

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7443 SENATE HEALTH EDUCATION & SOCIAL SERVICES

HB 480: An Act relating to the bonding of hearing aid dealers.

HB 480 would remove the requirement for individual employees of a hearing aid dealer to be bonded. It would also increase the amount of bonding for the dealer to increase from \$5,000 to \$10,000 if the dealer has employees.

The department supports these changes.

We would recommend allowing "or a certificate of deposit payable to the State of Alaska in trust for the licensee" to be inserted everywhere a bond is mentioned. Some insurance companies do not like writing small bonds. Additionally, some licensees prefer to earn interest on their money. The certificate of deposit does not have a premium fee for its purchase.



Glenn A. Olds, Commissioner

Date:

4. 7. 92

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# FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. ~~143~~: CSHB 511

Revision Date: \_\_\_\_\_ Dept. Affected Health and Social Services  
 Title: An act relating to Public Home Providers BRU: Division of Family and Youth Services  
 Component: Central Office  
 Sponsor: Reps. Mackie, Ellis, Lincoln, Larson, Gonzales, Jacko  
 Requestor: Representative Mackie COMPONENT SERIAL NO. 0259

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

| OPERATING              | FY93        | FY94       | FY95       | FY96       | FY97       | FY98       |
|------------------------|-------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      | 0.0         |            |            |            |            |            |
| TRAVEL                 | 0.0         |            |            |            |            |            |
| CONTRACTUAL            | 20.0        |            |            |            |            |            |
| SUPPLIES               | 0.0         |            |            |            |            |            |
| EQUIPMENT              | 0.0         |            |            |            |            |            |
| LAND & STRUCTURES      | 0.0         |            |            |            |            |            |
| GRANTS, CLAIMS         | 0.0         |            |            |            |            |            |
| MISCELLANEOUS          | 0.0         |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>20.0</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>REVENUE</b>         |             |            |            |            |            |            |

**FUNDING:** (Thousands of Dollars)

|               |             |            |            |            |            |            |
|---------------|-------------|------------|------------|------------|------------|------------|
| GENERAL FUND  | 20.0        |            |            |            |            |            |
| FEDERAL FUNDS |             |            |            |            |            |            |
| OTHER         |             |            |            |            |            |            |
| <b>TOTAL</b>  | <b>20.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

Estimate of current year impact: None

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

Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights and due process for such an individual. Section 9 requires that the regulations be adopted by March 15, 1993. A contract will be obtained to draft, conduct public hearings, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services staff manuals to implement the changes, and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill.

Prepared by: Brian Saylor, Deputy Commissioner  
 Division: Division of Family and Youth Services  
 Approved by Commissioner: Theodore A. Mala, MD, MPH  
 Agency: Department of Health and Social Services

Phone: 465-3030  
 Date: March 17, 1992  
 Date: 3/20/92

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

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 511

Revision Date: \_\_\_\_\_ Department Affected: Public Safety

Title: "An Act relating to public home care providers providing for effective date." BRU: Alaska State Troopers

Sponsor: Representative Mackie Component: Detachments

Requestor: Representative Mackie COMPONENT SERIAL NO. 

|  |   |   |   |
|--|---|---|---|
|  | 7 | 9 | 9 |
|--|---|---|---|

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

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

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

|              |     |     |     |     |     |     |
|--------------|-----|-----|-----|-----|-----|-----|
| REVENUE      |     |     |     |     |     |     |
| FUND SOURCE: | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

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

Prepared By: Francis C. Allan Phone: 269-5691

Division: Alaska State Troopers Date: 2/24/92

Approved by Commissioner: Richard L. Burton

Agency: Department of Public Safety Date: 2/25/92

*R.S. Mackie*

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill No. CS HB 511 (HESS)

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING         | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS & CLAIMS   |       |       |       |       |       |       |
| TOTAL OPERATING   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |
| CAPITAL           |       |       |       |       |       |       |
| REVENUE           |       |       |       |       |       |       |

FUNDING: (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUNDS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| TOTAL         | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *(Signature)* Phone: 264-8228  
 Division: Alaska Court System Date: 03/02/92  
 Approved by: Arthur H. Snowden, II, Administrative Director *(Signature)*  
 Agency: Alaska Court System Date: 03/02/92

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

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 511

Revision Date: \_\_\_\_\_  
Title: "An Act relating to public home care providers..."  
Sponsor: Representative Mackie  
Requestor: Representative Mackie

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations and Medicaid Provider Fraud  
COMPONENT SERIAL 

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Expenditures/Revenues: (Thousands of Dollars)

93 and 1410

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

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director  
Division: Administrative Services  
Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law

Phone: 465-3672  
Date: March 2, 1992

Date: March 2, 1992

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 511

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

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

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

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

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 511

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

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

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

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

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

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

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

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

Section 12. This is the effective date section.

REPRESENTATIVE  
JERRY MACKIE

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CRAIG, ALASKA 99921  
(907) 826-3008 OFFICE  
(907) 826-2930 HOME

CHAIRMAN,  
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,  
TRANSPORTATION COMMITTEE

# Alaska State Legislature



WHILE IN JUNEAU  
ALASKA STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-4925

## House of Representatives

### MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair  
Senate HESS Committee

FROM: Representative Jerry Mackie

DATE: April 28, 1992

RE: HB 511

Arliss

A handwritten signature, likely of Jerry Mackie, consisting of several loops and a final flourish.

Attached, please find back-up documentation for HB 511 scheduled to be heard in Senate HESS Committee on Wednesday, April 29. I would like to thank you for expeditiously scheduling HB 511 to be heard in your committee.

This bill will require criminal background checks of care-givers employed by publicly funded home care services agencies. It will also mandate the Department of Health and Social Services to keep a public register of verified reports of harm caused by home care providers.

HB 511 will prevent those providing home care services to the elderly and disabled from assuming powers of attorney from a client, unless the power is held jointly with a neutral person. The Department of Health and Social Services will also be required to set regulations governing the investigation of reports of harm by home care providers.

I would appreciate your favorable consideration of this legislation.

Thank you.

## CS FOR HOUSE BILL NO. 511 (JUDICIARY)

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

1. CSHB 511 (Judiciary)
2. Sectional Analysis - CSHB 511 (Jud)
3. Sponsor statement - Representative Jerry Mackie
4. Letter of support - Department of Law
5. Fiscal note - Department of Law  
Legal services BRU  
Operations component  
Medicaid Provider Fraud component
6. Fiscal analysis - Department of Law
7. Position paper - Dept. of Health and Social Services
8. Fiscal note - Dept. of Health and Social Services  
DFYS BRU  
Central office component
9. Fiscal note - Dept. of Public Safety  
Alaska State Troopers BRU  
Detachments component
10. Fiscal note - Alaska Court System  
Trial Courts BRU
11. Position paper - Older Alaskans Commission
12. Committee minutes - House HESS Committee

REPRESENTATIVE  
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CHAIRMAN,  
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,  
TRANSPORTATION COMMITTEE

# Alaska State Legislature



WHILE IN JUNEAU  
ALASKA STATE CAPITOL  
JUNEAU, ALASKA 99801-1182

(907) 465-4925

## House of Representatives

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

#### CS HB 511 (Jud) "An Act relating to public home care providers; and providing for an effective date"

HB 511 will mandate quality assurances within the home care provider industry. Services providing protection, intervention and investigation of crimes against the elderly and disabled are presently inadequately funded and facing additional cutbacks.

The legislature and the Department of Health and Social Services are fast pursuing Medicaid waivers and options for home and community based care.

Additionally, the Department of Health and Social Services recently launched a new home care services program. This program is a collaborative effort of the Divisions of Public Health, Medical Assistance and Mental Health and Developmental Disabilities.

All of these factors push Alaska to the precipice of an explosion in home and community based care when combined with a burgeoning aging population and a staggering unmet demand for home and community based care.

In anticipation of the expected growth in the home care services industry I am seeking to legislate quality assurances and enhanced protections for the clients of these services.

HB 511 restricts the assumption of powers of attorney by a public home care provider over the client to whom the care-giver provides in-home services. We must remove any opportunities for abuse and exploitation by care-givers placed in the private residences of these persons who are least able to protect themselves.

HB 511 will mandate criminal background checks for home care providers. This will include both state and federal

Sponsor Statement  
CSHB 511 (Jud), Home Care Providers  
April 13, 1992

criminal histories. The Judiciary CS will require the employer agency to request records under AS 12.62.035 within two weeks of the first day of employment. The employer will be allowed one week to review these records upon receipt.

HB 511 will require the Department of Health and Social Services to promulgate regulations that will provide an established procedure or protocol between the Department and the home care services agency when a care giver is charged with abusing or exploiting a client. These regulations shall provide for a grievance procedure that will allow the alleged abuser due process. These regulations shall protect the due process and constitutional rights of the alleged abuser as well as the alleged victim. These regulations will also require the department to address these concerns in the due course of the grantor/grantee relationship with contract agencies. Contracts shall include provisions ensuring the State of Alaska that the contracting agency employer will not interfere in the course of any investigation of an allegation of abuse of a client.

These regulations shall be adopted by March 15, 1993 with a report to the legislature by February 1, 1992. This report shall not be elaborate, simply a report of departmental findings with an update on the status of the regulations and their expected date of completion.

Additionally, HB 511 will require that the Department of Health and Social Services shall, upon request, disclose the number of verified reports of harm that were the result of actions or inactions of a public home care provider. Currently, the Department is required to furnish information as to the number of verified reports of harm occurring at an institution for care of the elderly. This added requirement will provide access by family members to information that is critical to making informed decisions regarding care arrangements.

Please note that the term "respite care" is not referred to in section 8. This is because "family respite care" is a term already defined for the Older Alaskans Commission programs covered by section 8. Instead, "family respite care" is added to section 6 and section 7, therefore it does not need to be part of the definition of "home care services" in section 8.

## CS FOR HB 511 (JUDICIARY)

### SECTIONAL ANALYSIS

Section # 1 - AS 13.26 (Decedents Estates, Guardianships and Trusts; Protection of Persons Under Disability and Their Property; Statutory form power of attorney) - Amended

--Amended to prohibit a public home care provider from accepting a designation as attorney in fact or agent by general or special power of attorney for an individual to whom the provider furnishes in-home services unless the designation is held jointly with another individual who is not employed by the same entity.

Section # 2 - AS 47.05 (Welfare, Social Services and Institutions; Administration of Welfare, Social Services and Institutions) - Amended

--Amended to require criminal background checks for home care providers. Criminal records shall be requested under AS 12.62.035(a) (Code of Criminal Procedure: Criminal Justice Information Systems Security and Privacy; Access to certain crime information) within 10 business days after the provider is hired and are to be reviewed within five business days of receipt. Any entity, grantee or contractor would be precluded from receiving state money for the provision of home care services unless records for previous criminal history are requested.

NOTE: This criminal history will include records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving any sex crimes of a person who holds or applies for a position of employment in which the person will have supervisory or disciplinary power over a minor or dependent adult. A copy of the information will also be provided to the person who is the subject of the request.

--The Department of Health and Social Services will be required to adopt regulations that identify actions that it will take when reports of harm are received and the harm is caused by the actions or inactions of a public home care provider. Additionally, the regulations will address circumstances under which the department

CS HB 511 (Judiciary)  
Sectional Analysis  
April 14, 1992

will require a contractor or grantee to reassign, suspend or terminate a person alleged to have perpetrated harm. The regulations will include procedural safeguards to protect the due process rights of the care giver.

Section # 3 - AS 47.10.230 (Welfare, Social Services & Institutions: Delinquent Minors and Children in Need of Aid; Powers and duties of department over care of child)  
- Amended

--Amended to address criminal background checks for respite care service providers.

Section # 4 - AS 47.24.050(b) (Protection of Elderly Persons and Disabled Adults: Confidentiality of reports)  
- Amended

--Amended to provide disclosure of the number of verified reports of harm caused by a public home care provider; similar to the current law's requirement relating to institutions.

Section # 5 - AS 47.24.100 (Protection of Elderly Persons and Disabled Adults: Definitions) - Amended

--Amended to provide a definition for the purposes of sections 2 - 4.

Section # 6 - AS 47.65.050 (Protection of Elderly Persons and Disabled Adults: Service Programs for Older Alaskans; Administrative requirements) - Amended

--Amended to prohibit the Older Alaskans Commission from making payments to a sponsor of programs determined to directly benefit older Alaskans unless the sponsor or grantee has agreed to request records of criminal history for the individual who will provide the services within 10 business days after the individual is hired. The records will have to be reviewed within five business days after receiving them.

CS HB 511 (Judiciary)  
Sectional Analysis  
April 14, 1992

Section # 7 - AS 47.65.100 (Protection of Elderly Persons and Disabled Adults: Service Programs for Older Alaskans; Adult Day Care and Family Respite Care) - Amended

--Amended to prohibit the Older Alaskans Commission from making payments to a sponsor whose program includes family respite care services or home care services or from awarding a grant for family respite care services or for adult day care services that include home care services, unless the sponsor or grantee has agreed to request records of criminal convictions.

Section # 8 - AS 47.65.290 (Protection of Elderly Persons and Disabled Adults: Service Programs for Older Alaskans; Definitions) - Amended

--Amended to add a definition of "home care services." "Home care services" means homemaker services, chore services, personal care services, home health care services or similar services in or around the residence of the client of the services.

NOTE: Respite care is not referred to in this section because "family respite care" is a term already defined for the Older Alaskans Commission programs. "Family respite care" is covered by this CS in sections 6 and 7. Therefore, it does not need to be part of the definition of "home care services" in section 8.

Section # 9 - Regulations

--The Department of Health and Social Services shall adopt the regulations enacted by section 2 of this Act, by March 15, 1993. The department shall report to the legislature by February 1, 1993 on the status of the regulations process.

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

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/25/92  
 Referred: Finance

Sponsor(s): REPRESENTATIVES MACKIE, Ellis, Lincoln, Larson, Gonzales, Jacko

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

12           Sec. 47.05.017. HOME CARE PROVIDERS. (a) State money may not be used for a  
 13 home care provider unless records under AS 12.62.035(a) are requested for the provider within  
 14 10 business days after the provider is hired to provide the care and are reviewed within five

1 business days after they are received. The department shall require the grantee or contractor to  
2 do the records request and review required under this subsection for a home care provider  
3 employed by a person who has a grant or contract from the department to provide home care  
4 services.

5 (b) The department shall adopt regulations identifying actions that it will take, in addition  
6 to those otherwise required under AS 47.17 and AS 47.24, when a report of harm is made under  
7 AS 47.17 or AS 47.24 that might relate to harm caused by actions or inactions of a public home  
8 care provider. The regulations must

9 (1) address circumstances under which the department will, or will require a  
10 contractor or grantee to, reassign, suspend, or terminate a person alleged to have perpetrated  
11 harm; and

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

15 (c) In this section, "public home care provider" means a person who is paid by the state,  
16 or by an entity that has contracted with the state or received a grant from state funds, to provide  
17 homemaker services, chore services, personal care services, home health care services, or similar  
18 services in or around a client's private residence or to provide respite care in either the client's  
19 residence or the caregiver's residence or facility.

20 \* Sec. 3. AS 47.10.230 is amended by adding a new subsection to read:

21 (h) The department may not pay for respite care, as defined in (d) of this section, unless  
22 the department or the entity that has contracted with the department to provide the respite care  
23 requests records under AS 12.62.035(a) for the individual who provides the respite care within  
24 10 business days after the individual is hired to provide respite care and reviews the records  
25 within five business days after receiving them.

26 \* Sec. 4. AS 47.24.050(b) is amended to read:

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

31 \* Sec. 5. AS 47.24.100 is amended by adding a new paragraph to read:

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

2 \* Sec. 6. AS 47.65.050 is amended by adding a new subsection to read:

3 (b) The commission may not make payments to a sponsor whose program includes  
4 family respite care services or home care services unless the sponsor has agreed to request  
5 records under AS 12.62.035(a) for the individual who will provide the services within 10 business  
6 days after the individual is hired to provide the services and review the records within five  
7 business days after receiving them.

8 \* Sec. 7. AS 47.65.100 is amended by adding a new subsection to read:

9 (f) The commission may not award a grant under this section for family respite care  
10 services or for adult day care services that include home care services unless the grantee has  
11 agreed to request records under AS 12.62.035(a) for the individual who will provide the services  
12 within 10 business days after the individual is hired to provide the services and review the  
13 records within five business days after receiving them.

14 \* Sec. 8. AS 47.65.290 is amended by adding a new paragraph to read:

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

18 \* Sec. 9. REGULATIONS. The Department of Health and Social Services shall adopt the regulations  
19 required under AS 47.05.017(b), enacted by sec. 2 of this Act, by March 15, 1993. By February 1,  
20 1993, the department shall report to the legislature on the status of the regulations process.

21 \* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 5, 1992

## REPLY TO:

- 1031 W 4th AVENUE SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 276-3550  
FAX: (907) 276-3697
- 1st NATIONAL CENTER  
100 CUSHMAN ST. SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 452-1568  
FAX: (907) 456-1317
- P.O. BOX K—STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 463-5295  
465-3603

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

Re: SB 511

Dear Representative Mackie:

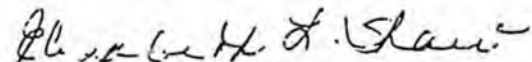
Thank you for asking the Department of Law to review SB 511. I have talked with your staff and with staff of legislative affairs, division of legal services, regarding the bill. We specifically discussed those sections of the bill that require the Department of Health and Social Services to notify an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

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

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

Sincerely,

CHARLES E. COLE  
ATTORNEY GENERAL

By:   
Elizabeth L. Shaw  
Assistant Attorney General

ELS:jh

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## Older Alaskans Commission

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### POSITION PAPER

#### COMMITTEE SUBSTITUTE FOR HOUSE BILL 511 (Judiciary)

#### "An Act relating to public home care workers"

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The Older Alaskans Commission supports passage of Committee Substitute for House Bill 511 (Judiciary).

This bill adds several new protection for seniors and other disabled persons who use the services of public home care providers. The bill would

- 1) forbid public home care workers from accepting a client's designation to hold a power of attorney, unless the power is jointly held with a neutral person;
- 2) require the Department of Health and Social Services to promulgate regulations no later than March 1993 as to how it will investigate reports of harm by home care workers, which regulations must include provisions for worker re-assignment to protect clients and protection for the due process rights of the worker;
- 3) forbid state agencies from paying for home care unless the employing home care agency agrees to timely request and review criminal background checks on all home care workers.
- 4) require the Department of Health and Social Services to keep a public register of verified reports of harm caused by a home care provider.

This bill covers home care and respite services provided under grants awarded by the Older Alaskans Commission as well as other publicly funded home care services.

The Older Alaskans Commission understands that the Department of Health and Social Services has submitted a one-time-only fiscal note of \$20,000 for writing the new regulations and training its social workers and lawyers in the new procedures. The Older Alaskans Commission understands that public dollars are very limited this year, but would recommend that the Governor and Legislature support this modest fiscal note.

The dollars will be well spent, to carry out preventive efforts that can save many hundreds of thousands of public dollars in investigations and legal actions. Also, this bill, once fully implemented by the regulations, should defer and prevent many instances of financial and physical exploitation or abuse of elderly or disabled persons. The public costs which may be avoided by this bill seem to justify the small fiscal note.

The Older Alaskans Commission urges passage of CSHB 511 (Judiciary).

Approved:

|   |  |
|---|--|
|  |  |
| Howard Vaughn, Chairman<br>Legislative Subcommittee<br>Older Alaskans Commission  | Janet Helen Gamble<br>Chairman<br>Older Alaskans Commission                        |

Date: April 13 1992

HOUSE BILL 511

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

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

Applicability

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

Section 1

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

Sections 2 and 3

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

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

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

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

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

## Section 4

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

## Sections 5 and 11

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

## Section 6

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

## Sections 7, 8 and 12

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

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

# POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

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

## Task Force

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

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

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

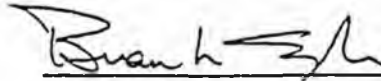
We strongly believe the department with legislative support has a responsibility to bring this problem out of the closet. This state has people qualified to address an APS System. We think that it is time for a small task force of experts and selected community professionals to address APS issues and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

# POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

## Position

The Department supports House Bill 511 with amendments.



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

Date: 3/4/92



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

Date: 4 March 1992

## ELDER ABUSE FUNDING IN HEALTH & SOCIAL SERVICES

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

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

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

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

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

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

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

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

|                | FY83   | FY85   | FY88    | FY89    | FY90    |
|----------------|--------|--------|---------|---------|---------|
| Population 65+ | 15,149 | 10,133 | 20,397  | 21,885  | 22,459  |
| Population 18+ |        |        | 369,446 | 374,618 | 380,609 |

MEMORANDUM

STATE OF ALASKA

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

DATE: 1/2/91

TO: Russ Webb  
Acting Director

FROM: Pat O'Brien  
Social Services  
Program Officer

RE: Adult Protective Services (APS) Positions

FILE: 1750

You asked that I reconstruct the APS history of positions.

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

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

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

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

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

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

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

|                 |   |   |
|-----------------|---|---|
| Central Office: | Field Administrator                     | - Elizabeth Muktarian   |
|                 | Assoc.Coord. Rng.18                     | - Jane Miller   |
| Anchorage       | : Supervisor SW IV                      | -- - Gladys Langdon   |
|                 | 5 Social Worker III's                   | John Burke,<br>Jerry Swenson,<br>Doris Julian,<br>Dorothy Emmons, and<br>Gary Mandzik |
|                 | Clerk Typist                            | ?   |
| Fairbanks       | : Supervisor SW IV                      | ? PCN 3724  |
|                 | Social Worker III                       | Lare Lamm PCN 3725  |
| Juneau          | : Social Worker III                     | Lisa Clough   |
|                 | half time                               |   |
| Ketchikan       | : Social Worker                         | ?   |
|                 | half time                               |   |
| Bethel          | : Social Worker III                     | ?   |
|                 | half time                               |   |
|                 | (unable to confirm the Bethel position) |   |

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

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

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

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



## AGE 65+ POPULATION INCREASE

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

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

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

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

## This Issue

page

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

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

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

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

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

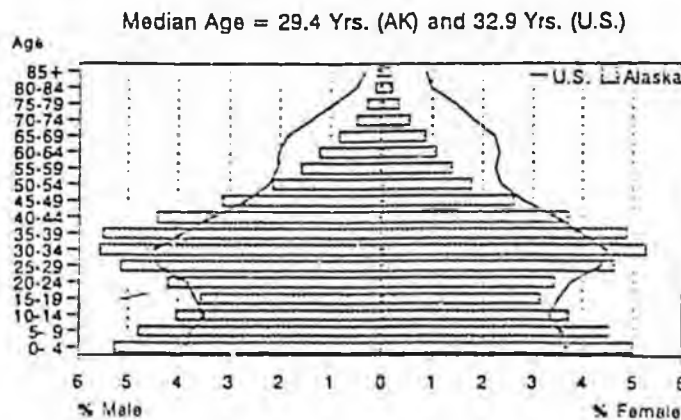
Table 1  
Population Comparison for  
Persons 65 Years and Older for the  
State/Census Areas/Boroughs — 1980 & 1990

|                                      | 1980   | Change |         | Percent |
|--------------------------------------|--------|--------|---------|---------|
|                                      |        | 1990   | 1980-90 |         |
| Alaska                               | 11,547 | 22,369 | 10,822  | 93.72   |
| Aleutians East Borough               | 45     | 58     | 13      | 28.89   |
| Aleutians West C.A.*                 | 62     | 82     | 20      | 32.26   |
| Anchorage Borough                    | 3,520  | 8,258  | 4,738   | 134.60  |
| Bethel C.A.                          | 431    | 657    | 226     | 52.44   |
| Bristol Bay Borough                  | 25     | 42     | 17      | 68.00   |
| Dillingham C.A.                      | 122    | 205    | 83      | 68.03   |
| Fairbanks North Star Borough         | 1,276  | 2,540  | 1,264   | 99.06   |
| Haines Borough                       | 76     | 182    | 104     | 133.33  |
| Juneau Borough                       | 771    | 1,364  | 593     | 76.91   |
| Kenai Peninsula Borough              | 827    | 2,015  | 1,188   | 143.65  |
| Ketchikan Gateway Borough            | 642    | 907    | 265     | 41.28   |
| Kodiak Island Borough                | 255    | 425    | 170     | 66.67   |
| Lake and Peninsula Borough           | 47     | 85     | 38      | 80.85   |
| Matanuska-Susitna Borough            | 730    | 1,866  | 1,136   | 155.62  |
| Nome C.A.                            | 339    | 419    | 80      | 23.60   |
| North Slope Borough                  | 148    | 197    | 49      | 33.11   |
| Northwest Arctic Borough             | 249    | 281    | 32      | 12.65   |
| Prince of Wales-Outer Ketchikan C.A. | 151    | 216    | 65      | 43.05   |
| Sitka Borough                        | 361    | 492    | 131     | 36.29   |
| Skagway-Yakutat-Angoon C.A.          | 192    | 235    | 43      | 22.40   |
| Southeast Fairbanks C.A.             | 142    | 223    | 81      | 57.04   |
| Valdez-Cordova C.A.                  | 295    | 463    | 168     | 56.95   |
| Wade Hampton C.A.                    | 178    | 258    | 80      | 44.94   |
| Wrangell-Petersburg C.A.             | 353    | 507    | 154     | 43.63   |
| Yukon-Koyukuk C.A.                   | 308    | 392    | 84      | 27.27   |

\*C.A.= Census Area

Source: 1990 Census of Population and Housing, STF1A

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



Alaska Dept. of Labor, Research and Analysis  
Demographics Unit



Alaska Sport Shop



P. O. Box 1069  
4th and Main Street  
Haines, AK 99827  
Telephone: (907) 766-2441  
FAX: (907) 766-2745

February 1, 1992

Mr. Ted Mala, Commissioner  
State Department of Health and Social Services  
Box 110601  
Juneau, AK 99811-0601

Dear Mr. Mala:

At the request of Representative Jerry Mackey, I am writing to bring to your attention an experience that has greatly angered and embarrassed me as a citizen of the state of Alaska. The situation involves an elderly lady who has been a prominent figure of our community for over 40 years. Unfortunately her age has progressed and disabilities have set in. Recently, I was amazed to learn that, irregardless of preliminary estate and financial planning done by this lady through her own lawyer, she has been subjected to financial, as well as physical and mental abuse from a healthcare giver employed on a full-time basis. Friends in the community have worked desperately to try and assist, as much as society will allow.

To our consternation, however, reality has shown us the extremely fragile position our state allows these elderly people to be in. Within the last year, any and all attempts to correct this situation have been accomplished after great expenditure of time and personal assistance from only her close friends within this community.


In order to protect our elderly and otherwise incapacitated population, and to keep this incredible scenario from happening again, I feel that the state should take two simple steps by way of new or existing legislation, as follows:

- 1) All doctors or healthcare givers are required to become cognizant of and report any signs of physical or mental abuse to appropriate authorities.
- 2) Anyone providing legal counsel must be required to likewise report to proper authorities their knowledge of any attempt to gain or to take someone's financial resources.

We look forward to continuing our work with Representative Mackey to correct this problem, and hopefully by the end of the current legislative session it will be passed into law. This case is not isolated, and you may well be aware of similar ongoing instances in which this legislation would be very important and beneficial.

Thank you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "David L. Olerud", written in black ink.

David L. Olerud

/lao

P. O. Box 1069  
Haines, AK 99827

May 9, 1991

State Representative Johnny Ellis  
Seventeenth Alaska State Legislature  
Interdepartmental Mail Stop  
P. O. Box V  
Juneau, AK 99811

Dear Representative Ellis:

This letter is in regard to the subject of protection for the elderly population of Alaska, and also in response to my telephone conversation with Vickie. I wholeheartedly feel that we can and must provide a blanket of protection to our elderly and those who are incapacitated in any way. These objectives could best be met by placing into law the following:

1. Those persons providing either public or private care/services to the elderly or otherwise incapacitated people, would be denied the following perogatives:
  - a) Caregivers could not assume or be placed under any powers of attorney, last wills or testaments, or joint bank accounts.
2. Responsibility should be placed upon those who provide outside physical, mental, or material services. A degree of responsibility must be constantly maintained so that any physical neglect or mental abuse must be reported to the proper authorities. In other words, the elderly and disadvantaged should also be allowed the same lawful protection currently given to young people in relationship to child abuse.

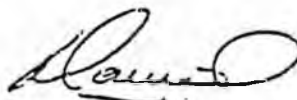
Page Two

Recent personal experiences which I related in my earlier letter to State Representative J. Mackie (copy enclosed) have led me to believe that the state of Alaska has allowed a tremendous void to take place in relation to this particular grouping of people. The sad part is that each of us could undoubtedly have a high percentage chance of being in this same situation, and thus state mandated protection is extremely necessary.

With your abilities and dedication, I know that this problem can be corrected. If I can assist in way, I would be more than honored to do so.

Thank you for your time and effort.

Sincerely,



David E. Olerud

/lao  
Enclosure

✓ cc: State Representative Jerry Mackie (w/o encl.)

P. O. Box 1069  
Haines, AK 99827

State Representative Jerry Mackie  
Seventeenth Alaska State Legislature  
Interdepartmental Mail Stop 3100  
P. O. Box V  
Juneau, AK 99811

Dear Representative Mackie:

In response to our telephone conversation today, I wish to recap in writing the subject of our discussion, which I feel should be very closely evaluated.

In the last few months, I've received an educational experience pertaining to personal and legal problems confronting an elderly lady with whom my wife and I have been close friends for almost 30 years. And, it occurs to me that this situation is undoubtedly representative of similar occurrences elsewhere.

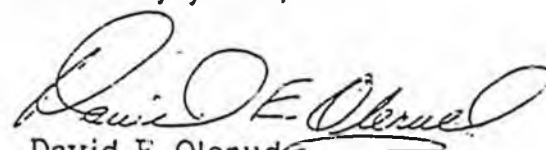
This particular individual is suffering from advanced stages of Parkinson's disease. In her prime she was extremely sharp, and quite possibly one of the most dynamic and mentally alert persons in our community, at which time she took great pains to organize the necessary papers, etc., that would oversee her desires upon her death. We now find her to be maybe one-hundredth of her mental capabilities, but most unfortunately, we are seeing tremendous stress being placed on her in relation to the wealth that she accumulated during her lifetime. The situation is a prime example of how older or otherwise incapacitated people can become very susceptible to outside mental control. One of the ways I believe we can protect these people, and give greater security with less pressure later on in life, is legislation that mandates those who provide care or services for innumeration in any way, be barred from holding power of attorney, participation in wills, or even joint-bank accounts. I very strongly believe that a third party outside of those who provide personal services, should act as a buffer to prevent mental intimidation and transfer of wealth.

Page Two

I will look favorably upon any legislation that will protect these people who are so vulnerable. I realize your time is in great demand, and I very much appreciate your phone call and interest.

Thank you, and if I can be of any assistance, it would be my pleasure.

Sincerely yours,



David E. Olerud

March 25, 1991

|                        |                         |                            |
|------------------------|-------------------------|----------------------------|
| TO: <i>Vicki Irwin</i> | FROM: <i>P O'Brien</i>  | DATE: <i>2/14/92</i>       |
| FAX #.: <i>2299</i>    | <i>By your request.</i> | PAGE: INCLUDING THIS PAGE  |
|                        | FAX #:                  | PHONE #: <i>465-2145 2</i> |

## ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

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

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

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

Adult Protective Services Reports of Harm\*

| <u>Number of Reports:</u>   | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> | <u>1989</u> | <u>Avg.</u> | <u>%</u> |
|---|-------------|-------------|-------------|-------------|-------------|-------------|----------|
| 65 and over:  | 137         |             | 155         | 275         | 225         | 198         | 54       |
| 60 - 64   | 21          |             | 40          | 28          | 39          | 32          | 9        |
| 18 - 60   | 87          |             | 122         | 185         | 143         | 134         | 37       |
| <u>Sex of Victim:</u>   |             |             |             |             |             |             |          |
| Male  | 85          |             | 118         | 185         | 161         | 137         | 38       |
| Female  | 160         |             | 199         | 303         | 247         | 227         | 62       |
| <u>Type of Harm:</u>  |             |             |             |             |             |             |          |
| Abandonment   | 10          | 11          | 11          | 17          | 7           | 11          | 3        |
| Abuse   | 128         | 117         | 65          | 171         | 126         | 121         | 34       |
| Economic Harm   | 40          | 69          | 133         | 127         | 98          | 93          | 26       |
| Neglect   | 67          | 129         | 100         | 173         | 177         | 129         | 37       |
| <u>Relationship of Perpetrator to Victim:</u>                       |             |             |             |             |             |             |          |
| Wife  | 18          |             | 8           | 7           | 8           | 10          | 4        |
| Husband   | 41          |             | 30          | 40          | 31          | 36          | 14       |
| Son   | 40          |             | 24          | 43          | 64          | 43          | 17       |
| Daughter  | 16          |             | 18          | 19          | 41          | 24          | 10       |
| Other Male Family Member  | 32          |             | 10          | 30          | 34          | 27          | 10       |
| Other Female Family Member  | 25          |             | 15          | 19          | 25          | 21          | 8        |
| Other Male  | 31          |             | 64          | 46          | 63          | 51          | 20       |
| Other Female  | 20          |             | 38          | 62          | 51          | 43          | 17       |
| <u>Did the Victim Request That the Investigation be Terminated?</u> |             |             |             |             |             |             |          |
| Yes   | 61          |             | 80          | 117         | 163         | 105         | 44       |
| No  | 116         |             | 85          | 160         | 183         | 136         | 56       |
| <u>Type of Report:</u>  |             |             |             |             |             |             |          |
| Mandatory   | 88          |             | 123         | 169         | 151         | 133         | 67       |
| Other   | 63          |             | 79          | 77          | 48          | 67          | 33       |
| <u>Was the Report Confirmed?</u>                                    |             |             |             |             |             |             |          |
| Yes   | 142         | 202         | 152         | 150         | 222         | 174         | 62       |
| No  | 31          | 94          | 145         | 124         | 129         | 105         | 38       |

REPORTS OF HARM\*

|      | <u>65 and older</u><br>(all ages combined) | <u>60-65</u> | <u>18-55</u> | <u>TOTAL</u> |
|------|--|--------------|--------------|--------------|
| FY84 |  |              |              | 72           |
| FY85 | 137  | 21           | 87           | 245          |
| FY86 | 98   | 39           | 195          | 332          |
| FY87 | 155  | 40           | 122          | 317          |
| FY88 | 275  | 28           | 185          | 488          |
| FY89 | 226  | 39           | 143          | 408          |

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

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

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

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

Sex of Victim:

|        |     |
|--------|-----|
| Male   | 161 |
| Female | 247 |

Type of Harm:

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

\*Relationship of  
Perpetrator to Victim:

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

Did the Victim Request that  
the Investigation be Terminated:

|      |     |
|------|-----|
| Yes: | 163 |
| No:  | 183 |

Type of Reporter:

|            |     |
|------------|-----|
| Mandatory: | 151 |
| Other:     | 48  |

\*Was the Report Confirmed:

|      |     |
|------|-----|
| Yes: | 222 |
| No:  | 129 |

INCREMENT/DECREMENT DESCRIPTION (limit to 98 characters)

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

AGENCY CONTACT/PHONE NUMBER:

Frank Hickey 465-3002

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

In FY 89 nearly 1,300 elderly Alaskans over age 60 (one in 25) another 600 vulnerable adults between the ages of 18 and 59 also received protective services. However, the number of persons who actually need protection is probably substantially greater. Studies indicate that, as with child abuse, the reported instances of abuse, neglect, and exploitation of elderly and vulnerable adults represents only a portion of the actual incidents. There has been no study of the unreported incidence of adult abuse in Alaska, however, there is a consensus among advocacy groups that the rate of reporting is below the actual incidence. In many instances persons in need do not seek the service and others request that intervention be terminated because the level of response is inadequate or the services needed are not available. The following illustrates the growth in the at risk population of elderly adults and in the need for services and the decline in capacity to respond to this need:

| Year                                 | 1983     | 1985     | 1988     | Percent Change |
|--------------------------------------|----------|----------|----------|----------------|
| Population Age 65+                   | 15149(1) | 18133(1) | 25526(2) | + 221%         |
| Reports of Harm to Vulnerable Adults | 72(3)    | 310      | 488      | + 678%         |
| DFYS Adult Service Staff             | 11       | 0        | 3.5      | - 314%         |

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

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

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

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

IMPACT FROM CAPITAL PROJECT (NAME)

Chapter SLA Page/Line

INCREMENT/  
C5 DECREMENT  
REQUEST

Agency Priority of

AGENCY Health & Social Services  
BRU Family Services  
COMPONENT Western Region  
PROJECT \_\_\_\_\_

FY 91

Page 1 of 5

Revised Date: 11/10/89

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

3/5/92

*House News*

3/6/92

*" "*

H B

5 1 2

3111 C STREET, SUITE 455  
ANCHORAGE, ALASKA 99503  
(907) 581-7628

WHILE IN SESSION  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3704

# ALASKA STATE HOUSE



CHAIR  
RULES COMMITTEE

JUDICIARY

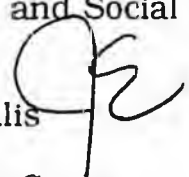
SPECIAL COMMITTEE ON INTERNATIONAL  
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

## MEMORANDUM

TO: Senate Health, Education and Social Services  
Committee Members

FROM: Representative Johnny Ellis 

SUBJECT: House Bill 512--Education Goals

DATE: May 4, 1992

Thank you for your consideration of House Bill 512, "An act establishing goals for public education and student performance." House Bill 512 establishes a statewide vision of what students should be able to achieve from their education.

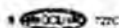
House Bill 512 passed the House last week without opposition.

### THE PROPOSED GOALS

The major points covered by these proposed Alaska Education Goals include:

- the widely accepted belief that **all students** can learn and that an education should provide a working knowledge of science, language arts, social studies, math, physical education & health, and the fine arts.
- eight goals that further articulate that students graduating from school will be able to:
  - think logically and critically
  - accept personal responsibility for sustaining oneself economically
  - communicate effectively
  - discover and nurture creative talents
  - have positive self-esteem
  - master technological skills
  - be committed to health and fitness
  - be a responsible citizen

*continued*



The bill's language incorporates recommendations from two groups:

- the Alaska State Board of Education adopted these standards for student performance in November of 1990 after three years of discussion, debate and research.
- the Alaska's Youth Ready for Work project also identified critical skills, values and attitudes important to the workplace.

The Department of Education's Alaska 2000 Project's Student Outcomes Assessment Committee has adopted the identical primary goals that the former Board of Education proposed. These goals have been incorporated into this legislation.

### **THE CURRENT EDUCATION POLICY**

"It is the policy of this state that the purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them."  
(AS 14.03.015)

We need to have a sharpened academic mission and establish clear and specific goals that define what is expected of our students at the time of their graduation from the public school system.

When President Bush called the nation's governors to an education summit, they set in motion the effort to establish outcomes for student performance. The trend across the country is for states to establish the very clear goals they expect public schools to achieve.

**Since millions of dollars are spent on public education** around the state, we need to have a clear message sent to the school districts about the education outcomes we expect them to achieve. Local school boards retain all of their current authority under this legislation.

Our future as Alaskans will depend on the quality of our education, the level of our skills and the productivity of our citizens. We can aid in this effort by establishing education goals *now*.

Thank you for your consideration.

3111 C STREET, SUITE 455  
ANCHORAGE, ALASKA 99503  
(907) 581-7628

WHILE IN SESSION  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 485-3704

# ALASKA STATE HOUSE

CHAIR  
RULES COMMITTEE

JUDICIARY

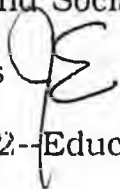
SPECIAL COMMITTEE ON INTERNATIONAL  
TRADE & TOURISM

LEGISLATIVE COUNCIL

## REPRESENTATIVE JOHNNY ELLIS

### MEMORANDUM

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

FROM: Representative Johnny Ellis 

SUBJECT: Scheduling of House Bill 512--Education Goals

DATE: April 28, 1992

I am writing to respectfully request your consideration of H. B. 512 in the Senate Health, Education and Social Services Committee at your earliest convenience. House Bill 512 establishes a statewide vision of what students should be able to achieve from their education.

House Bill 512 passed the House today without opposition.

The bill's language incorporates recommendations from two groups:

- the Alaska State Board of Education adopted these standards for student performance in November of 1990 after three years of discussion, debate and research.
- the Alaska's Youth Ready for Work project also identified critical skills, values and attitudes important to the workplace.

The Department of Education's Alaska 2000 student outcomes assessment committee started their process with the former Board of Education's list of goals which have been incorporated in this legislation. They have adopted these same eight goals, so HB 512 is in sync with the work of Alaska 2000.

Since millions of dollars are spent on public education in Alaska, we need to have a clear message sent to the school districts about the education outcomes we expect them to achieve. Local school boards retain all of their current authority under this legislation.

Our future as Alaskans will depend on the quality of our education, the level of our skills and the productivity of our citizens. We can aid in this effort by establishing education goals *now*.

Thank you for your consideration.



A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR STURGULEWSKI

TO: CSHB 512(HES) am

Page 2, line 10:

Delete "have"

Insert "demonstrate"

Page 2, line 12:

Delete "have"

Insert "demonstrate"

Page 2, line 13:

Before "process"

Insert "access,"

After "process"

Insert ", "

Page 2, after line 14:

Insert a new subparagraph to read:

"(I) read, understand, and apply written information faced in daily life;"

Page 3, after line 4:

Insert a new subparagraph to read:

"(F) demonstrate understanding and openness in group settings;"

Page 3, line 15, after "confident":

Insert ", assertive,"

Page 3, line 16:

Delete "recognize and appreciate"

Insert "demonstrate an appreciation for one's own"

Page 3, line 18, after "cooperation,":

Insert "mutual understanding,"

Page 3, line 19, after "master":

Insert "essential vocational"

Page 3, lines 26 - 27:

Delete all material and insert:

"(E) understand the overall purpose of equipment and the proper procedures for setup and operation;"

Page 4, line 14:

Delete all material and insert:

"(G) know effective parenting skills to nurture healthy growth and development in others;"

7-LS2052M ✓  
Dierdorff  
5/4/92

SENATE CS FOR CS FOR HOUSE BILL NO. 512 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES ELLIS, Ulmer, Brown, B.Davis, Bruckman, Koponen, Davidson

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing goals for public education and student performance."

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

3 \* Section 1. PURPOSE. It is the purpose of this Act to establish goals for public education in the  
4 state. It is not the purpose of this Act to recommend a specific curriculum or to diminish the right of  
5 each school district to establish a curriculum in that school district.

6 \* Sec. 2. AS 14.03.015 is repealed and reenacted to read:

7 Sec. 14.03.015. MISSION FOR PUBLIC EDUCATION. The mission of the public  
8 school system is to help ensure that all students succeed in their education and wrck, shape  
9 worthwhile and satisfying lives, exemplify the best values of society and their respective cultures,  
10 and be effective in improving the character and quality of the world about them. It is the joint  
11 responsibility of students, parents, schools, and the community to achieve the mission described  
12 in this section.

13 \* Sec. 3. AS 14.03 is amended by adding a new section to read:

14 Sec. 14.03.017. GOALS FOR STUDENT PERFORMANCE. The public school system

1 shall be operated with the recognition that all students can learn. The goal of the system is to  
2 develop successful students. A successful student will graduate and the process of learning  
3 should include the following:

4 (1) a working knowledge of science, language arts, social studies, mathematics,  
5 physical education and health, and fine arts;

6 (2) the ability to think logically and critically including the ability to

7 (A) think clearly about new information and ideas;

8 (B) solve problems through different ways of questioning and analysis;

9 (C) be open to new ideas and be curious about the world and self;

10 (D) demonstrate skills needed to make good decisions;

11 (E) understand and use mathematical and scientific ideas;

12 (F) demonstrate good study skills and habits;

13 (G) access, process, and integrate information;

14 (H) evaluate and improve ideas through discussions with other people;

15 (3) an acceptance of personal responsibility for sustaining a person economically  
16 including the critical skills, competencies, values, and attitudes to be successful in work, whether  
17 of a cash or subsistence nature, including the ability to

18 (A) be confident, able, and prepared for opportunities in the local, national,  
19 and international workplace;

20 (B) understand the value of and necessity for lifelong learning, including  
21 the ability to teach oneself new skills to adjust to a changing workplace;

22 (C) show initiative, dependability, punctuality, and to strive for accuracy  
23 and efficiency on the job;

24 (D) willingly accept advice, supervision, and criticism and to be a good  
25 team member in the workplace;

26 (E) be safety conscious;

27 (F) be a critical consumer with skills for making informed choices;

28 (G) recognize how success in school relates to a person's future;

29 (4) the ability to communicate effectively including the ability to

30 (A) talk about feelings, ideas, and concepts with clarity;

31 (B) be a good listener;

- 1 (C) read, understand, and respond to written information faced in daily  
 2 life;
- 3 (D) appreciate the value of reading as a lifelong activity;
- 4 (E) write well for a variety of purposes and audiences;
- 5 (F) demonstrate understanding and openness in group settings;
- 6 (5) the ability to discover and nurture creative talents including the ability to
- 7 (A) appreciate the world around us;
- 8 (B) take part in activities that cut across fields of study;
- 9 (C) understand our world and its past, present, and future and be able to
- 10 express this understanding in a variety of ways and with different media;
- 11 (D) respect and encourage the creative talents of individuals and groups;
- 12 (E) demonstrate the knowledge and skills needed to express ideas in
- 13 literature, visual arts, music, dance, and drama;
- 14 (6) knowledge of how to develop positive self-esteem including the ability to
- 15 (A) know how to set and achieve personal goals;
- 16 (B) be confident, assertive, and flexible;
- 17 (C) demonstrate an appreciation for one's own talents and strengths;
- 18 (D) form satisfying relationships with others based on respect, trust,
- 19 cooperation, mutual understanding, and appreciation of cultural differences;
- 20 (7) the ability to master essential vocational and technological skills including the
- 21 ability to
- 22 (A) communicate and compete in the global market with computers, video,
- 23 audio, and other technologies;
- 24 (B) use up-to-date technology to gather, analyze, organize, and evaluate
- 25 information and opinions and apply that technology to solve problems;
- 26 (C) critically evaluate information presented in the mass media;
- 27 (D) use computers to process and organize information;
- 28 (E) evaluate and apply technology and analyze its effect on society and
- 29 the environment;
- 30 *new* (F) be knowledgeable about and work effectively with social,
- 31 organizational, and technological systems;

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*new*

- (G) distinguish trends and predict effects on the operation of systems;
- (H) prevent, identify, and solve or correct problems and malfunctions in systems and in equipment used in technological systems and suggest modifications to systems to improve performance;
- (I) select procedures, tools, or equipment, including computers and related technological resources;
- (J) understand the overall purpose of equipment and the proper procedures for setup and operation;
- (8) the ability to understand the values of health and fitness including the ability
- to
- (A) understand the skills and apply the knowledge needed to promote physical and mental health;
- (B) respond constructively to life's social, environmental, and physical changes;
- (9) knowledge of the values of responsible citizenship including the ability to
  - (A) understand and participate in the democratic process;
  - (B) achieve the values, knowledge, and ethical behaviors needed to participate in a democratic society;
  - (C) learn to recognize and appreciate the contribution of peoples from other countries and cultures;
  - (D) be aware of and appreciate languages other than English;
  - (E) achieve skills in leadership, cooperation, communication, and social responsibility;
  - (F) understand one's relationship to the environment and be committed to the wise use of resources;
  - (G) know effective parenting skills to nurture healthy growth and development in others;
  - (H) understand the past.

## State Board okays statewide educational outcomes

The State Board of Education on October 12, 1990, adopted eight major outcomes for public education in Alaska. The adoption of the outcomes is a major stepping stone towards developing an education system that shares its responsibilities among schools, parents, businesses and the local community, and makes sure that everyone is working to provide students the skills, knowledge and attitudes they will need for a successful life.

The unanimous board action on the outcomes follows several years of development and the involvement of numerous groups and individuals. The board has held meetings with many education groups, state and local parent organizations, employers and others. Last spring the board mailed a brochure to 15,000 leaders of school businesses, parent and other organizations throughout the state. Five months later, return mailers are still trickling into the Department of Education.

In adopting the outcomes, the board called on local school boards and district officials to join in partnership with parents and others in their communities to develop local outcomes based on the statewide outcomes and to devise ways of measuring whether the outcomes are being met.

The board calls the outcomes "state standards for student performance."

*Adopted October 12, 1990*

### State Outcomes for Public Education

The State Board of Education believes that public education is the responsibility of everyone — students, parents, schools, and communities. The Outcomes for Public Education are the state standards for student performance.

The State Board of Education believes all students can learn; that a student's public education should provide a working knowledge of science, language arts, social studies, mathematics, physical education/health, and the fine arts; and that each student graduating from a public school will:

#### Have positive self-esteem

1. Know how to set and achieve personal goals.
2. Be confident and flexible.
3. Recognize and appreciate personal talents and strengths.
4. Form satisfying relationships with others based on respect, trust, cooperation, and compassion.

#### Communicate effectively

1. Talk about feelings, ideas, and concepts with clarity.
2. Be a good listener.
3. Read, understand and respond to written information faced in daily life.
4. Appreciate the value of reading as a lifelong activity.
5. Write well for a variety of purposes and audiences.

#### Think logically and critically

1. Think clearly about new information and ideas.
2. Solve problems through different ways of questioning and analysis.
3. Be open to new ideas and be curious about the world and self.
4. Have the skills needed to make good decisions.
5. Understand and use mathematical and scientific ideas.
6. Have good study skills and habits.
7. Process and integrate information.
8. Evaluate and improve ideas through discussions with other people.

*(continued on back)*

**Discover and nurture creative talents**

1. Appreciate the world around us.
2. Take part in activities that cut across fields of study.
3. Understand our world and its past, present, and future. Be able to express this understanding in a variety of ways and with different media.
4. Respect and encourage the creative talents of individuals and groups.
5. Demonstrate the knowledge and skills needed to express ideas in literature, visual arts, music, dance, and drama.

**Master technological skills**

1. Communicate in the global society with computers, video, audio, and other technologies.
2. Use technology to gather, analyze, and evaluate information and opinions.
3. Critically evaluate information presented in the mass media.
4. Use computers to process and organize information.
5. Evaluate the uses of technology and its impact on society and the environment.

**Be a responsible citizen**

1. Understand and participate in the democratic process.
2. Possess the values, knowledge, and ethical behaviors needed to participate in a democratic society.
3. Have the knowledge, skills, and attitudes to be a citizen of the world who accepts and respects differences in peoples and cultures.

**Be a responsible citizen**

*(continued)*

4. Be aware of and appreciate languages other than English.
5. Possess skills in leadership, cooperation, communication, and social responsibility.
6. Understand one's relationship to the environment and be committed to the wise use of resources.
7. Know parenting skills.
8. Understand the past.

**Be committed to health and fitness**

1. Understand the skills and apply the knowledge needed to promote physical and mental health.
2. Respond positively to life's social, environmental, and physical changes.

**Accept personal responsibility for sustaining oneself economically**

1. Be prepared for opportunities in the local, national, and international work place.
2. Understand the value of, and necessity for, life-long learning.
3. Possess the skills, values, and work habits necessary for employment.
4. Be a critical consumer with skills for making informed choices.
5. Recognize how doing well in school relates to one's future.

*This information is incorporated in  
HB512.5 Section 2, subsection 3.*



**Alaska's Youth: READY FOR WORK?**

## **Success in work requires:**

---

### **CRITICAL SKILLS AND COMPETENCIES**

#### **Reading**

Able to comprehend written material and take appropriate action.

#### **Speaking**

Can express ideas clearly and concisely to individuals and in groups; has good customer communication skills; gives clear directions.

#### **Writing**

Spells correctly and writes legibly; can express ideas clearly and concisely, write a business letter, and fill out forms properly.

#### **Listening**

Able to comprehend what is said and take appropriate action.

#### **Math computation**

Able to apply basic skills with accuracy in addition, subtraction, division, multiplication and use of fractions and percentages as needed to solve problems and accomplish work.

#### **Problem solving**

Can identify source of problem; demonstrates good common sense; is creative and innovative.

#### **Information management and use of technology**

Able to use computers to access information; familiar with common applications of technology in the workplace.

#### **Knowing how to learn**

Able to teach oneself new skills; able to seek and use new information appropriately.

#### **Applying what is learned**

Possesses various skills including the more complex kinds of thinking, such as reasoning, analysis, and problem solving; able to apply principles of business.

#### **Working with others**

Able to work as a productive team member; able to share information.

#### **Good manners**

Shows courtesy and respect towards others.

#### **Looking for work**

Able and confident to identify job opportunities, complete a job application, prepare a resume, and promote himself/herself during an interview.

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### **CRITICAL VALUES (THE "WORK ETHIC")**

#### **Honesty and integrity**

Bases actions on a personally held set of values; can be trusted to follow the rules even when supervisors are not present; keeps his/her word.

#### **Willing to accept advice, supervision, criticism**

Has high self-esteem and does what is asked; accepts criticism and uses it to improve job performance.

#### **Dependability/follows through on assignments**

Will do what is asked; if can't complete the task, will let someone know so that there are no surprises about work not being done.

*continued*

**Good attendance/on-time**

Can be depended upon to be at work except for very good reasons, such as illness or death in the family; is at his/her work station ready to begin work on time.

**Accuracy of work/no waste**

Is careful and avoids mistakes; if mistakes are made, will correct the errors; takes pride in work well done; holds high standards; will report any deviation from company standard.

**Productive/ adequate output of work**

Shows initiative; is ambitious; figures out how to get the job done; works as efficiently as possible to get the job done.

*These critical skills, values, and attitudes were identified by the CEOs, personnel directors, and other employer representatives and revised by RFW after a state-wide review by educators, parents, students, and other community members.*

**CRITICAL ATTITUDES**

**Responsible/self-disciplined**

Is a self-starter; is committed to and accountable for work assigned; does not just do the bare minimum to get the job done; is loyal to the employer.

**Willing to learn/pride in doing a good job**

Is flexible, willing, and able to respond to change in work assignments or learn new technology and new ways of doing things; is willing to do the job over until he/she gets it done right.

**Safety-conscious**

Always thinks about safety in every aspect of the job; takes responsibility for his/her own actions and notices and corrects unsafe situations in the workplace; does not always have to be told to use safe procedures; concerned for the safety of others.

**Manages on the job stress and personal problems well**

Deals with job pressures in a positive way; does not let personal problems interfere with getting the work done, either by being distracted at work or by failing to come to work or come on time.

**Positive outlook**

Views the good in situations and works constructively to solve problems; has a positive self-image; is self-confident; sets personal goals.

**Follows rules**

Performs tasks in the prescribed manner; doesn't break rules but will work to change rules if they should be changed.

**Good team member**

Willing to share information, work and credit (praise) with other workers; puts the good of the organization above personal interests.

**Respects others**

Has good manners; shows common courtesy; appreciates multicultural diversity.

**Able to postpone gratification**

Able to see long term results of efforts on the job and willing to put in time and effort before expecting a promotion.

**Good attendance/on-time**

Can be depended upon to be at work except for very good reasons, such as illness or death in the family; is at his/her work station ready to begin work on time.

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---

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---

**"It is the policy of this state that the purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them." Alaska State Education Policy: State Statute — Sec. 14.03.015**

Ready for Work endorses the multiple goals of public schools as stated in State Statute, but focuses on the goal of education employers know best: what it takes to succeed in work.

Educators and students appear to undervalue the importance of preparing students to succeed in work or act as though it applies only to non-college bound students. RFW believes all students should have the critical skills, values, and attitudes necessary for success in work and that acquiring these skills, values and attitudes will also help students succeed in all aspects of life and be better citizens.

---



# **NFIB Alaska**

National Federation of  
Independent Business

**POSITION PAPER**

**OF**

**NATIONAL FEDERATION OF INDEPENDENT BUSINESS  
(NFIB/ALASKA)**

**TO**

**HOUSE HEALTH EDUCATION AND SOCIAL SERVICES COMMITTEE**

**MARCH 27, 1992**

**ON**

**HB 512 - ESTABLISHING EDUCATIONAL GOALS**

State Office  
9159 Skywood Lane  
Juneau, AK 99801  
(907) 789-4276



The Guardian of  
Small Business

CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS REBA JERREL, AND I AM THE STATE DIRECTOR FOR THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS - NFIB/ALASKA. I AM HAPPY TO BE HERE TODAY TO SUPPORT HB 512.

NFIB/ALASKA IS COMPRISED OF 5,292 SMALL AND INDEPENDENT BUSINESS OWNERS. THE LEGISLATIVE AGENDA OF NFIB/ALASKA IS DETERMINED BY OUR BALLOT. THE BALLOT IS OUR ANNUAL POLL OF OUR MEMBERS ON A SERIES OF ISSUES DEEMED CRITICAL TO SMALL BUSINESS. A MAJORITY VOTE, OF THE MEMBERS IN RESPONSE TO THE POLL, SETS OUR POLICY AND POSITION ON LEGISLATIVE ISSUES. WE THEN SHARE THE RESULTS OF OUR POLL WITH THE LEGISLATURE AND ADMINISTRATION.

ON THE 1992 STATE BALLOT WE ASKED OUR MEMBERS A SERIES OF QUESTIONS ON WORKPLACE LITERACY:

Have you had difficulty finding employees with the skills necessary to fill a position within your firm?

65% Yes                      31% No                      4% No Opinion

Should legislation be enacted requiring the inclusion of basic workplace curriculum in the state's definition of "basic education"?

72% Yes                      28% No                      0% Undecided

On average, how much time do you estimate that you spend in training a "new" employee?

4% One day or less  
19% One week or less  
33% 2 to 4 weeks  
44% More than 4 weeks

What kinds of training do you most often have to provide for new employees?

6% Basic reading and writing skills  
11% Basic mathematics  
45% Office procedures  
28% Basic behavior standards  
31% Punctuality  
37% Accountability  
45% Responsibility taking

25% Dress code  
13% None of the above.

SMALL BUSINESS OWNERS ARE INVESTORS IN AND CONSUMERS OF THE ALASKA PUBLIC SCHOOL SYSTEM. THEY PAY TWICE, THROUGH BOTH PERSONAL PROPERTY AND BUSINESS TAXES, IN ORDER TO HELP FINANCE THE EDUCATION SYSTEM. ALSO, AS SMALL BUSINESS OWNERS, THEY TYPICALLY PROVIDE THAT ALL IMPORTANT FIRST JOB FOR HIGH SCHOOL STUDENTS AND GRADUATES.

WITH THIS DUAL ROLE AS BOTH INVESTOR AND CONSUMER, SMALL BUSINESS OWNERS ARE IN A UNIQUE POSITION TO ASSESS HOW WELL THE SCHOOLS IN ALASKA ARE DOING IN TERMS OF PRODUCING A GOOD "PRODUCT" - GRADUATES WHO HAVE THE CORE COMPETENCIES NEEDED TO EMBARK ON A SUCCESSFUL CAREER, AND AT A REASONABLE PRICE.

I AM HAPPY TO NOTE THAT PAGE 2, SECTION (3) IS DEVOTED TO OUTLINING THE CRITICAL SKILLS, COMPETENCIES, VALUES AND ATTITUDES NECESSARY TO BE SUCCESSFUL IN THE WORKPLACE.

SINCE IT IS GETTING LATE IN SESSION AND THIS IS THE ONLY COMMITTEE OF REFERRAL, I WOULD URGE YOU TO MOVE THE BILL OUT OF COMMITTEE AS SOON AS POSSIBLE.

NFIB/ALASKA THANKS YOU FOR THE OPPORTUNITY TO COMMENT IN FAVOR OF THIS LEGISLATION. IF YOU HAVE ANY QUESTIONS I WOULD BE HAPPY TO TRY AND ANSWER THEM.



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

APR 21 1992

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### JUNEAU OFFICE

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FAX: (907) 586-2744

### FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435  
FAX: (907) 456-2159

March 15, 1992

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

Dear Johnny:

NEA-Alaska urges your support for the Committee Substitute for House Bill 512 (HES); *"An Act establishing goals for public education and student performance."*

The mission and goals were developed through thoughtful discussions between members of the legislature, the Alaska State School Board, the PTA, School Administrators, NEA-Alaska and other members of the public.

The mission and goals are lofty. However, we would say: "If our reach does not exceed our grasp what else are the heavens for?"

We may only achieve our potential if we know what we aspire to achieve. It is the role of government to establish the mission and goals for our public schools and HB 512 is a positive statement toward that end.

Thank you for your consideration.

Sincerely,

Don Oberg

LE05/Edgoals/

H B

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## 1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Development  
 Title: An Act relating to the Board of Medicine: BRU: Occupational Licensing  
persons licensed by the Board of Medicine:... Component: Administration  
 Sponsor: Reps. B. Davis, Bruckman  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 

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|---|---|---|---|

## Expenditures/Revenues: (Thousands of Dollars)

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

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|---------|-----|-----|-----|-----|-----|-----|

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|---------|-----|-----|-----|-----|-----|-----|

## FUNDING: (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| OTHER         | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL         | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

## POSITIONS:

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

Estimate of current year impact: None

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

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

Prepared By: Jennifer Strickler Phone: 465-2144  
 Division: Occupational Licensing Date: 05/05/92  
 Approved by Commissioner: Glenn A. Olds Date: 5.6.92  
 Agency: Department of Commerce & Economic Development

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

# ALASKA STATE LEGISLATURE

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

STATE CAPITOL  
JUNEAU AK 99801-1182  
(907) 465-3875/4894



VICE CHAIR  
HEALTH, EDUCATION  
& SOCIAL SERVICES

COMMUNITY AND  
REGIONAL AFFAIRS  
INTERNATIONAL TRADE  
AND TOURISM

CHAIR  
CHILDREN'S CAUCUS

**REPRESENTATIVE BETTYE DAVIS**

DISTRICT 14 SEAT B • EAST ANCHORAGE • MULDOON

## S P O N S O R   S T A T E M E N T

I appreciate the committee members hearing CSHB 514 (Judiciary).

CSHB 514 (Judiciary) strengthens the State Board of Medicine and medical practitioner program by requiring investigation of physicians who are mentally ill or cognitively impaired.

Section 1 of CSHB 514 immunizes anyone making a good faith report about a medical practitioner licensed under AS 08.64. This provision only applies to persons making reports about medical practitioners licensed under AS 08.64 and does not relate to other licensed professionals under AS 08.

This legislation fills an important gap, and, if enacted, will allow the State Medical Board to more effectively police their own and keep unfit practitioners from jeopardizing the health of Alaskans.

I would appreciate your support for CSHB 514.



# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

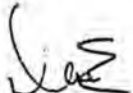
240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

May 1, 1992

**SUBJECT:** Conflicts between CSHB 514(JUD) and HCS  
CSSSSB 323(L&C)

**TO:** Senator Arliss Sturgulewski  
Attn: Mary Arthur


**FROM:** David R. Dierdorff   
Revisor of Statutes

You have asked for my comments on the consequences if both HB 514 and SB 323 passed the legislature and were signed into law in their present form. Each bill amends AS 08.02.020 by adding a new paragraph (3). The paragraphs are almost identical, except that in HB 514 the provision is limited to persons licensed under AS 08.64, while SB 323 covers a number of professions, including those licensed under AS 08.64, and does not mention mental illness or cognitive impairment.

As revisor, I try to recognize each act of the legislature to the fullest extent. Consequently, should both bills pass, I would have three options. First, I could renumber one of the two paragraphs as (4), which would result in two adjacent and somewhat redundant provisions. Second, I could relocate the paragraph enacted in HB 514 to AS 08.64, as a new provision (with appropriate editorial changes), which would have the same consequence but at least the provisions wouldn't be side by side. Third, I could treat SB 323 as the principal enactment and incorporate the substance of HB 514 in (3) when we publish AS 08.02.020(3).

I am not really happy with any of the consequences. The first two lead to confusion. The third does not pick up all the substance of HB 514 (its provisions apply to any report involving a physician, not just those relating to substance abuse, etc.).

Given the fact that the provisions could be an issue in future litigation, rather than rely on my editorial powers it would be wiser to solve the problem while the bills are before the legislature. I suggest that CSHB 514(JUD) be amended by deleting bill section 1 and adding a new bill section that would read:



Senator Arliss Sturgulewski

May 1, 1992

Page 2



\* Sec. 2. AS 08.64 is amended by adding a new section to read:

Sec. 08.64.362. LIMITATION OF LIABILITY. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report, if the report relates to a person licensed under this chapter.

This provision would still be redundant to some extent, but at least it would be preferable to any other option.

If I can be of further assistance, please advise.

DRD:gc:pl  
92-337.glc

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

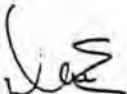
240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

May 1, 1992

**SUBJECT:** Conflicts between CSHB 514(JUD) and HCS  
CSSSSB 323(L&C)

**TO:** Senator Arliss Sturgulewski  
Attn: Mary Arthur

**FROM:** David R. Dierdorff   
Revisor of Statutes

You have asked for my comments on the consequences if both HB 514 and SB 323 passed the legislature and were signed into law in their present form. Each bill amends AS 08.02.020 by adding a new paragraph (3). The paragraphs are almost identical, except that in HB 514 the provision is limited to persons licensed under AS 08.64, while SB 323 covers a number of professions, including those licensed under AS 08.64, and does not mention mental illness or cognitive impairment.

As revisor, I try to recognize each act of the legislature to the fullest extent. Consequently, should both bills pass, I would have three options. First, I could renumber one of the two paragraphs as (4), which would result in two adjacent and somewhat redundant provisions. Second, I could relocate the paragraph enacted in HB 514 to AS 08.64, as a new provision (with appropriate editorial changes), which would have the same consequence but at least the provisions wouldn't be side by side. Third, I could treat SB 323 as the principal enactment and incorporate the substance of HB 514 in (3) when we publish AS 08.02.020(3).

I am not really happy with any of the consequences. The first two lead to confusion. The third does not pick up all the substance of HB 514 (its provisions apply to any report involving a physician, not just those relating to substance abuse, etc.).

Given the fact that the provisions could be an issue in future litigation, rather than rely on my editorial powers it would be wiser to solve the problem while the bills are before the legislature. I suggest that CSHB 514(JUD) be amended by deleting bill section 1 and adding a new bill section that would read:

Senator Arliss Sturgulewski  
May 1, 1992  
Page 2

*adopted*

\* Sec. 2. AS 08.64 is amended by adding a new section to read:

Sec. 08.64.362. LIMITATION OF LIABILITY. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report, if the report relates to a person licensed under this chapter.

This provision would still be redundant to some extent, but at least it would be preferable to any other option.

If I can be of further assistance, please advise.

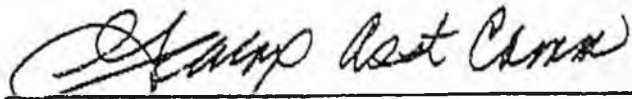
DRD:gc:pl  
92-337.glc

CSHB 514: "Impaired Medical Practitioner Program"

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

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

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



Glenn A. Olds, Commissioner

Date: \_\_\_\_\_

5.4.91



# ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2862

April 23, 1992

TO:           Judiciary Committee  
              Alaska House of Representatives

FM:           Alaska State Medical Association ~~ASMA~~

SUBJ:         House Bill 514

The Alaska State Medical Association (ASMA) strongly supports the passage of House Bill 514.

This bill would fill a gap in the duties of the State Medical Board. The bill requires that the medical board investigate physicians who are mentally ill or cognitively impaired. The State Board and the ASMA Impaired Physician Committee have become increasingly effective in dealing and/or disciplining physicians who abuse alcohol and other drugs. Indeed, the current program has become a model for others.

Currently, there exists a gap in the law concerning intervention in less than clear cut cases of mental illness or cognitive impairment, such as early Alzheimer's disease or mental impairment due to drugs even though drug abuse cannot be proven in a court of law. You cannot separate substance abuse and emotional and mental illness. All impairments are identified with a behavioral problem. Only until you identify the problem can you truly assess what the impairment might be.

This bill would make it easier to report impaired physicians and would give clear authority and liability protection for those committee's with contractual agreements.

We have provided the leadership on this issue over the past five years and have a good record in policing our own.

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

HB

545

**FISCAL NOTE**

**STATE OF ALASKA  
1992 LEGISLATIVE SESSION**

BILL NO. CSSSHB No. 545

Revision Date: April 13, 1992  
 Title: An Act providing for Medicaid Coverage  
 for .....

Department Affected: Health and Social Services  
 BRU: Medicaid  
 Component: Medicaid Non-Faciitiy

Sponsor: B. Davis, Boyer, Ellis

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

|   |   |   |   |
|---|---|---|---|
| 0 | 2 | 2 | 9 |
|---|---|---|---|

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

| OPERATING              | FY 93          | FY 94          | FY 95          | FY 96          | FY 97          | FY 98          |
|------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| PERSONAL SERVICES      |                |                |                |                |                |                |
| TRAVEL                 |                |                |                |                |                |                |
| CONTRACTUAL            | 161.9          | 112.4          | 121.9          | 132.1          | 143.4          | 155.6          |
| SUPPLIES               |                |                |                |                |                |                |
| EQUIPMENT              |                |                |                |                |                |                |
| LAND & STRUCTURES      |                |                |                |                |                |                |
| GRANTS, CLAIMS         | 1,736.3        | 2,235.9        | 2,459.5        | 2,705.5        | 2,976.1        | 3,273.7        |
| MISCELLANEOUS          |                |                |                |                |                |                |
| <b>TOTAL OPERATING</b> | <b>1,898.2</b> | <b>2,348.3</b> | <b>2,581.4</b> | <b>2,837.6</b> | <b>3,119.5</b> | <b>3,429.3</b> |

|         |  |  |  |  |  |  |
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| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

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

**FUNDING (Thousands of Dollars)**

|                       |                |                |                |                |                |                |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| GENERAL FUNDS         | 223.7          | 260.9          | 286.1          | 313.7          | 344.2          | 377.5          |
| FEDERAL FUNDS         | 980.0          | 1,193.1        | 1,311.5        | 1,441.8        | 1,585.0        | 1,742.4        |
| OTHER FUND SOURCE: IA | 694.5          | 894.3          | 983.8          | 1,082.1        | 1,190.3        | 1,309.4        |
| <b>TOTAL</b>          | <b>1,898.2</b> | <b>2,348.3</b> | <b>2,581.4</b> | <b>2,837.6</b> | <b>3,119.5</b> | <b>3,429.3</b> |

**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.)

See attached analysis. This 4/13/92 revision supersedes the 3/24/92 revision by correcting an error in the IA funding source total for FY 93 and by expanding the summary on page 3.

Prepared by: Kimberly B. Busch

Phone: 465-3355

Division: Medical Assistance

Date: 4-14-92

Approved by Commissioner: Theodore A. Mala, MD, MPH

Agency: Department of Health and Social Services

Date: 4/21/92

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

FISCAL NOTE ANALYSIS  
CSSSHB NO. 545

1. Division of Alcoholism and Drug Abuse, Rehabilitation Services and Targeted Case Management Services. See related Fiscal Notes (2). (FY 93: Start Date of 7/1/92 for position, 1/1/93 for services.)

|                 | <u>FY 93</u> | <u>FY 94</u> |                        |
|-----------------|--------------|--------------|------------------------|
| Benefit Cost    | 296.3        | 651.9        |                        |
| Claims Cost     | 49.7         | 33.0         |                        |
| RSA/Contractual | <u>38.9</u>  | <u>36.9</u>  | (for Position in DADA) |
| TOTAL COST      | 384.9        | 721.8        |                        |
| Fed Match       | 224.4        | 387.7        |                        |
| GF (RSA-DADA)   | 118.5        | 260.7        |                        |
| GF (Medicaid)   | <u>42.0</u>  | <u>73.4</u>  |                        |
| TOTAL REVENUE   | 384.9        | 721.8        |                        |

FY 93 contains one-time start-up contractual costs for the Medicaid Management Information system, consisting of 34.7 for new service modules, new edits, billing, billing system manuals and training, and new reports design. 15.0 is for processing new claims, at \$6.23 per claim. FY 94 costs for claim processing are 33.0. Contractual costs also include an RSA with the Division of Alcoholism and Drug Abuse (DADA) for the Federal (50%) matching funds for a position in that Division.

FY 94 costs for benefits are the costs for FY 93, doubled, plus 10% growth in number of recipients enrolled. A similar 10% growth is assumed for FY 95 and following for claims processing costs.

2. Division of Mental Health and Developmental Disabilities, Rehabilitation Services and Targeted Case Management Services. See related Fiscal Note.

(Start date of 7/1/92 assumed)

|                   | <u>FY 93</u> | <u>FY 94</u> |
|-------------------|--------------|--------------|
| Benefit Cost      | 1,440.0      | 1,584.0      |
| System Cost       | <u>73.3</u>  | <u>42.5</u>  |
| TOTAL COST        | 1,513.3      | 1,626.5      |
| RSA from DMHDD    | 576.0        | 633.6        |
| Fed match         | 775.0        | 823.9        |
| New Medicaid SGFM | <u>162.3</u> | <u>169.0</u> |
| TOTAL REVENUE     | 1,513.3      | 1,625.5      |

FY 93 contains one-time start-up contractual costs for the Medicaid Management Information System, consisting of 34.7 for new service modules, new edits, billing system manual and training, and new reports and existing reports redesign. Claims processing costs, at \$6.23 per claim, (6,200) are estimated to be 38.6. FY 94 and following, a 10% annual increase in claims cost are estimated. System costs are 75% federal; benefits costs are 50% Fed, 50% SGFM.

Benefits cost for FY 94 and following are FY 93 costs increased by 10% annually for recipient and utilization increases.

FY 94 is the first full year of operation of this measure. Grantees will be advantaged as follows:

|         |                |                       |
|---------|----------------|-----------------------|
| Receive | 2,235.9        | New Medicaid Payments |
| Give up | <u>1,788.6</u> | State Grant Funds     |
|         | 447.3          | Advantage to Grantees |

In FY 94, the State will be advantaged as follows:

- (a) New Federal Funds:
- |             |   |
|-------------|---|
| 1,118.0     | Fed. match (50%) for payments to grantees |
| 56.7        | Fed. match (75%) for claims processing    |
| <u>36.8</u> | Fed. match (50%) for DADA positions       |
| 1,211.5     | Total new federal funds                   |
- (b) New SGFM costs of gaining this new federal revenue:
- |             |                         |
|-------------|-------------------------|
| 260.9       | New Medicaid SGFM       |
| <u>36.9</u> | SGFM for DADA positions |
| 297.8       | Total cost to State     |
- (c) Net FY 94 General Fund savings:
- |                |   |
|----------------|---|
| 894.3          | State grant program budget reductions       |
| <u>- 297.8</u> | SGFM cost of generating new federal revenue |
| 596.5          | Net General Fund savings                    |

**FISCAL NOTE**

**STATE OF ALASKA  
1992 LEGISLATIVE SESSION**

BILL NO. CSSSHB No. 545

Revision Date: March 24, 1992 Department Affected: Health and Social Service  
 Title: An Act providing for Medicaid Coverage BRU: Medicaid  
 for ..... Component: Medicaid Non-Facility

Sponsor: B. Davis, Boyer, Ellis

Requestor: Boyer

COMPONENT SERIAL NO.

|   |   |   |   |
|---|---|---|---|
| 0 | 2 | 2 | 9 |
|---|---|---|---|

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

| OPERATING         | FY 93   | FY 94   | FY 95   | FY 96   | FY 97   | FY 98   |
|-------------------|---------|---------|---------|---------|---------|---------|
| PERSONAL SERVICES |         |         |         |         |         |         |
| TRAVEL            |         |         |         |         |         |         |
| CONTRACTUAL       | 161.9   | 112.4   | 121.9   | 132.1   | 143.4   | 155.6   |
| SUPPLIES          |         |         |         |         |         |         |
| EQUIPMENT         |         |         |         |         |         |         |
| LAND & STRUCTURES |         |         |         |         |         |         |
| GRANTS, CLAIMS    | 1,736.3 | 2,235.9 | 2,459.5 | 2,705.5 | 2,976.1 | 3,273.7 |
| MISCELLANEOUS     |         |         |         |         |         |         |
| TOTAL OPERATING   | 1,898.2 | 2,348.3 | 2,581.4 | 2,837.6 | 3,119.5 | 3,429.3 |

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|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

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|-----------------------------|--|--|--|--|--|--|
| <b>REVENUE FUND SOURCE:</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

**FUNDING (Thousands of Dollars)**

|                       |                |                |                |                |                |                |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| GENERAL FUNDS         | 223.7          | 260.9          | 286.1          | 313.7          | 344.2          | 377.5          |
| FEDERAL FUNDS         | 980.0          | 1,193.1        | 1,311.5        | 1,441.8        | 1,585.0        | 1,742.4        |
| OTHER FUND SOURCE: IA | 614.5          | 894.3          | 983.8          | 1,082.1        | 1,190.3        | 1,309.4        |
| <b>TOTAL</b>          | <b>1,898.2</b> | <b>2,348.3</b> | <b>2,581.4</b> | <b>2,837.6</b> | <b>3,119.5</b> | <b>3,429.3</b> |

**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.)

See attached analysis

Prepared by: Kimberly B. Busch *Kimberly B. Busch* Phone: 465-3355  
 Division: Medical Assistance Date: 3-24-92  
 Approved by Commissioner: Theodore A. Mala, MD, MPH *[Signature]*  
 Agency: Department of Health and Social Services Date: 4-2-92

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

FISCAL NOTE ANALYSIS  
CSSSHB NO. 545

1. Division of Alcoholism and Drug Abuse, Rehabilitation Services and Targeted Case Management Services. See related Fiscal Notes (2). (FY 93: Start Date of 7/1/92 for position, 1/1/93 for services.)

|                 | FY 93 | FY 94 |
|-----------------|-------|-------|
| Benefit Cost    | 296.3 | 651.9 |
| Claims Cost     | 49.7  | 33.0  |
| RSA/Contractual | 38.9  | 36.9  |
| TOTAL COST      | 384.9 | 721.8 |
| Fed Match       | 224.4 | 387.7 |
| GF (RSA-DADA)   | 118.5 | 260.7 |
| GF (Medicaid)   | 42.0  | 73.4  |
| TOTAL REVENUE   | 384.9 | 721.8 |

FY 93 contains one-time start-up contractual costs for the Medicaid Management Information system, consisting of 34.7 for new service modules, new edits, billing, billing system manuals and training, and new reports design. 15.0 is for processing new claims, at \$6.23 per claim. FY 94 costs for claim processing are 33.0. Contractual costs also include an RSA with the Division of Alcoholism and Drug Abuse (DADA) for the Federal (50%) matching funds for a position in that Division.

FY 94 costs for benefits are the costs for FY 93, doubled, plus 10% growth in number of recipients enrolled. A similar 10% growth is assumed for FY 95 and following for claims processing costs.

2. Division of Mental Health and Developmental Disabilities, Rehabilitation Services and Targeted Case Management Services. See related Fiscal Note.

(Start date of 7/1/92 assumed)

|                   | FY 93   | FY 94   |
|-------------------|---------|---------|
| Benefit Cost      | 1,440.0 | 1,584.0 |
| System Cost       | 73.3    | 42.5    |
| TOTAL COST        | 1,513.3 | 1,626.5 |
| RSA from DMHDD    | 576.0   | 633.6   |
| Fed match         | 775.0   | 823.9   |
| New Medicaid SGFM | 162.3   | 169.0   |
| TOTAL REVENUE     | 1,513.3 | 1,625.5 |

FY 93 contains one-time start-up contractual costs for the Medicaid Management Information System, consisting of 34.7 for new service modules, new edits, billing system manual and training, and new reports and existing reports redesign. Claims processing costs, at \$6.23 per claim, (6,200) are estimated to be 38.6. FY 94 and following, a 10% annual increase in claims cost are estimated. System costs are 75% federal; benefits costs are 50% Fed, 50% SGFM.

Benefits cost for FY 94 and following are FY 93 costs increased by 10% annually for recipient and utilization increases.

In FY 94, the first full year of operation of this measure, the state will receive 1,211.6 in new federal funds. Grantees will be advantaged as follows:

|         |              |                       |
|---------|--------------|-----------------------|
| Receive | 2,235.9      | New Medicaid Payments |
| Give up | <u>894.3</u> | State Grant Funds     |
|         | 1,341.6      | Advantage to Grantees |

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSSSHB545

Revision Date: 3/19/92

Department Affected: Health & Social Services

Title: An Act Providing for Medicaid Coverage

BRU: Community Mental Health Grants

Component: Services to CMI, Services to SED Youth

Sponsor: B. Davis

0800

Requestor: Boyer

COMPONENT SERIAL NO.

|   |   |   |   |
|---|---|---|---|
| 1 | 4 | 3 | 6 |
|---|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING         | FY 93   | FY 94   | FY 95   | FY 96   | FY 97   | FY 98   |
|-------------------|---------|---------|---------|---------|---------|---------|
| PERSONAL SERVICES |         |         |         |         |         |         |
| TRAVEL            |         |         |         |         |         |         |
| CONTRACTUAL       |         |         |         |         |         |         |
| SUPPLIES          |         |         |         |         |         |         |
| EQUIPMENT         |         |         |         |         |         |         |
| LAND & STRUCTURES |         |         |         |         |         |         |
| GRANTS, CLAIMS    | (576.0) | (633.6) | (697.0) | (766.7) | (843.4) | (927.7) |
| MISCELLANEOUS     |         |         |         |         |         |         |
| TOTAL OPERATING   | (576.0) | (633.6) | (697.0) | (766.7) | (843.4) | (927.7) |

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| CAPITAL |  |  |  |  |  |  |
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|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

FUNDING (Thousands of Dollars)

|                    |         |         |         |         |         |         |
|--------------------|---------|---------|---------|---------|---------|---------|
| GENERAL FUNDS      | (576.0) | (633.6) | (697.0) | (766.7) | (843.4) | (927.7) |
| FEDERAL FUNDS      |         |         |         |         |         |         |
| OTHER FUND SOURCE: |         |         |         |         |         |         |
| TOTAL              | (576.0) | (633.6) | (697.0) | (766.7) | (843.4) | (927.7) |

POSITIONS:

|            |  |  |  |  |  |  |
|------------|--|--|--|--|--|--|
| FULL-TIME  |  |  |  |  |  |  |
| PART-TIME  |  |  |  |  |  |  |
| TEMPORARY: |  |  |  |  |  |  |

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Margaret Lowe, M.Ed., Ed.S. *Margaret Lowe* Phone: (907)465-3370

Division: Division of Mental Health & Developmental Disabilities Date: 3/19/92

Approved by Commissioner: *Thaddeus A. Maia* Thaddeus A. Maia, MD, MPH

Agency: Health & Social Services Date: ~~3/19/92~~ 4/2/92

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

Division of Mental Health and Developmental Disabilities  
Fiscal Note Analysis  
CSSSHB No. 545

Community Mental Health Clinics (CMHC) are currently billing Medicaid for clinic services. While the clinic option would remain in place and be used by private sector physician mental health clinics, we assume those clinic services currently billed by CMHCs would move to the rehabilitation services category. CMHC would also bill for some services allowed under the rehabilitation option but not under the clinic option, such as home-based therapy and therapies not delivered in the clinic. Targeted case management services now being provided but not billed will become billable.

For FY93, we anticipate total rehabilitation services billings of 2,706.2 (60,138 hours at \$45.00/hour) and total case management billings of 3,589.4 (102,553 hours at \$35.00/hour), for a total of 6,295.6. Until extensive discussions have been held with Federal Medicaid program authorities to precisely define each matchable rehabilitation and case management service and each CMHC can assess how best to reallocate staff to offer these matchable services, it is difficult to assess how much of this total will represent new Medicaid costs for services not now being billed under the clinic services option. Also, it is difficult to quantify the offsetting savings that will result from moving away from the clinic option, since home and community based services can be accomplished less expensively and are often more effective, so fewer service hours may be required to reach treatment goals.

However, we estimate that only 1,440.0 of these services will be new services for Medicaid purposes, 720.0 federal funds, 720.0 state general funds match. We propose to R.S.A. 80% of this amount, 576.0 from CMHC Grants to the Division of Medical Assistance, Medicaid Non-Facility, for matching purposes. The 20% to be retained by grantees will be used initially to staff for additional Medicaid billing effort, to transition from grant funding for fee-for-services funding, to accomplish staff changes and training; and for systems changes.

The interagency transfer to Medicaid is proposed to come from the following components:

- Services to Severely Emotionally Disturbed Youth - 192.0
- Services to the Chronically Mentally Ill - 384.0

These FY93 transfer amounts are 1/3 and 2/3 of the FY93 total. FY94 and following, this same ratio applies.

FY94 and following, a 10% annual increase in this grant decrease/transfer is assumed, largely for caseload growth in the numbers of eligible persons receiving the services.

# FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

CSSSHB 545

|   |   |
|---|---|
| Revision Date: <u>March 20, 1992</u>  | Dept. Affected: <u>Health &amp; Social Services</u> |
| Title: <u>An Act Providing Medicaid Coverage for rehabilitation &amp; case management</u> | ERU: <u>Alcohol &amp; Drug Abuse Services</u>       |
| Sponsor: <u>B. Davis, Boyer, Ellis</u>  | Component: <u>Alcohol &amp; Drug Abuse Grants</u>   |
| Requestor: <u>Boyer</u>   | COMPONENT SERIAL NO. <u>1239</u>                    |

Expenditures/Revenues (Thousands of Dollars)

| OPERATING              | FY93    | FY94    | FY95    | FY96    | FY97    | FY98    |
|------------------------|---------|---------|---------|---------|---------|---------|
| PERSONAL SERVICES      |         |         |         |         |         |         |
| TRAVEL                 |         |         |         |         |         |         |
| CONTRACTUAL            |         |         |         |         |         |         |
| SUPPLIES               |         |         |         |         |         |         |
| EQUIPMENT              |         |         |         |         |         |         |
| LAND & STRUCTURES      |         |         |         |         |         |         |
| GRANTS, CLAIMS         | <118.5> | <260.7> | <286.8> | <315.4> | <346.9> | <381.7> |
| MISCELLANEOUS          |         |         |         |         |         |         |
| <b>TOTAL OPERATING</b> | <118.5> | <260.7> | <286.8> | <315.4> | <346.9> | <381.7> |
| <b>CAPITAL</b>         |         |         |         |         |         |         |
| <b>REVENUE</b>         |         |         |         |         |         |         |

FUNDING: (Thousands of Dollars)

|               |         |         |         |         |         |         |
|---------------|---------|---------|---------|---------|---------|---------|
| GENERAL FUND  | <118.5> | <260.7> | <286.8> | <315.4> | <346.9> | <381.7> |
| FEDERAL FUNDS |         |         |         |         |         |         |
| OTHER         |         |         |         |         |         |         |
| <b>TOTAL</b>  | <118.5> | <260.7> | <286.8> | <315.4> | <346.9> | <381.7> |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED ANALYSIS

|  |                             |
|--|-----------------------------|
| Prepared by: <u>Suzanne Perry <i>SP</i></u>                | Phone: <u>465-2071</u>      |
| Division: <u>Alcoholism &amp; Drug Abuse</u>               | Date: <u>March 20, 1992</u> |
| Approved by Commissioner: <u>Theodore A. Mala, MD, MPH</u> | Date: <u>March 20, 1992</u> |
| Agency: <u>Department of Health and Social Services</u>    | <i>4-2-92</i>               |

Distribution (by preparer):

|                     |                      |
|---------------------|----------------------|
| Legislative Finance | OMB                  |
| Legislative Sponsor | Impacted Agency(ies) |
| Requestor           |                      |

# FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSSSHB 545

Revision Date: March 20, 1992 Dept. Affected Health & Social Services  
 Title: An Act Providing Medicaid Coverage BRU: Alcohol & Drug Abuse Services  
for rehabilitation & case management Component: Administration  
 Sponsor: B. Davis, Boyer, Ellis  
 Requestor: Boyer COMPONENT SERIAL NO. 0302

**Expenditures/Revenues**

(Thousands of Dollars)

| OPERATING              | FY93        | FY94        | FY95        | FY96        | FY97        | FY98        |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES      | 54.8        | 56.8        | 59.7        | 62.6        | 65.8        | 69.0        |
| TRAVEL                 | 10.0        | 10.5        | 11.0        | 11.6        | 12.2        | 12.8        |
| CONTRACTUAL            | 5.0         | 5.3         | 5.7         | 5.9         | 6.2         | 6.5         |
| SUPPLIES               | 1.0         | 1.1         | 1.2         | 1.3         | 1.4         | 1.5         |
| EQUIPMENT              | 7.0         | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| LAND & STRUCTURES      |             |             |             |             |             |             |
| GRANTS, CLAIMS         |             |             |             |             |             |             |
| MISCELLANEOUS          |             |             |             |             |             |             |
| <b>TOTAL OPERATING</b> | <b>77.8</b> | <b>73.7</b> | <b>77.6</b> | <b>81.4</b> | <b>85.6</b> | <b>89.8</b> |
| <b>CAPITAL</b>         |             |             |             |             |             |             |
| <b>REVENUE</b>         |             |             |             |             |             |             |

**FUNDING:**

(Thousands of Dollars)

|                     |             |             |             |             |             |             |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| GENERAL FUND        | 38.9        | 36.9        | 38.8        | 40.7        | 42.8        | 44.9        |
| FEDERAL FUNDS       |             |             |             |             |             |             |
| OTHER (interagency) | 38.9        | 36.9        | 38.8        | 40.7        | 42.8        | 44.9        |
| <b>TOTAL</b>        | <b>77.8</b> | <b>73.7</b> | <b>77.6</b> | <b>81.4</b> | <b>85.6</b> | <b>89.8</b> |

**POSITIONS:**

|           |     |     |     |     |     |     |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| PART-TIME |     |     |     |     |     |     |
| TEMPORARY |     |     |     |     |     |     |

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED ANALYSIS

Prepared by: Suzanne Perry  
 Division: Alcoholism & Drug Abuse  
 Approved by Commissioner: Theodore A. Mala MD, MPH  
 Agency: Department of Health and Social Services

Phone: 465-2071  
 Date: March 20, 1992  
 Date: March 20, 1992  
 4-2-92

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