substance abuse problem, and frequently was abused as a child. Three out of four elder abusers are members of the victim's family. The son of the victim is the most likely abuser, followed by the daughter of the victim.

Data from the National Aging Resource Center on Elder Abuse indicate that two-thirds of the victims in reported cases in 1988 were female. Almost one-third of the abusers were adult children of the abused (30 percent). About 15 percent of abusers were the abused's spouse and about 13 percent were identified as the "service provider." Other reported abusers included friends or neighbors, other relatives, siblings and grandchildren.

### **Reporting**

Most elder abuse is not reported, and this situation is worsening.. In 1980, an estimated one in six cases were reported; in 1985, one in five were reported; and in 1990, one in eight were reported. Nationally, elder abuse is far less likely to be reported than child abuse.

Alaska reports the second highest rate of elder abuse among the 43 states (including Washington, D.C.) with mandatory reporting laws. Alaska reports 9.18 cases of abuse per 1,000 elderly residents. If national estimates hold true for Alaska (one case reported for every eight which occurs), there were about 2,200 actual cases of elder abuse in Alaska in 1988. In that year, 273 cases were reported.

ADULT PROTECTIVE SERVICES CLIENTS

<u>Age</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
18-59	609	577	568
60 & up	1326	1326	1272
<u>Sex</u>			
Female	1268	1289	1256
Male	666	656	625
<u>Race</u>			
AK Native	792	790	672
Black	58	59	69
Caucasian	1020	1000	
Unknown	65	91	976
			117
<u>Services Turnover</u>			
<u>Clients Exiting</u>			
System in the FY	556	438	445
Clients Began in the FY	301	487	445
Clients Continued thru to the next FY	554	543	569
Clients Interrupted during the FY	87	47	51
Clients Entered and Exited in the FY	437	428	371
<u>Homemaker Services</u>			
Number of Clients	1260	1430	1363
<u>Adult Foster Care</u>			
Number of Clients	27	41	38
<u>Adult Residential Care</u>			
Number of Clients	66	69	70

REPORTS OF HARM

	<u>65 and older</u> (all ages combined)	<u>60-65</u>	<u>18-59</u>	<u>TOTAL</u>
FY 84				72
FY 85	137	21	87	245
FY 86	98	39	195	332
FY 87	155	40	122	317
FY 88	275	28	185	488
FY 89	226	39	143	408

*Jay Kuttand*

ANCHORAGE TIMES May 13, 1990



# Elderly remain silent to abuse

Kathy J

By JULIA SOPALSKI  
Times Writer

Abuse of the elderly in Alaska is a quiet problem. Its victims mostly are silent. State officials are aware of incidents involving senior citizens, but the extent of the problem is unknown because official reports are never filed, said William O'Connor, an ombudsman for the Older Alaskans Commission. Senior citizens in trouble often are too intimidated to admit they are in an abusive situation, O'Connor said. The Division of Family and Youth Services in 1989 received 265 reports of abuse of adults over 60 years of age, down from 303 in 1988. But O'Connor said the statistics can be misleading because there is not enough money for social workers to follow up and investigate the reports. There may be more than the numbers indicate, he said.

# A A G E

A mandatory reporting law was passed in Alaska in 1983, requiring health and social workers to report suspected abuse of an elderly person. Failure to do so can result in a fine.

But the report is only recorded in division statistics if a caseworker has time to check it out, O'Connor said.

"I remember a case in the Kenai a few years back where a physician tried for more than six months to report a case of elderly abuse," O'Connor said. "If they won't listen to a physician, what happens when the person calling is only a concerned neighbor?"

The big problem is the shortage of workers in adult protection services, O'Connor said. Across the state, only three social workers are employed full time in adult protection — two in Anchorage and one in Fairbanks. All other caseworkers with the DFYS carry a combined load of child and adult cases.

"With all the children we have being sexually and physically abused, with blood like that running under the door, of course they take priority," he said.

Establishing the prevalence and needs of children in abusive situations is easier, partially because of staff resources, said Pat O'Brien, DFYS social services program officer in Juneau. O'Brien has worked for the agency for 19 years.

Alaska's mandatory reporting law was passed with little funding to back it up, O'Brien said. When the division was deluged with reports of child abuse several years ago, the state cut back on Adult Protective Services, O'Brien said, and the program has never recuperated.

Social workers with Adult Protective Services say working for a child in an abusive situation can be easier than helping a senior in trouble. The social worker can investigate a report of child abuse with or without the agreement of the child or parents.

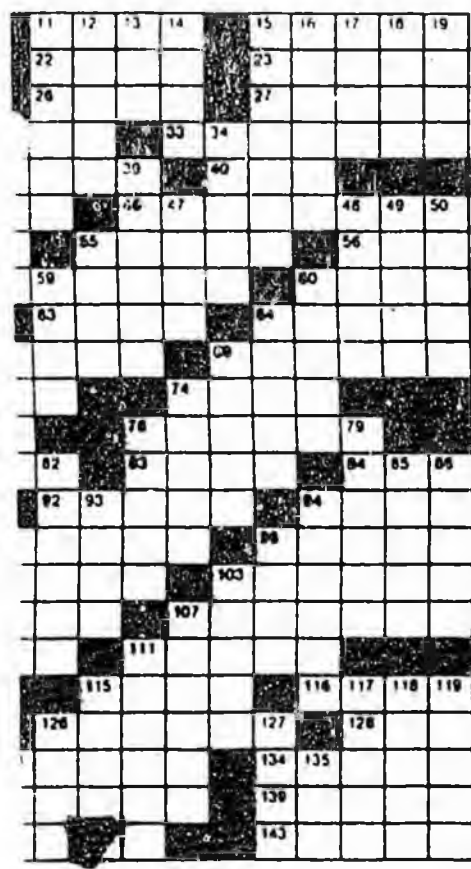
For adults, the social worker is in an advocacy role, said John Burke with the DFYS office in Anchorage. Adults are considered competent to make their own decisions, and an investigation of reported abuse cannot be continued if the suspected victim denies the allegation, he said.

Burke said abuse — the elderly, physical abuse in particular, is not a severe problem in Anchorage. When there is abuse, it often is a result of alcohol or drug abuse and a dysfunctional family setting, the same conditions that give rise to child abuse.

The problem of abuse of the elderly also existed in the past, Burke said, but today there are options allowing senior citizens more control over their situation. The elderly in the Anchorage area inform each other of public health and homekeeping services and gather at the see See Elderly, page C-4

# O O L D

- 11 Seed pod
- 12 Deprivation
- 13 Turn aside
- 14 Cosmologist
- 15 Under
- 16 Aachter
- 17 Norman Vincent
- 18 Russian emperor's wife
- 19 Library patron
- 20 Bowling units
- 21 Actress Dahl
- 22 Lacking courage
- 23 Western movie star
- 24 John
- 25 Straighten
- 26 Mongolian
- 27 Flevale
- 28 Turmeric
- 29 Singer Fitzgerald
- 30 Pell
- 31 New Haven school
- 32 Li Anner
- 33 Creator
- 34 English composer
- 35 Bare
- 36 Young insect
- 37 Robot play
- 38 Arroyo
- 39 Fruit
- 40 Amos' friend
- 41 Visualize
- 42 Vanish
- 43 Bay
- 44 Strainer
- 45 Church official
- 46 Tote
- 47 Cognizant
- 48 Root vegetable
- 49 Function
- 50 Exam
- 51 Fall to pay a debt
- 52 String toy
- 53 Proclaim
- 54 Supreme being
- 55 Mapped
- 56 Bears couch once
- 57 Discredit
- 58 German river
- 59 Bear mug
- 60 Fry quickly
- 61 Lion hair
- 62 Passover feast
- 63 Pear
- 64 Pepper
- 65 Scribble
- 66 Yugoslavian
- 67 Modest
- 68 Abdominal pain
- 69 English town
- 70 Woody plant
- 71 Linen
- 72 Harbinger
- 73 Strong and



Every day, at 10 a.m., three vans packed with hot meals begin their daily trips to the homes of house-bound senior citizens scattered from Government Hill to Potter's Marsh.

In April, these Meals On Wheels vans delivered 274 meals.

Judy Moor, regional supervisor of Alaska Management Technologies, oversees 25 homemakers who go out each day to help 120 senior citizens with their laundry, shopping and house cleaning.

These are organizations that provide daily necessities allowing senior citizens to remain independent in their own homes. Without the help, many would be forced to enter nursing homes.

But as these workers and drivers go about their daily routine of providing clean living spaces and nutritious meals, they perform another invaluable task.

"For a lot of these seniors we are the only contact with other people they have on a daily basis. So the drivers become my eyes and ears," said Scott Earl, home-care manager for the Salvation Army.

Moor's business is contracted by the Alaska State Homemaker Program to provide domestic services throughout the state. The homemakers (or Moor's agency) are trained to spot neglect, trouble and possible abuse, she said.

"They tell me if something seems wrong. For example, Mr. Jones had \$5,000 in his account, but it's suddenly gone, and then I can ask a state social worker to check on the senior," she said.

These in-home, community-based services are lifelines for many senior citizens, and both organizations have a waiting list. Social workers and senior advocates believe the services also can be a preventive measure in the area of abuse of the elderly.

Such abuse is a process that builds over a period of time, said John Burke. Burke is an adult-protection social worker for the Division of Family and Youth Services in Anchorage. A young family may decide that a grandparent would be better off living with them, and have all the best intentions, he said.

...gated to add a pension check to the family finances. With hard economic times, the situation can deteriorate, he said.

"With help from in-home services or senior day-care, the family is given relief from the stress that comes from the constant care needed by some seniors, or the senior can live independently and not become a burden," Burke said.

Lare Farmer-Lamm, DFYS social worker in Fairbanks, uses in-home services to stabilize homes where she sees an elderly person may be at risk but does not want to leave the family, she said. Workers coming into the home take pressure off the family and can keep an eye on the welfare of the elder.

Older Alaskans Commission ombudsman William O'Connor said there is a need for more of these services. He said additional funding for helping seniors in their own homes would help avoid the larger cost of having these same people in nursing homes. The passage of a bill this year to provide more community based in-home services is a step in the right direction, he said.

"I knew a lady who used to pay her attorney his \$125 an hour fee to come over and change her light bulbs," O'Connor said. A person who is 70 or 80 years old and living alone knows they cannot take the chance of climbing up on a chair to change a light bulb. If they fall, they know they will end up in the hospital and they may wind up staying in the hospital until they are transferred to a nursing home, O'Connor said.

"There are seniors all over town who sit with burned out light bulbs. How much would it cost us to provide that service?" he asked.

If the state spent \$100 a month providing this type of service for senior citizens, allowing them to stay in their own home, the cost would be much less than the \$7,000 or \$8,000 a monthly bill for a nursing home, O'Connor said.

"We're faced with a situation where we have to consider the more preventive approaches," he said. "We're going to run out of funds otherwise."

# Elderly

Continued from page C-1

ior centers where they can exchange information.

In-home services available to seniors allow them to live independently and not become dependent on families, or vulnerable to situations that could put them at risk, Burke said.

Ronald Parker, regional manager for DFYS in Nome, has worked for 15 years in social services in rural Alaska. He said he sees very little physical abuse with seniors and actually has recorded a decrease in cases reported to his office. He said the re-emergence of interest in Native cultural values is responsible for the decrease, specifically Native respect for elders.

"There are not enough health and social services available in the villages so people get together and co-operatively provide the help and services their elders need," Parker said. Of the reports received by the office in Nome, which oversees the western section of the state, only two or three a year are substantiated. Those usually are linked to alcohol and substance abuse, Parker said.

But Lare Farmer-Lamm, an adult-protection social worker

who has worked with the division in Fairbanks for seven years, disagreed with Parker's estimate.

"I know from what I hear in the community and on the streets that there is physical abuse out there," she said. "The problem is the same as in the rest of the country. Seniors are ashamed to talk about it."

"Older people don't want to tell on their kids, or they're afraid we'll take them away from their family," Farmer-Lamm said.

Farmer-Lamm said her office often hears about the abuse too late, when the senior is in the hospital and the police have taken the case.

Statistics collected by the Fairbanks office show a slow, but steady, increase in cases of abuse of the elderly, she said. During the first three months of 1985, the office had about 29 clients who were victims. For the same period this year, there are 55 clients.

People are starting to report more incidents, Farmer-Lamm said, but without funding for more field workers to check more reports, collecting statistics is impossible. She is the only adult-protection worker for a large area covering Interior Alaska. She said, for now, the program has to be crisis-oriented, giving the most severe cases priority.

O'Connor agreed with

Farmer-Lamm. As long-term care ombudsman he travels the state investigating complaints concerning senior citizens. He said his focus is on problems of seniors in nursing home facilities, but added that the problem of abuse is not in institutions.

"Our nursing homes and other facilities for seniors are non-profit. This avoids a lot of the problems that occur in homes down below where they must cut corners to make a profit," he said.

The high standards of Alaska's Pioneers Homes are a model for facilities outside Alaska, O'Connor said.

Medicaid reimbursement for nursing home care in Alaska is the highest per diem reimbursement in the nation, and that allows the homes to hire better-qualified staff, he said. That helps make nursing homes in Alaska a safer place to live.

It is the elderly living in private homes that concerns him, O'Connor said.

Sixty percent of the complaints he investigates come from people who live in private residences, he said. When O'Connor has a social worker check out a complaint, the elderly person often is too intimidated to admit they are in an abusive situation.

"They think, 'I should have raised my children better than this,' and don't want to tell on their own kids," O'Connor said.

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Rep. Dan Glickman, a Democrat from Kansas who was first elected in 1976, believes his colleagues have grown increasingly timid and speculates that the grass-roots firestorm Ronald Reagan stirred up in 1981 "terrorized" Democrats. (He fails to mention that Democrats terror-

# Conference renews battle against elder abuse

by Pamela Craves

A new elder abuse task force in Ketchikan is streaming ahead with plans to coordinate services among agencies in provide more help to neglected or abused adults.

Palmer social workers are talking about applying for grants to help abused elders in the Mat-Su Valley.

And the Division of Family and Youth Services (DFYS) has gathered statewide support for a budget increase to add four more social workers in adult protection.

These efforts to beef up services for seniors and vulnerable adults are just part of the enthusiasm to combat elder abuse generated by an October conference in Anchorage.

"I think a lot of people came away from (the conference) with a real sense of excitement and awareness that there have been too few services available to a real at-risk population," said Becky Smith, a social worker with DFYS in Ketchikan.

Smith and about 130 other social service providers, seniors, members of the Older Alaskans Commission (OAC) and hospital workers attended the conference, "Elder Abuse: A Front Line Perspective," sponsored by Providence Hospital, DFYS and the OAC.

Keynote speaker Dr. Sue M. Parkins, an emergency room

protective team in Toledo, Ohio, discussed the signs and symptoms of elder abuse.

"The classic victim is a 75-year-old frail woman who has some medical problems," Parkins said. "The profile of the abuser is characterized by stress... substance abuse, financial stress," she said.

Most abuse occurs in families which have always been abusive, Parkins said. The family may have an abusive member or just be dysfunctional.

Parkins gave an example of how an abusive situation may evolve. A young man loses his job and moves in with his mother because he can no longer manage financially. He probably has a substance abuse problem which gets worse the longer he is unemployed.

As long as the mother is healthy the situation is okay, but as she gets older and more frail things deteriorate.

"Mom becomes more and more of a burden and starts being neglected or frankly abused," Parkins said.

"Mom may get dependent to the degree that she can't care for herself and really needs professional care or placement. If mom gets placed then her assets have to be liquidated," Parkins said, referring to Medicaid requirements to spend down assets before a person may receive nursing home coverage.

There is no incentive for the son

**Most abuse occurs in families which have always been abusive. The family may have an abusive member or just be dysfunctional.**

to place the mother since he then loses his place to live. Instead, he starts collecting his mother's Social Security checks and other entitlements. And the mother steadily declines without the help she needs.

**Unreported abuse**

In 1983 there were 273 reported cases of elder abuse in Alaska, Parkins said. But she is uncomfortable with these statistics.

"We can see those abused and try to imagine how many others there are," she said.

Typically, one out of every eight victims reports abuse, according to Parkins. Seniors are hesitant to report abuse for a number of reasons. Often it is their own family members abusing them, Parkins said.

Abused seniors also are fearful of what will happen if they report. Will they have to leave their home and enter a nursing home?

Not only are seniors hesitant to report abuse, health care professionals and service providers

may not recognize signs of abuse.

"A lot of elder abuse findings relate to hygiene," Parkins said. Look for bed sores, she suggested.

Dehydration and malnutrition also are indicators. Seniors are more fragile than children when it comes to nutritional needs, Parkins said. If dentures are fitting improperly, it could mean the person has lost a lot of weight.

Look at a person's skin, Parkins said.

Are there bruises? Burn or frostbite injuries?

If there are injuries, ask the person what happened.

"Listen to the story you're being told and if it doesn't make sense... then you have to wonder (if abuse is occurring)," Parkins said.

Documentation is key to getting more resources for combatting elder abuse, Parkins said.

**Coordinating services**

In a later panel discussion, conference participants discussed ways to improve the current system for dealing with elder abuse in the state.

"One of the keys that people identified at the conference was greater coordination of already existing services for elders and other vulnerable adults," said DFYS director Russ Webb.

Strategies for increasing coordination include community organizing, case assistance, increasing basic services such as foster homes, and developing a

central office responsible for coordinating services at the state level.

Conference participants spent much time in individual groups hashing over the best ways to tackle the elder abuse problem.

"The group I went to was on community organization," said social worker Becky Smith.

"(The group) identified some criteria on how to make that happen. In a sense that's what we're doing," Smith added, referring to the elder abuse task force she later started in Ketchikan.

The Ketchikan task force is one of four elder abuse task forces in the state. Others are located in Anchorage, Fairbanks and Juneau.

"Our goals are to identify what services are being provided and what the criteria for receiving those services are," Smith said.

People may be denied services because they don't fit income or age requirements, Smith said. She and the 11 other members of the Ketchikan task force want "to do some brainstorming" on how to provide services to these people.

"Our goal is to line up all service agencies to do a coordinated public presentation," she said.

For more information on the Ketchikan task force call Becky Smith at 225-6611.

For information on elder abuse in your community or to report elder abuse, call the Division of Family and Youth Services.

# Elder abuse law not solving growing problem

It's been five years since the Alaska legislature tackled the problem of elder abuse and passed a reporting law. But just about everyone dealing with the law says it hasn't even come close to solving the problem.

The law encourages people to report abuse. It requires people to a number of professions, such as doctors, police officers, pharmacists, administrators of nursing homes, social workers and employees of projects funded by the Older Alaskans' Commission to report suspected abuse.

But many of these people aren't reporting.

For example, said Anita Stevens, executive supervisor for the Anchorage office of the Division of Family and Youth Services (DFYS), the office has received no reports from the Anchorage Police Department, even though there has been at least one case involving the department. The case was later reported by another social service agency. (See story, page 8L)

There are all kinds of reasons why people aren't report-

ing, said Pat O'Brien, statewide DFYS consultant for adult services in Juneau.

"We don't realize that elders are vulnerable," she said. It's hard to tell whether a caller is being abused or if they are just "crotchety," she added.

Many services are reluctant to "tell on" their abusive children, O'Brien said. They look at it as confirmation that they are "losing it," she said. And others just don't want to get the alarm in trouble.

"Some of those who should be reporting think DFYS isn't going to do anything," O'Brien said.

Even though elder abuse is not being reported every time it occurs, the tally of abuse reports from July 1987 through June 1989 shows an alarming problem. DFYS received more than 800 reports of abuse of people age 60 and older. That was more than 67 percent of all adult abuse reported.

By most accounts this is not being reported every time it occurs, the tally of abuse reports from July 1987 through June 1989 shows an alarming problem. DFYS received more than 800 reports of abuse of people age 60 and older. That was more than 67 percent of all adult abuse reported.

## Stories by Pamela Cravez

"The field is booming." O'Brien said.

The lack of reporting in Alaska is a real stumbling block, according to Lela Millham, head of the Elder Abuse Task Force in Anchorage.

Proper statistics are needed before programs can be developed to deal with elder abuse, Millham said. Even though there seems to be a great need for an elder abuse center and other abuse respite care, you can't get money to deal with the problem without first having statistics that show the extent of the need, she explained.

In Juneau there used to be a fairly active elder abuse task force. But the lack of reporting made it hard to keep working on the problem, according to Norma Nicholas, Nicholas, who is an advocate for elder women at the Aiding Women From Abuse and Rape Escapement (AWARF) shelter in Juneau, has no doubt that elder abuse exists in Juneau.

"What I do in public speaking to raise awareness," Nicholas said.

"Caretakers are generally the abusers," she added.

If an elder is being abused, social workers have very few options for taking them out of

the abusive situation. There is only one foster home in Juneau, according to Roseann Green, a social worker with DFYS in Juneau. And that home is licensed to care for only five people.

Green referred one elderly man to the foster home when conditions at his own home became intolerable.

Three generations were living in the same home, Green said. The grandson kept demanding money from the grandfather. He'd take the grandfather's money and spend it through the bars with him, spending his money and security tampering him.

"The grandfather's son was distressed and, as was cooperative," Green said. "We placed the grandfather in an adult foster home and he was delighted."

The Juneau man was lucky. Many seniors being abused or neglected have no options in their communities. In many Alaskan communities there are no adult care foster homes, nursing homes, or even adequate humanitarian services to help relieve the stress and strain that a firm leads to abuse by a caregiver.

In Fairbanks, for instance, where there is an active and effective elder abuse task

force, there are few alternatives for elders who are being abused or neglected.

"Some of the folks just aren't appropriate for foster care," said Flay MacIver, staff manager for the Fairbanks office of DFYS. "And medically they don't qualify for nursing home care," she added. The big need is for an intermediate care facility. Currently, a person has to go to Anchorage to get that sort of care, she said.

The 1983 elder abuse reporting law allows an elder to refuse help, to halt an investigation into reported abuse. Often, a senior does just that, especially when the only alternative is an abusive situation in a foster home or an unfamiliar city far from friends and relatives.

What follows on these two pages are individual stories about Alaskan seniors in abusive situations. These are elders who have been physically abused, financially abused or neglected. As with many elder abuse situations in Alaska, the only "respite" to some of these seniors was a decision to continue to put up with the situation, for lack of better alternatives.

But social workers in elder abuse programs are sometimes as hard to come by in Alaska as the statistics that define the extent of the problem.

## Statistics on Abuse

ALASKA'S elder abuse reporting statute requires people in a number of professions to call the Department of Health and Social Services' Division of Family and Youth Services (DFYS) if they suspect a person 60 or older is suffering harm.

Below are statistics from reports made to DFYS from July 1987 through June 1989. Pat O'Brien with DFYS in Juneau explained that the numbers don't add

up in all categories because of differing reporting practices in DFYS offices around the state. Some reports contain just the name and age of the person abused, O'Brien said.

If a case was not confirmed, that does not mean there was no abuse occurring, O'Brien said. Sometimes it meant a caller would not talk to DFYS, or a DFYS worker could not get in touch with the person.

Number of Reports	
Age 60 and over	278
Age 60 - 64	28
Age 65 - 69	186
Total	492
Sex of Victim	
Male	185
Female	305
Type of Harm	
Abandonment	17
Abuse	171
Economic Harm	127
Neglect	173
Relationships of Perpetrator to Victim	
Wife	7
Husband	40
Son	43
Daughter	19
Other Male Family Member	30
Other Female Family Member	19
Other Male	49
Other Female	68
Did the Victim Consent that the Investigation be Terminated?	
Yes	117
No	180
Type of Reporter	
Anonymous	160
Other	77
Was the Report Confirmed?	
Yes	160
No	184

Source: Division of Family and Youth Services, Department of Health and Social Services Adult Protection Services Annual Report, Fiscal Year ending June 30, 1989.

## Neglect: Devastating as physical blows

James James was selling himself regularly. A couple of times he was found in the cold in Bethel without enough clothes on. Though his family was supposed to pay his bills, buy his food and take care of his medical needs, they did not. Old age assistance checks were being cashed on James' behalf but he wasn't getting the money. "Everybody thought it was anonymous," said a Division of Family and Youth Services (DFYS) social worker in Bethel. "Everything needed to be done."

James (not his real name), in his 70s, was a victim of elder abuse. He wasn't being beaten, he was neglected. For an elderly person who can't take care of himself, neglect can be just as devastating as outright physical blows.

Bethel Community Health Director Dr. Orace Alford remembers another one elder man with a dislocated shoulder. He was brought in five or six days after it happened.

His wife was an alcoholic, and so was his son. The man couldn't take care of himself and had fallen out of bed.

They let him sit for days, Alford said. And that kind of injury hurts his back, she added.

Alford, who had practiced in Chicago where she saw much more elder abuse, credits an Eskimo hunter for saving her holding down the

Alford has seen people put up with less-than-desirable conditions to stay with their families.

There are many elderly in the Bethel area, said the social worker who related the story of James James, but few victims of elder abuse. If she had to guess, the social worker said she would put the number of elder abuse reports at no more than one or two a month.

But both the social worker and Alford say there are probably more cases than they are aware of. James' family neglected him because they were drinking, the social worker said. They didn't pay attention to James' needs.

He needed help changing himself, he couldn't hear, and he was almost blind, the social worker said.

DFYS handled James' problem by holding family meetings. At the meetings the family admitted that they were unable to care for James.

DFYS tried to get James into the Arapahoe Apartments, under housing in

Bethel, where he could stay with another relative, but there wasn't any space available. So James was sent to a nursing home in Seward, far from friends and relatives.

He died two years later. "I don't think he really wanted to leave," the social worker said. "If he had a choice he would have stayed in the condition he was staying in," she added.

Alford has seen people put up with less-than-desirable conditions to stay with their families.

Alford told the story of an elderly woman who had a stroke and was determined to stay with her daughter, even though the daughter had her own family to care for.

Alford got reports that the daughter was neglecting her mother. But after visiting the home, Alford determined the daughter was doing the best she could.

The mother was admitted to bed and referred to come to the hospital for rehabilitation, Alford said. She needed constant care, she needed to be turned every two hours, to be fed and bathed.

"Mom" was a 14-hour nursing home patient," Alford said. Still, Alford remembered the mother to be allowed to remain in the home and helped the daughter get homecare services.

A home-care nurse came and helped the daughter with these few hours a day.

It gives the son my nose-give a break, Alford said.

# They love their children so they deprive themselves

When money that could pay for warm clothes and food is regularly taken from an elder by younger relatives and used for something else, an alert social worker would likely classify this as elder abuse.

But for too often, the elder person isn't aware of being abused. And even if they don't like the situation, they don't want anyone coming in to try to fix it.

"They don't understand the word 'abuse,'" said Agnes Moore, an elder abuse worker at Fairbanks Women in Crisis-Developing Assistance (WIC-DA).

Moore, 68, has seen many younger relatives manipulating grandmothers or grandfathers to get the elder's money. The elder may not understand there are options, and they may not even think Moore's

agency is trying to help, Moore explained.

"Because they love their children and grandchildren, they deprive themselves of their own needs," Moore said.

"By the end of the month they don't have enough food or clothing."

And in Fairbanks, where winter is severe, lack of adequate clothing can be serious.

"I can't go in there and say 'stop doing that,'" Moore said. "It's their own life."

That is one major difference between elder abuse and child abuse. In cases of suspected child abuse, a social worker can take the child away from the family if he or she is being harmed.

"We can intervene against a child's will," said Play

**In a real low voice the Kaltag woman whispered, 'I don't know why she does it.'**

MacPhee, staff manager for the Fairbanks office of the Division of Family and Youth Services (DFYS).

In elder abuse, the elder must be willing to accept services, and often that doesn't happen, MacPhee said.

"It's hard for an elder to admit that maybe it's their child abusing them. It's a shameful thing," MacPhee said.

Remains the law recognizes that older people are capable of making their own decisions, the court can intervene without the elder's consent only after an elder is declared incompetent, according to MacPhee.

Many of the cases Moore sees do not involve incompetent elders, just frail or dependent elderly being taken advantage of by children or younger members of the community.

"I know one case where the mother is crippled and has a drinking problem," Moore said. Her son takes money away from her, telling her she is no good.

He sees her drinking so an attempt to argue with her.

"She gets so drunk she gives money to people of him. . . he beats her up if she doesn't give it to him," Moore said.

Moore spoke with another woman from Kaltag whose daughter was suspected of beating her. The mother denied that her daughter broke her arm and told Moore she fell on the wet pile.

"I speak her language," Moore said. "And I told her her daughter was abusing her," Moore said.

In a real low voice the Kaltag woman whispered, "I can't know why she does it."

That was all the woman would say about the abuse.

"She knows it's there," Moore said. But she depends on her daughter for everything.

"She (the daughter) cleans house, gets water and wood for me," the woman told Moore. With out her daughter, the woman said, she simply couldn't manage.

# Physical abuse: He'd rather handle it himself

Jim McKay's stepson tried to make an item about him.

One day when McKay (not his real name) reached down to turn off the TV, his stepson caught him off guard and belted him one.

McKay, in his 70s, is a victim of elder abuse. Like a number of other Alaskan elder abuse victims, he says he'd rather handle it himself, with police help when necessary, than get involved with restraining orders or the state social service bureaucracy.

"I'm (the stepson) anxious

you, you drink, push people around," McKay explained of his 26-year-old stepson.

More than once McKay has called the police to kick the stepson out of the house.

McKay, a recovering alcoholic himself, is a small self-penned man with a shock of graying hair and an infectious smile.

"I wasn't afraid," McKay said. "I didn't want to hurt him because I know this man about me. . . If I start I'd go a little too far and it don't pay. . . I'm too old to

spend time in that place where these kids are," he said.

Even after his wife's death, McKay has been harassed by her children.

They tormented him the new home he moved into. He and his wife — who was part Native — had qualified for the home before she died. Afterwards, the lender assured McKay he could continue his application for the house, even though one of the qualifications of ownership was Native ancestry. The stepchildren didn't agree.

"They wanted to get the house for themselves," McKay said. He offered to let them live with him and even offered to let his stepson live in the old trailer run-down.

Nothing seemed to satisfy them. The stepchildren would get drunk and become abusive to McKay.

The stepson kicked down the door of McKay's new home. His stepdaughters stole family photos and mementoes while McKay was out. One stepdaughter physically attacked McKay, pushing him in the face.

and smacking him all over the face.

McKay explained that he tried to hold his own and was able to wiggle free.

The last time the police came to take the stepson, McKay saw their report. It listed every time they had to intervene between McKay and the stepson.

The policeman told McKay he could get a restraining order from the court to stop his stepson from contacting him, but McKay refused.

McKay hasn't seen his stepson since.

## Where to report abuse

If you suspect elder abuse contact the nearest Division of Family and Youth Services (DFYS) office. DFYS staff is required to investigate all reports of elder abuse and to provide protective services where needed. The investigation will be terminated upon the elder's request.

- Anchorage, general reporting number 278-1600; David Tard, 285-6018; Andy Linn, 285-6008.
- Fairbanks, 328-1844.
- Juneau, Kamona Green, 633-1882.
- Kotzebue, Randall Eiken, 226-0811.

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These JTPA classes are employment-oriented and have helped many seniors return to work with new skills.

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Focus call Jane at Older Persons Action Group, Inc. 278-1008.



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