

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8254 SENATE HEALTH EDUCATION & SOCIAL SERVICES

Confirm.

UOOA

Bdd. of

Directors

Alaska State Legislature

Senator Steve Rieger, Chair
Senator Bert Sharp, Vice Chair
Senator Loren Leman
Senator Mike Miller
Senator Jim Duncan
Senator Johnny Ellis
Senator Judith Salo



State Capitol
Room 516
Juneau, Alaska 99801
(907) 465-3762

Senate Committee on Health, Education and Social Services

April 23, 1993

The Honorable Rick Halford
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

Dear Mr. President:

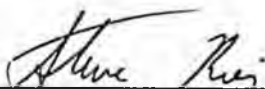
In accordance with AS 39.05.080, the Senate Health, Education and Social Services Committee reviewed the following with regard to confirmation of the Governor's appointments:

University of Alaska Board of Regents:

Mary Jane Fate
R. Danforth Ogg

There were no stated objections to the confirmation of the named individuals by committee members. This does not reflect an intent by any of the members to vote for or against them during any further sessions.

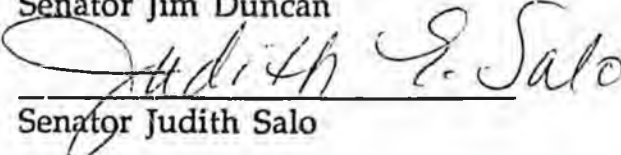
Respectfully,




Senator Steve Rieger, Chair

Senator Loren Leman

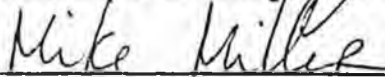
Senator Jim Duncan



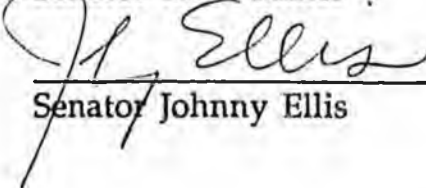
Senator Judith Salo



Senator Bert Sharp, Vice-Chair



Senator Mike Miller



Senator Johnny Ellis



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

BOARDS AND COMMISSIONS RESUMÉ

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:

REGENT University of Alaska

Please list any other Board or Commission on which you serve:

Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives (18 mo. program)

Name

Mrs. Mary Jane Fate

Previous Name applied under

Mailing Address

750 Farmers Loop Road

Residence Address

750 Farmers Loop Road

City, State and Zip Code

Fairbanks, Alaska 99712-1412

Home Telephone

907 457 6860

Business or Message Telephone

Same or MSG 456 6347

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election.

Are you a registered voter? YES NO

Voter Registration Number (Optional)

00120857

Social Security Number (Optional)

574 09 9300

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? YES NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? YES NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating? No

CONFLICTS OF INTEREST. Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? YES NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied?

YES NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

TRAINING & EXPERIENCE: (If résumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

(SEE ATTACHMENT A)

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

(SEE ATTACHMENT A)

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

(SEE ATTACHMENT A)

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

(SEE ATTACHMENT A)

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX Male Female
ETHNIC BACKGROUND White Black Hispanic Alaska Native Asian or Pacific Islander American Indian
Koyukon Athabaskan

Date of Birth

Military Service (if applicable, give dates)

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink

Mary Jane Fate

Mrs. Mary Jane Fate

Date

01-06-1993

A. M.J. FATE PUBLICATIONS:

- *Airline Training Program Manual
- *Shareholders' Handbook for Baan o yeel kon Corporation (ANCSA)
"Development of an Educational Institution for Native Cultures in the State of Alaska" Institute of Alaska Native Arts Report.
- *"Special Needs of Handicapped Indian Children & Indian Women's Problems" North American Indian Women's Association Report
- *BOYK Shareholders phamplet, Sept 1980
- *ATHABASKAN People of the Great Interior-coauthored with H.B.Fate

B. FORMAL EDUCATION:

Rampart Grade School; (B.I.A.) Ruby 8th (Territorial School); Fairbanks High School (9th); Mt. Edgecumbe High School (BIA)'52; Dental Assistant Voc Ed Mt. Edgecumbe '52; University of AK

OTHER EDUCATION:

Airline Training. Numerous seminars & training regarding ANCSA work: Shareholders Recordkeeping & transfers of stock; Land 14 (c) etc.; Corporation & Administrative Management; Investments; Financial Requirements & Responsibilities; Budgetary preparation & implementation; Board Training; Legalities; Compensation; negotiations; Reorganization

C. PRESENT POSITIONS:

Baan o yeel kon Corporation (ANCSA) Board Member & Treasurer
Rampart Enterprises, Inc. (RMP Store ANCSA subsidiary) Board
Fairbanks Chamber of Commerce Member, Board of Directors
Breast Cancer Detection Center Member, Board of Directors
United Way of Tanana Valley Member, Board of Directors
1979 to Present Alaska Air Group, Horizon Air Industries
Member, Board of Directors
Baan o yeel kon Corporation & Doyon, Ltd. Shareholder
1992 to Present Alaskan Command Civilian Advisory Board

PAST POSITIONS ST AK:

1991-92 ALASKA2000 Students Outcomes & Assessment Chairman
1991 Governor St of AK Member, Transitional Team
1981-1987 STATE OF ALASKA JUDICIAL COUNCIL
STATE OF ALASKA ST. MUSEUM ADVISORY COMMITTEE
1966 First Board STATE OF ALASKA GOVERNORS ALCOHOL ADVISORY BOARD,

EDUCATION POSITIONS HELD:

About mid 60's TANANA CHIEFS & FAIRBANKS NATIVE ASSOCIATION
EDUCATION COMMITTEES
Late 60's AK Advisory Board for the Regional High School Program
Late 60's Statewide Johnson Omalley (JOM) Committee Member
Late 60's Univ of Alaska Student Orientation Advisory Committee
mid 60's Univ of Alaska Village Upgrade Arts & Crafts Committee
Invited Lecturer (in kind) Grade, High Schools & University classes. High School Commencement Speaker: Mt. Edgecumbe High School; Nulato High School; Kaltag High School & at the St. Mary's Annual Shareholders Meeting.

D. OTHER PAST POSITIONS:

NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION Founding member, Board, past Pres.

FAIRBANKS NATIVE ASSOCIATION Founding Member, Board, Past Pres.

INSTITUTE OF ALASKA NATIVE ARTS Founding Member, Board, Past Pres.

ALASKA CENTENNIAL SITE A67 Founding Member, Past Board, VP Native Village

FAIRBANKS COMMUNITY HOSPITAL FOUNDATION Founding Member, Past Board

ALASKA FEDERATION OF NATIVES Co-Chr 1989-90; During & Prior Past Board Member as Village Representative

LEAGUE OF WOMEN'S VOTERS 1st Treas & Member Board-Local FAI

OTHER PAST BOARDS: TUNDRA TIMES, WORLD ESKIMO INDIAN OLYMPICS; HOSPITALITY HOUSE; SALVATION ARMY

AWARDS & HONORS:

UNIVERSITY OF ALASKA FAIRBANKS Honorary Doctor of Law, 1992

MT. EDGECUMBE SCHOOL Graduate Banquet ANC honored "Outstanding Leadership" 9-21-1985

INSTITUTE OF ALASKA NATIVE ARTS: Founding member, Leadership in statewide arts & continued support & dedication, 1984

BAAN O YEEL KON CORPORATION: Honored 1990 Shareholder of Year "since inception development of corporate policy for the benefit of Shareholders; involved in native affairs working for betterment of her people, cultural heritage & traditional lifestyle, uncompromising dedication, commitment to quality, faith in future of BOYK, it's shareholders & all Native People".

ALASKA FEDERATION OF NATIVES Plaque for Chr. 1989-90

FAIRBANKS HOSPITALITY HOUSE commended for dedicated service

FAIRBANKS CONVENTION & VISITORS BUREAU

UNIVERSITY OF ALASKA Dept Military Science & Tactics - Honorary Cadet Captain in the Reserve Officers' Training Corps, 5-1-1954.

MISS UNIVERSITY OF ALASKA, 1954 Runner up Miss Alaska

MISS EDGECUMBE, 1952

FOUNDERS DAY QUEEN, Sitka 1952

SPEAKER & PRESENTER: National, Statewide & Local

TODAYS SHOW (National TV Program) as President of BOYK, 87

DISCOVERY CHANEL "Alaska Turns 30" in 1988

D. EMPLOYMENT WORK HISTORY:

Present Fate Business, General Manager

1991 to Present Federal-State Commission on Policies & Programs Affecting Alaska Natives, Co-Chr

70's-thru80's Baan o yeel kon Corporation (Rmp Village ANCSA) CEO (retired) & President.

Currently BOYK Member, Board of Directors & Treas.

1974 to 1975 North American Indian Women's Project "Special Needs of Indian Handicapped Children & Indian Women's Problems", Director where I worked without pay.

1953 to 1961 Wien Alaska Airlines, Supervisor & Wrote a trainings Program Manual for airline employees

Prior: Also worked as a Dental Assistant, (SE Villages with USPHS, 51-52; 70's Interior Villages & FAI), Receptionist; Store manager-night; Waitress, etc.

R. Danforth Ogg
Box 2754
Kodiak, Alaska 99615
Tel. 486-4712 fax. 486-2777

May 22, 1992

Governor Walter Hickel
Box A
Juneau, Alaska 99811

Dear Governor Walter Hickel,

I am interested in serving on the Board of Regents of the University of Alaska. I am submitting my name to you for consideration for the vacancies coming open on that Board for 1993.

I have submitted my name for the Board of Regents in 1991. I appreciated your consideration. I request you use the contents of my file from 1991 when you consider my name this time.

I believe in a strong education policy at a reasonable cost. Secondary education is the most important tool it can supply its youth. It is the most important tool to keep Alaska the leader in Seafood industry.

Because of Alaska's vast geographical differences, it is important that this educational opportunity continue to be available to rural as well as urban citizens. In order to focus the University of Alaska on the diversity of Alaska and to sharpen the advantages that diversity, the Board of Regents should have regional representation.

Alaska's economic strength is in its natural resources both renewable and non-renewable. It is in these fields of study that University of Alaska should be a world leader.

If I were chosen to serve the people of Alaska by being appointed to the Board of Regents of the University of Alaska, I would stand by the principles of improving the quality of education and ensuring that that education was available at an affordable price to each Alaska citizen who made the choice to improve themselves and as a result our community.

Background

I am a married man. My wife's name is Susan M. Jeffrey. Susan has two children, Sara age 15 and Alex age 13. We both have lived in Kodiak since the early 1970s.

I came to Alaska in 1973. My first job in Alaska was working as a King Crab butcher in Kodiak at Ursins Seafoods . I next worked on a salmon seiner named DON'T WORRY and captained by Wally Smith .

In 1974, I worked as a night hotel manager and substitute bouncer . Then I drove school bus . I then worked a year of union carpentry until I decided to open my own building business , SILVER ELBOW . I designed and built wood frame buildings utilizing the local spruce whenever possible .I operated this business from 1976 until 1985 .

In between building projects I would go commercial fishing , cut timber for the local sawmills , work at the local sawmills , sometimes work in the canneries , and travel internationally .

In 1982 I went to law school with a state loan and on the WICHE program . I returned to Kodiak for the Christmas holidays and during summer recess I would build in Kodiak. I graduated from the University of Idaho with a law degree in 1985 .

Since, I have practiced law on a part time basis including three months of volunteer time with the Public Defenders Office in Kodiak .I continue to design small wood buildings for friends and help build them if I have the time .

Presently I fish salmon as a set-netter on Kodiak Island during the summer and am Of Counsel to the Kodiak law firm of Gray, Mclean, and Razo during the winter .

Education

- 1972 B.A. History, University of California, Berkeley.
- 1985 Juris Doctor, University of Idaho, Moscow.

Community Service

In 1976 I was appointed to the Kodiak Island Borough Planning and Zoning Commission . I served until my term expired in 1977.

In 1978 I was elected to the Kodiak Island Borough Assembly . I was appointed deputy mayor in 1979 . I served on the Assembly until I was appointed Mayor in 1980 .

In 1980 I was elected to the position of Mayor of Kodiak Island Borough . I served until my term expired in 1981 .

In 1981 I was appointed by President Reagan to serve on Local Draft Board #2 for the State of Alaska . I presently serve on Local Draft Board #2 .

I was elected in 1985 and again in 1988 to serve on the Monashka Bay Road District . I served as Secretary for the two

three year terms.

In 1989 I served on the Oil Spill Task Force in Kodiak representing the Northwest Salmon District of Kodiak Island.

In 1990, 1991, and 1992 I was elected to serve as president of the Northwest Setnetters Association.

References

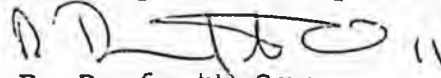
Jim Fisk
Margret Hall
Ron Loveland
Steve Gray
Ben Hancock
Chris Myrick
Duncan Fields
Mary Monroe
Pat Branson
Robyn Cassidy
Hank Pennington
Lee Macanerny
Norma Holt
Pete Probasco
Nell Wage
Brad Bringold
Charlene Dolphin
Wilton White

Jim Peotter
Caroline Floyd
Sue McLean
Steve Cole
Pete Danelski
Toby Sullivan
Virginia Adams
Betty Fitzjerald
Linda Freed
Shirley Berns
Pam Baglien
Wilton White
Larry Nicholson
Will Walton
Bob Johnson
Joel Wattum
Tim Longrich
Scott Smiley

Gaynell Hatcher
Paul Hansen
Greg Razo
Susan Hancock
Don Fox
Dewitt Fields
Tom Abel
Gordon Gould
Bud Cassidy
Charlie Davidson
Don Gilman
Jim Ramalia
Larry Malloy
Nancy Freeman
Mark Withrow
Eric Blankenberg
Roy Madsen

I want to volunteer my time , experiences , and education to improve the University of Alaska. I would feel honored having the opportunity serve the people of Alaska by being appointed to the Board of Regents of the University of Alaska .

I respectfully submit my name .


R. Danforth Ogg



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

Jerry Duncan
Signature of Camera Operator

10/1/97
Date

SB

5



ALASKA STATE LEGISLATURE
SENATE

SS SB 5 — The Brianna Hurley Bill — by Sen. Johnny Ellis

SPONSOR STATEMENT

The Brianna Hurley Bill (SS SB5) adds a new Medicaid optional eligibility group consisting of those persons under age 19 who reside at home and who would be Medicaid-eligible if they were residing in medical institutions. It places this group of people in the priority order of groups served by Alaska's Medicaid program. Children who qualify would be eligible for basic hospital doctor care, health services, hospice for kids, case management — everything in normal EPSTD coverage.

This bill is a repeat of my bill from last year, HB 438, which failed to reach the Senate floor for a vote in the last few hours of the session. It is named after Brianna Hurley, now over two years old, who was born with cerebral palsy.

Current eligibility requirements for Medicaid allow parents to give up their child to the care of an institution — which is often much more expensive to the State — but will not allow parents to keep their child at home and still qualify for health coverage. Brianna's parents chose to keep Brianna at home, which forced them to quit their jobs to meet the federal requirements (poverty income levels). The strain caused the breakup of the Hurley's marriage.

Today, as a single parent, Elaine Hurley can earn just over \$900 per month, before taxes, to keep her daughter qualified for Medicaid. Elaine cannot purchase health care for Brianna because her medical problems are considered a "pre-existing condition" by health insurance companies. At this time, Medicaid is the only option for Brianna.

In December of 1992, Brianna was diagnosed as terminal by doctors at the Mayo Clinic in Rochester, Minn. Her mother, Elaine Hurley, has been a leader in the fight to get last year's bill passed and to work with the state DHSS to get better services for children with disabilities. She agrees that this legislation may be too late for her daughter but hopes, as I do, that the state can make sure that health care is available for other children with disabilities in a way that keeps families together.



ALASKA STATE LEGISLATURE
SENATE

SS SB 5 FACT SHEET

WHAT SERVICES DOES SS SB 5 — THE BRIANNA HURLEY BILL — OFFER?

The Brianna Hurley Bill (SS SB5) adds a new Medicaid optional eligibility group consisting of those persons under age 19 who reside at home and who would be Medicaid-eligible if they were residing in medical institutions. It places this group of people in the priority order of groups served by Alaska's Medicaid program. Children who qualify would be eligible for basic hospital doctor care, health services, hospice for kids, case management — everything in normal EPSTD coverage. Seventeen states have the TEFRA Option, 28 states have regular waivers that serve kids and six have both as of Sept. 1, 1989

DOES THIS BILL HAVE ANY MEANS OF COST CONTAINMENT?

Yes. It only applies to kids under the age of 19 who meet the requirement for an institutional level of care *and* their care is more cost-effective if provided at home.

WHO IS ELIGIBLE FOR THE SERVICES PROVIDED BY THE BRIANNA HURLEY BILL?

- Is under the age of 19 and would be eligible for Medicaid in an institution
- Requires or is at risk of needing an "institutional" level of care
- The cost of providing care is no more than the cost of institutional care
- Home and community based services are not available to this person under a waiver

WHAT GROUPS OF CHILDREN DOES THE BRIANNA HURLEY BILL COVER?

The DH&SS estimates about 100 children (listed below) would be eligible for the option as of June 1990 — Families & advocates estimate there are more children.

- 20 children in Hope Cottages, one of Alaska's two ICF-MR's
- 5 children in hospitals
- 11 children in foster care
- 9 children in nursing homes
- Estimated 55 children at home (paid through private insurance from parents or Medicaid)

CONCLUSION

Please consider supporting both the Brianna Hurley Bill (SS SB 5) and the Department of Health and Social Services budget amounts needed to implement Medicaid waivers (will be included in a supplemental budget). The effective date of this legislation is 180 days after the federally-approved effective date of the waivers. This legislation will provide services to only those families who cannot be covered with a Medicaid waiver.



ALASKA STATE LEGISLATURE
SENATE

SS SB 5 the "Brianna Hurley Bill"

SECTIONAL ANALYSIS

SECTION 1

AS 47.07.020 is amended by adding a new section, (10), which describes a new group of people to be eligible for Medicaid assistance.

- 10(A) Is under the age of 19 and qualifies as a disabled person under Social Security
- 10(B) Requires or is at risk of needing an "institutional" level of care
The care is appropriately provided outside the institution
The cost of providing the care is no more than the cost of institutional care
- 10(C) If in an institution, the person would be eligible for Medicaid under other provisions in this chapter
- 10(D) Home and community-based services are not available to them under a waiver (yet to be approved by the federal government)

SECTION 2

AS 47.07.030 is amended to add a new subsection (c) which allows DHSS to offer a service with waivers because they were directed to apply for waivers by a *concurrent or joint resolution of the legislature*.

(usually new services are authorized through *legislation* passed by the legislature. The waivers for home and community based services, which DHSS applied for last year, were an exception)

SECTION 3

AS 47.07.035 is amended by adding a new section, (23), which places the group of individuals described in section 1 in the priority order of groups served by Alaska's Medicaid program. It is placed in this particular position because this is where the services end and the groups of people to receive services begin.

SECTION 4

Sections 1 and 3 take effect 180 days after the effective date of Medicaid plan amendments (*Medicaid waivers for home and community-based services*) approved by the federal government. **We want to get the waivers up and running before implementing the Medicaid option.**

SECTION 5

Section 2 takes effect immediately.

ADN 1/7/92

Medicaid reform

Start with a waiver, but do more

In photographs, Brianna Hurley looks like any healthy, happy 18-month old. The picture that ran in Monday's Daily News showed her sitting on her mother's lap. Her pink sweat shirt had white ponies on it, and her straight brown hair was swept back with a matching pink barrette. She shared the couch with her father and a doll.

But the photograph doesn't tell you the whole story. Yes, Brianna is as sweet looking as they come. And it's obvious her parents, Elaine and Douglas Hurley, love her. But their daughter can't hug her doll, or even sit upright on the couch by herself. Born with cerebral palsy and epilepsy, brain damaged from viral encephalitis, felled by a stroke, Brianna can't walk or talk, and may not ever.

Elaine and Douglas Hurley's life is like that photograph: It turned out different than it looked. It's not just that their daughter was born with the problems she has; they have found the personal strength to deal with that. But their financial resources — their jobs, insurance and savings — proved wholly inadequate in the face of \$60,000-a-year medical bills.

There's something wrong with a system that pays for institutional care but won't help a family that wants to care for its loved one at home. There's something wrong with a system that takes two people with good work histories and tells them they can't work.

Had they put their daughter in an institution, Medicaid would have paid for her care without restricting the Hurleys' income. But the couple wants to take care of their daughter, at home, themselves. So they've had to quit their jobs, deplete their savings and sell off household goods to meet Medicaid's income limitations.

There's something wrong with a system that pays for institutional care but won't help a family that wants to care for its loved one at home. There's something wrong with a system that takes two people with good work histories and tells them they can't work.

The state of Alaska can help the Hurleys and families like them by applying for an option — used by other states — that would let Medicaid waive the income limits for families who want to care for disabled members outside of an institution.

But while that's a quick fix — and a necessary one — there is more wrong here than simply Medicaid.

There's something wrong with an insurance company that can reduce coverage just when it's needed most, as happened to the Hurleys. There's something wrong with an insurance industry that can refuse to cover prior conditions or high-risk people. There's something wrong with a system that doesn't address catastrophic illnesses. And there's something very wrong with a system that leaves some 90,000 Alaskans with no insurance coverage at all.

The Alaska legislature can ask for a Medicaid waiver. But that's only a stopgap measure toward ensuring everyone the right to medical care. It's only a reminder of how desperately this country needs to reform its health care system.

Remember, the family in the photograph could be yours. If this could happen to the Hurleys, it could happen to you.



Therapist Gale Andrus trains Zachary to eat normally

YOUNGSTER MAY FINALLY SPEND CHRISTMAS OUTSIDE HOSPITAL

By **DEBRA MCKINNEY**
Daily News reporter

Life would have been far easier for Larry McKenzie had he just walked away. He and his wife had split up when she was two months pregnant, and hadn't seen each other since. He didn't even know the baby had been born until the hospital called him with insurance questions.

Zachary McKenzie arrived two months early on Dec. 29, 1987. Within hours of his birth, the 3-pound boy was moved to a Seattle hospital with problems so severe he wasn't expected to last the day.

The upper end of his esophagus led to a dead end, not his stomach, and the lower end detoured into his lungs. He couldn't swallow without choking. And acids and other stomach fluids threatened to flow into his lungs and drown him. On top of that was a heart problem for which he needed



Larry has become his son's primary caregiver during the evenings.

HOME COMING: Youngster may celebrate Christmas outside hospital

Continued from Page F-1

open-heart surgery. Then, during the medevac flight, his stomach filled up with air and burst like a balloon.

Somehow little Zachary held on, though barely.

Larry McKenzie, a Kenai auto mechanic just managing to make ends meet, couldn't begin to afford an intensive-care baby. Some estranged fathers would have shucked the responsibility. McKenzie bought a plane ticket to Seattle.

Four months later, after extensive surgery and two visits from his dad, Zachary was back in Alaska. But his first year was a shaky one. He'd be home in Kenai for a week or two with his mother, Daughn Carpenter, then he'd catch pneumonia or some other bug and be medevaced to Anchorage. His mother could never relax. The last time it happened, he'd been home only 24 hours.

Since then, for the past three years, "home" has been a room in the pediatric intensive care unit at Providence Hospital, a room decorated with stuffed toys, colorful posters and high-tech equipment.

Behind him trails a tangle of tubes and hoses. He must eat through a tube in his stomach. He must breathe through a tube in his throat. Because of a hearing impairment and a tracheotomy, Zachary cannot speak; when he cries, no sound comes out.

That first year, McKenzie drove up from Kenai every Friday night after work to spend the weekend with his son. In 1989, he gave up his job, home, relatives and friends on the Kenai Peninsula and moved to Anchorage to be closer. Eventually he received physical custody (they share legal custody), since Zachary's mother still lives in Kenai and has two other children of her own to raise.

Virtually every night since, McKenzie has spent at Providence, keeping Zachary company and tucking him in at bedtime. Around 9:30 p.m., he puts his boy in a clean diaper, lays him in his crib, closes the curtains and turns out the lights.

"Good night, Bud," he says softly, nose to nose. "See you tomorrow."

"He's pretty much here every single night," says Anita Schief, a registered nurse on the unit. "We're talking about seven days a week. He's so devoted. It's a real joy to watch."

Lately, members of Zachary's extended hospital family have been keeping their fingers crossed for Zachary and his dad. If all goes



Zachary cries as nurse Shari Whitehorn and respiratory therapist Sheila Van Cuyk clear his intensive care room of equipment and belongings. Zachary was moved to the pediatric floor as a step toward his release.

the way they hope, this father-son relationship won't be confined to a hospital room much longer. A team consisting of Zachary's doctor, nurses, home health-care coordinators and others are working hard to bring Zachary home before Christmas.

McKenzie has been preparing for this day for more than a year. Last fall, he moved into a bigger, two-bedroom apartment and started getting Zachary's room ready. He built him a little pine bed and a matching toy chest. He hung curtains, pictures and a couple of nets to hold Zachary's bulging collection of stuffed creatures. A quilt made by Larry's mother is draped across the bed, and a supply of shiny toy trucks waits in a corner. A pair of miniature cowboy boots sits atop the dresser.

But McKenzie and the home health care team know from experience not to get too excited about all this until it happens.

"We started on this last year," Schief said. "Our date was Jan. 1. Then it got moved to May 1. Then we went to July. It's just being continually set back."

The reason is a frustrating one for people who value quality-of-

life issues over financial ones. As hard as Zachary's advocates have been working to get him free, snags in the system have been working to keep him put.

Zachary's medical care has been costing well over \$1 million a year, his father says. Medical insurance pulled him through the first year; then, because he's disabled, Medicaid picked him up.

But now that it's time to go home, Medicaid won't follow. It would pay for Zachary to go into a nursing home, but not his own home.

Medicaid simply won't cover 24-hour nursing care outside an institution, and Zachary is a 24-hour job. This youngster is tethered to a ventilator that needs constant attention. There's no way McKenzie can do it alone. Nobody could.

Zachary and his dad must rely on a patchwork of services to make this work. Medicaid will cover medications, equipment and a limited amount of nursing care, and several agencies — Providence Home Health Care, the Division of Mental Health and Developmental Disabilities, the Anchorage School District and others — are piling

together a plan that should provide the necessary nursing, respite and transportation coverage, according to Marchelle Hanson, health care coordinator for the state Division of Mental Health and Developmental Disabilities.

The plan includes 24-hour nursing care assistance for the first couple of weeks, until Zachary and his dad can get settled into their new routine. After the transition period, nursing assistance would be tapered off to about 16 hours a day. If this works as well as everyone hopes, Zachary should be able to start preschool in January.

McKenzie had to quit his job at Grand Auto Supply to do this. He's not thrilled about going on welfare. But he'll do whatever it takes to be there for his boy. And once Zachary gets adjusted, he figures he can start job hunting again.

"I'm getting kind of nervous about quitting work," McKenzie said. "How am I going to support myself? It will be hard. But I know I'm quitting for a cause. I know I have to do this."

While all this is being sorted out, the home health team is plow-

ing ahead with homecoming plans. On Monday, Zachary moved from the intensive care unit to the regular pediatric floor. The same day, his father moved into the room with him and took over his health care routine.

McKenzie feels confident in his ability to care for his son, and Zachary's nurses agree he's plenty competent. McKenzie has taken extensive courses on all the equipment it takes to keep his son alive. For the past year, he has been Zachary's primary caregiver during his evening visits — feeding him and giving him medications as well as his respiratory therapy. At the end of this trial run, Zachary's nurses believe the two will be more than ready to go home.

Zachary is stronger now than he's ever been. But he still has a long way to go.

His esophagus has been connected through surgery, but, as Dr. Dion Roberts says, "It's not a perfect piece of plumbing." To prevent scar tissue from closing it off, doctors have run a string through Zachary's body that goes in a hole in his stomach and comes out his nose. Should the esophagus start to squeeze shut, a device can be attached to the string and pulled through to stretch it out.

But the biggest obstacle Zachary faces is with his lungs. Both have been severely damaged by pneumonia, as well as aspirated stomach acids and saliva.

Nevertheless, Roberts is hopeful for Zachary. It is conceivable that someday he could learn to swallow without gagging. And he could very well learn to breathe on his own. As long as he's growing, his lungs are, too, they could grow strong enough to compensate for some of the damage.

"He has a long, long road to rehabilitation," Roberts says. "It won't be weeks or months. It will be years."

Meanwhile, Zachary's nurses are trying to figure out what they're going to do once their charge really goes home for good.

"You're so happy he finally gets to go home and be with his dad and have the life of a child," one of his nurses, Anita Schief, says. "But what's he going to do without all his moms?"

"We watched him learn how to crawl. We watched him learn how to walk. We watched him learn sign language. We watched him grow up."

"But no child deserves to grow up in a hospital. He's got a home and a loving father, the most devoted I've ever seen. He needs to go home."



FRAN DURNER / Anchorage Daily News

Elaine and Douglas Hurley with 18-month-old daughter Brianna.

Caught

in a Health Care Trap

Medicaid rules push

middle-class family toward poverty

By JAY BLUCHER

Daily News reporter

Douglas and Elaine Hurley had it all — a new marriage, good jobs, a promising future. The only thing that would have made their lives perfect, they thought, was a child.

But when their daughter, Brianna, was born with severe medical problems, the Hurleys were forced to surrender much of what they had so Medicaid would pay for her care.

Eighteen months ago, before Brianna's birth, the Hurleys were a two-income family earning more than \$40,000 a year. Douglas, 24, was working full time as a baker and commercial fisherman, and Elaine, 26, was holding down three part-time jobs as a secretary and bookkeeper. They had been married for just two years.

"We scrimped, saved and planned for this baby and thought we had what people think of as the American dream — money for a down payment on a house, college funds, savings accounts — if not attainable, then at least in sight," says Douglas.

Brianna was born with cerebral palsy and epilepsy. She also has severe brain damage caused by viral encephalitis contracted in the womb. The disease, often fatal, causes paralysis.

At 7 months old, Brianna also suffered a stroke.

Some doctors tell the Hurleys that Brianna might learn to walk

by age 6 or 7. Others, such as Dr. Jerome Mednick, a pediatric neurologist in San Francisco, say she will never walk or talk.

Now, when other children her age are toddling, Brianna has only recently been able to muster the muscle coordination to wave her right hand. She cannot support herself upright or crawl, and the entire left side of her body is impaired. She is like a limp rag doll, with the motor skills of a 2-month-old.

While the Hurleys accept Brianna's special needs, the cost of caring for her at home was unexpected.

"We thought to ourselves, 'OK, we'll deal with it; there's help available for families like us,'" says Elaine.

But little did they realize that their decision to care for Brianna at home would force them to cash in their lives for a welfare check.

Since birth, Brianna has required extensive medical attention ranging from emergency hospitalizations — as when her seizures caused a semi-comatose state for 30 days — to regular visits with pediatricians, neurologists, nutritionists and other specialists. As a disabled infant, she also receives regular occupational, physical and speech therapy services through the state's Infant Learning Program.

She's had every manner of diagnostic test, and these continue.

At a big price.

The specialized infant formula she needs to gain weight costs \$75 a case, and lasts only a week because Brianna still cannot eat solid foods. The medications needed to control her seizures cost \$700 per month. Her medical bills average \$4,000 a month. And in Brianna's future looms extensive orthopedic surgery and probably an expensive liver transplant. (The drugs that help control her seizures have damaged her liver.)

The Hurleys estimate Brianna's medical bills will cost \$60,000 annually for the next five years. More than \$20,000 remains unpaid now.

At first, the couple had reasonably good medical insurance through Douglas' employer. It paid 80 percent of the family's medical costs. But after just three months in which Brianna's total medical costs topped \$60,000, Blue Cross of Washington and Alaska reduced its coverage to 50 percent.

Douglas' employer at the time, William Pargeter, who owns Harry's restaurant and owned the now-defunct Kayak Club, could have continued the higher coverage, but at greater cost.

Pargeter says he was acutely aware of the Hurleys' high medical expenses because the Kayak Club was in the midst of a bankruptcy reorganization at the time and he

Please see Page D-2, TRA

was looking for a new health insurance plan for his employees.

"But this family's high medical costs made the insurance companies leery of accepting the whole group," he says. "In fact, one carrier flatly refused to carry us as long as Douglas was employed with us."

Rather than offering his employees a health plan that excluded the Hurleys, Pargeter instead opted for a less comprehensive Blue Cross plan for all.

Blue Cross officials would say only that the company opted for a less expensive health plan.

Other insurance companies wouldn't accept the family because Brianna's medical needs were "pre-existing."

The Hurleys soon owed thousands of dollars with no hope of ever repaying it on their existing incomes. Threatening phone calls from bill collectors now punctuate their days. Their credit ratings are ruined.

"We were taking food out of our own mouths in order to send \$10 here, \$20 there, for medical bills left unpaid by our insurance, but we were falling hopelessly behind," says Elaine.

The couple realized their only option was Medicaid, the federal health-care program administered by individual states to help the poor. But Medicaid has a strict income limit, and the Hurleys exceeded it.

This family of three, to qualify for Medicaid, would have to begin living on \$1,334 a month, before taxes. Or, as they were told by Medicaid officials, they would have to "spend down to 133 percent of the federal poverty level."

This meant Douglas had to quit his job in September and go on unemployment, which pays him \$760 a month. Elaine could bring in only \$574 a month to stay under Medicaid's limit, so she could accept only part-time work as a bookkeeper.

"I despise living this way, feeling like I'm on the dole looking for a handout, but it's the only way my daughter's medical bills can be paid," says Douglas.

"It's frustrating to be a capable and willing-to-work father who wants to be the provider for my family, and yet be forced by bureaucratic rules to not work," says Douglas.

Income wasn't the only thing they had to cut. The Hurleys were required by Medicaid rules to deplete their savings accounts, college funds for Brianna, certificates of deposit, individual retirement accounts, and to trim their possessions to one car of no more than \$1,500 value, household goods of \$500 value, and \$250 worth of baby furniture.

Every three months, state public assistance officials grill the family about new sources of income — inheritances, church donations or money from other family members.

"It makes me feel so demeaned, like

• I despise living this way, feeling like I'm on the dole looking for a handout . . . It's frustrating to be a capable and willing-to-work father who wants to be the provider for my family, and yet be forced by bureaucratic rules to not work. •

— Douglas Hurley

I have no worth, no self-esteem," says Douglas.

Since he's been unemployed, he's gotten several good job offers at considerably more salary.

"I've been reduced to turning down good jobs in order to care for my daughter," he says. "Now isn't that a perverse situation?"

Elaine is just as frustrated.

She worries that the couple may never be able to afford a home, have other children or excel in a career that could provide the security every family seeks.

They could do all that, however, if they did just one thing: Put Brianna in an institution or make her a ward of the state. Then Medicaid would pay for her care and release her parents from income limits.

Unacceptable, say the Hurleys.

"We want to be able to look at ourselves in the mirror and say that we did everything we possibly could to help her, no matter the sacrifice," says Elaine.

Equally distasteful is a third option — for the couple to legally separate. Elaine could accept public assistance as a single parent and Douglas would be free to return to work and pay child support.

"So the state would actually reward the breakup of a loving family," says Douglas sarcastically.

Chris Ashenbrenner, program officer for the state's medical assistance office, says the Hurleys are not alone.

"Because there's no nationwide health plan in this country, people such as the Hurleys are among the gap group, people caught in the middle-class health crisis," she says.

But she also says it's unfair to blame Medicaid.

"It's the whole health care mess in this country and insurance companies that are allowed to drop coverage when claims get too high or certain limits are reached."

David Maltman, executive director

of the Governor's Council for Handicapped and Gifted, says it happen to anyone.

He agrees that Alaska's current policy needlessly impoverishes working families trying to care for a disabled child at home.

Responding to the problem, the council has examined the Medicaid system and recommended improvements to make home care more available to persons with disabilities.

In 1990, the legislature required a similar study by an independent commission known as Project Choice whose final report will be presented in January. Both the council and Project Choice recommend that the state act for a waiver from federal Medicaid rules.

This would let Medicaid waive income limits for families like the Hurleys.

Alaska is one of only a handful of states that have not adopted a waiver program or something known as the "Katie Beckett option."

In 1981 Katie Beckett, a 3-year-old girl from Iowa who, like Brianna, suffered from viral encephalitis, was granted a federal waiver by President Ronald Reagan. He cited the case as overregulation.

Since then, a majority of U.S. states have adopted either waiver programs or Katie Beckett options.

Medicaid's Ashenbrenner says Alaska has never applied for this particular waiver or option because the state already has an adequate welfare program, with the most generous eligibility standards in the country.

This rationale, however, does not consider people like the Hurleys, a family caught in precisely the regulatory paradox that such waiver programs were intended to address.

The Hurleys see a waiver or Beckett option as their only relief from poverty sentence.

"Sometimes, you get the impression these Medicaid people think of it as their own money," says Elaine.

She glances lovingly at Brianna who responds with a curious look. When all the frustrations become too much, the Hurleys focus on what's most dear.

They shower Brianna with attention. The tiniest of achievements, seen as a simple wave of her hand, bring them renewed hope for her future.

"Her wonderful disposition through all of this really makes it easy on our hearts, knowing that as difficult as it gets for us sometimes, her love remains unconditional," says Douglas.

He marvels at his daughter's resilience as she sleeps in his arms.

"She's so beautiful, so innocent. She has no idea any of this is happening, no idea that she's . . . different or how difficult all of this has been for her parents," he says.

Brianna stirs.

"Sshhhh, little one. It's OK. Dad's here."

BRIANNA HURLEY:

CATCH-22

Daily News - 12/31/92

In January, we wrote about Elaine and Douglas Hurley's struggles to care for their 18-month-old daughter, Brianna, born with cerebral palsy and mysterious seizures. Her severe medical problems and the accompanying medical bills forced her parents to exist at the federal poverty level to qualify for Medicaid.

Nearly one year later, they are still caught in a medical Catch-22.

Legislation that might have helped the Hurleys — a waiver from federal Medicaid parental income rules — failed to pass in the state's last legislative session.

The strain of caring for Brianna and fighting both state and federal bureaucracies proved too great for the Hurleys' marriage; the couple divorced earlier this year.

As a single parent, Elaine Hurley can earn \$963 per month, before taxes, to keep her daughter qualified for Medicaid. Because her daughter's severe medical problems are considered to be a "pre-existing condition" by private health insurance companies, Elaine can't buy health insurance of any kind for Brianna; Medicaid is her only option.

Earlier this month, the state's Division of Mental Health and Developmental

Disabilities paid for Brianna to go to the Mayo Clinic in Rochester, Minn., for more specialized diagnosis and care. The Mayo Clinic doctors say her condition is terminal.

Elaine Hurley is considering a move to Seattle or elsewhere in the Lower 48, hoping to locate near a pediatric center that may offer opportunities to prolong Brianna's life.

— Jay Blucher

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SS SB 5

Revision Date: 3/19/93 Dept. Affected: Health and Social Services
 Title: An Act relating to Medicaid eligibility of persons eligible to be institutionalized ... BRU: Medical Assistance
 Component: Medicaid Facilities
 Sponsor: Ellis, Salo, Lincoln, Duncan
 Requestor: Senate HESS Committee COMPONENT SERIAL NO. 230

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	499.6	296.6	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	499.6	296.6	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	249.8	148.3	0.0	0.0	0.0	0.0
1003 GF Match	249.8	148.3	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	499.6	296.6	0.0	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 (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The fiscal impact of this bill results from adding new Medicaid recipients. Cost calculations are shown on attached page. Cost per recipient and number of new recipients are taken from home and community-based services waiver applications and supporting documents.

The Department of Health and Social Services has submitted a budget amendment for Medicaid home and community-based service waivers. Some of the cost impact of SB 5 would be increased if that amendment is not fully funded.

The Department has limited experience identifying children living in the community who need an institutional level of care. Any variance with the predicted number of those eligible will impact costs.

Prepared by: Kimberly B. Busch
 Division: Division of Medical Assistance

Phone: 465-3355
 Date: 03/22/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Date: 3/23/93

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ANALYSIS (cont.):

Cost Estimate (thousands of dollars)

FY 94:

FY 94 Medicaid service costs per recipient needing hospital or nursing facility level of care:	\$102.2
Number of new recipients, not on waivers, in FY 94 needing hospital or NF level of care:	21
Percent of time in FY 94 recipients are covered in FY 94	50%
Total FY 94 cost of Medicaid services for new recipients needing hospital or nursing facility level of care:	
$\$102.2 \times 21 \times 50\% =$	<u>\$1,073.1</u>

FY 94 Medicaid service costs per recipient needing ICF/MR level of care:	\$32.9
Number of new recipients, not on waivers, in FY 94 needing ICF/MR level of care:	36
Percent of time in FY 94 recipients are covered in FY 94	50%
Total FY 94 cost of Medicaid services for new recipients needing ICF/MR level of care:	
$\$32.9 \times 36 \times 50\% =$	<u>\$592.2</u>

Total FY 94 cost of Medicaid services for all new recipients:	
$\$1,073.1 + \$592.2 =$	<u>\$1,665.3</u>

Component Breakout:

Medicaid Non-Facility (70 percent of total costs)	\$1,165.7
Medicaid Facility (30 percent of total costs)	\$499.6

FY 95

FY 95 Medicaid service costs per recipient needing hospital or nursing facility level of care:	\$111.1
Number of new recipients, not on waivers, in FY 95 needing hospital or NF level of care:	6
Percent of time in FY 95 recipients are covered in FY 95	100%
Total FY 95 cost of Medicaid services for new recipients needing hospital or nursing facility level of care:	
$\$111.1 \times 6 \times 100\% =$	<u>\$666.6</u>

FY 95 Medicaid service costs per recipient needing ICF/MR level of care:	\$35.8
Number of new recipients, not on waivers, in FY 95 needing ICF/MR level of care:	9
Percent of time in FY 95 recipients are covered in FY 95	100%
Total FY 95 cost of Medicaid services for new recipients needing ICF/MR level of care:	
$\$35.8 \times 9 \times 100\% =$	<u>\$322.2</u>

Total FY 95 cost of Medicaid services for all new recipients:	
$\$666.6 + \$322.2 =$	<u>\$988.8</u>

Component Breakout:

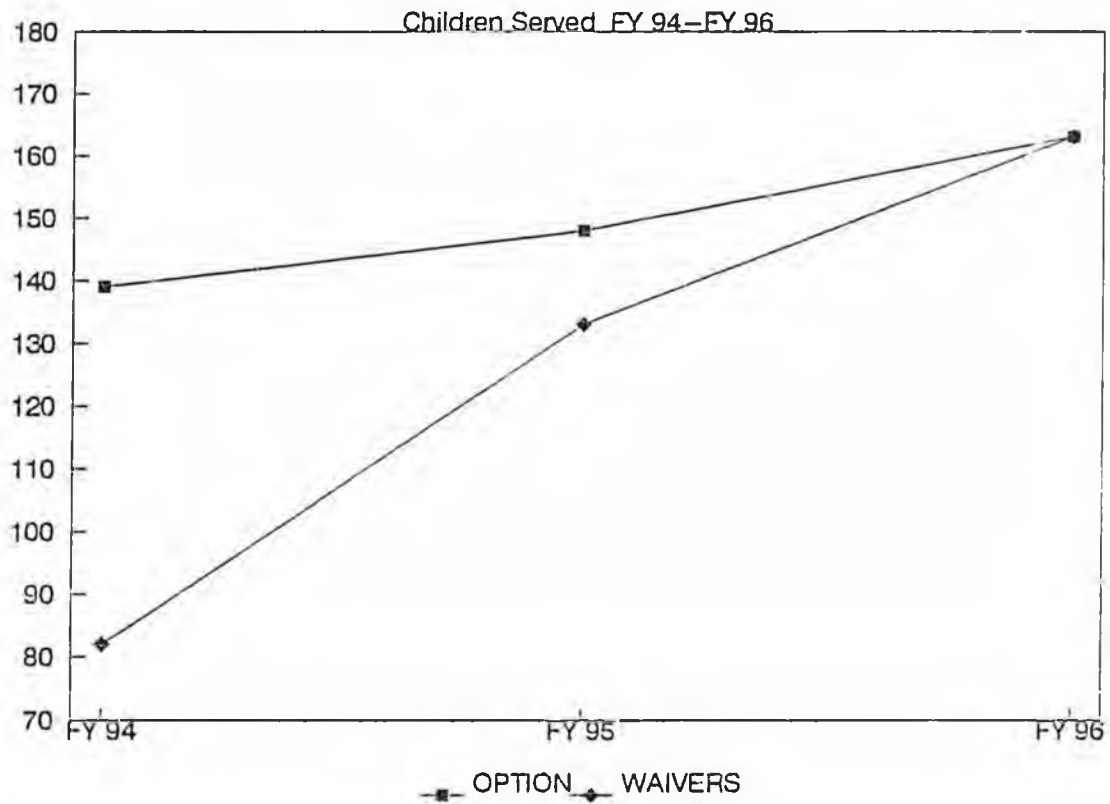
Medicaid Non-Facility (70 percent of total costs)	\$692.2
Medicaid Facility (30 percent of total costs)	\$296.6

FY 96 -- FY 99:

It is assumed that all new eligibles covered under this bill in FY 96 or after would receive coverage under waivers if this bill did not pass.

ANALYSIS (cont.):

WAIVERS AND OPTIONS



FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SS SB 5

Revision Date: 3/19/93 Dept. Affected: Health and Social Services
 Title: An Act relating to Medicaid eligibility of persons eligible to be institutionalized ... BRU: Medical Assistance
 Component: Medicaid Non-Facility
 Sponsor: Ellis, Salo, Lincoln, Duncan
 Requestor: Senate HESS Committee COMPONENT SERIAL NO. 229

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	1,165.7	692.2	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	1,165.7	692.2	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	582.8	346.1	0.0	0.0	0.0	0.0
1003 GF Match	582.9	346.1	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,165.7	692.2	0.0	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 (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The fiscal impact of this bill results from adding new Medicaid recipients. Cost calculations are shown on attached page. Cost per recipient and number of new recipients are taken from home and community-based services waiver applications and supporting documents.

The Department of Health and Social Services has submitted a budget amendment for Medicaid home and community-based service waivers. Some of the cost impact of SB 5 would be increased if that amendment is not fully funded.

The Department has limited experience identifying children living in the community who need an institutional level of care. Any variance with the predicted number of those eligible will impact costs.

Prepared by: Kimberly B. Busch
 Division: Division of Medical Assistance

Phone: 465-3355
 Date: 03/22/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Date: 3/23/93

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ANALYSIS (cont.):

Cost Estimate (thousands of dollars)

FY 94:

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Number of new recipients, not on waivers, in FY 94 needing hospital or NF level of care:	21
Percent of time in FY 94 recipients are covered in FY 94	50%
Total FY 94 cost of Medicaid services for new recipients needing hospital or nursing facility level of care:	
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FY 94 Medicaid service costs per recipient needing ICF/MR level of care:	\$32.9
Number of new recipients, not on waivers, in FY 94 needing ICF/MR level of care:	36
Percent of time in FY 94 recipients are covered in FY 94	50%
Total FY 94 cost of Medicaid services for new recipients needing ICF/MR level of care:	
$\$32.9 \times 36 \times 50\% =$	<u>\$592.2</u>

Total FY 94 cost of Medicaid services for all new recipients:	
$\$1,073.1 + \$592.2 =$	<u>\$1,665.3</u>

Component Breakout:

Medicaid Non-Facility (70 percent of total costs)	\$1,165.7
Medicaid Facility (30 percent of total costs)	\$499.6

FY 95

FY 95 Medicaid service costs per recipient needing hospital or nursing facility level of care:	\$111.1
Number of new recipients, not on waivers, in FY 95 needing hospital or NF level of care:	6
Percent of time in FY 95 recipients are covered in FY 95	100%
Total FY 95 cost of Medicaid services for new recipients needing hospital or nursing facility level of care:	
$\$111.1 \times 6 \times 100\% =$	<u>\$666.6</u>

FY 95 Medicaid service costs per recipient needing ICF/MR level of care:	\$35.8
Number of new recipients, not on waivers, in FY 95 needing ICF/MR level of care:	9
Percent of time in FY 95 recipients are covered in FY 95	100%
Total FY 95 cost of Medicaid services for new recipients needing ICF/MR level of care:	
$\$35.8 \times 9 \times 100\% =$	<u>\$322.2</u>

Total FY 95 cost of Medicaid services for all new recipients:	
$\$666.6 + \$322.2 =$	<u>\$988.8</u>

Component Breakout:

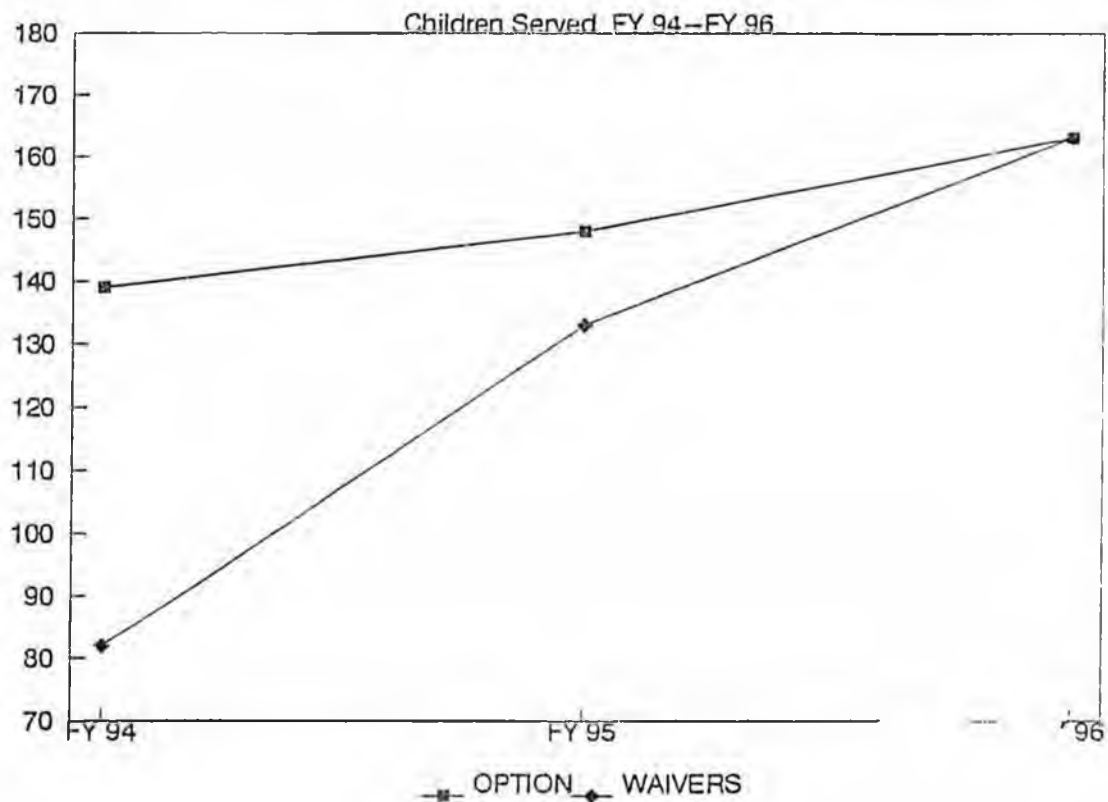
Medicaid Non-Facility (70 percent of total costs)	\$692.2
Medicaid Facility (30 percent of total costs)	\$296.6

FY 96 - FY 99:

It is assumed that all new eligibles covered under this bill in FY 96 or after would receive coverage under waivers if this bill did not pass.

ANALYSIS (cont.):

WAIVERS AND OPTIONS



FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SS SB 5

Revision Date: 03/19/93 Dept. Affected: Health and Social Services
 Title: An Act relating to Medicaid eligibility of persons eligible to be institutionalized ... BRU: Medical Assistance Administration
 Component: Claims Processing
 Sponsor: Ellis, Salo, Lincoln, Duncan
 Requestor: _____ COMPONENT SERIAL NO. 243

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	25.1	9.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	25.1	9.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts	12.5	4.5	0.0	0.0	0.0	0.0
1003 GF Match	12.6	4.5	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	25.1	9.0	0.0	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 (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The fiscal impact of this bill results from an increase in claims processing charges due to increasing new recipients. Cost calculations are shown on the attached page. In addition, FY 94 impact include one-time changes to the Medicaid Management Information System to add a new category of eligibility.

The Department of Health and Social Services has submitted a budget amendment for Medicaid home and community-based service waivers. Failure to fully fund this amendment would increase the cost of SB 5.

Prepared by: Kimberly B. Busch
 Division: Division of Medical Assistance

Phone: 465-3355
 Date: 03/22/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Date: 3/25/93

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ANALYSIS (cont.):

Cost Estimate (thousands of dollars)

FY 94:

Number of new recipients in FY 94:	57
x claims processing charges per recipient	\$0.6
Percent of time in FY 94 recipients are covered	50%

FY 94 claims processing charges (57x\$0.6x50%) \$17.1

One-time MMIS modification costs \$8.0

Total FY 94 Claims Processing \$25.1

FY 95:

Number of new recipients in FY 95:	15
x claims processing charges per recipient	\$0.6

Total FY 95 Claims Processing (15 x \$0.6) \$9.0

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SSSB5

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to Medicaid eligibility BRU: Public Assistance Administration
 Component: Eligibility Determination
 Sponsor: Ellis
 Requestor: _____ COMPONENT SERIAL NO. 270

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	46.8	48.2	49.7	51.1	52.7	54.3
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	3.5	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	55.8	53.7	55.2	56.6	58.2	59.8
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	27.9	26.8	27.6	28.3	29.1	29.9
1003 GF Match	27.9	26.9	27.6	28.3	29.1	29.9
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	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	55.8	53.7	55.2	56.6	58.2	59.8

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

SSSB5 expands Medicaid eligibility to cover severely disabled children in home and community-based care. The Division of Medical Assistance estimates that 139 disabled children who do not currently receive Medicaid would become eligible in FY94 under SSSB5 and the Governor's amended budget. This caseload would grow to 148 in FY95 and 163 in FY96.

Additional public assistance field eligibility staff would be required to process applications and maintain Medicaid cases for these additional clients. One additional Eligibility Technician I/II would be necessary to cover the increased caseload.

Prepared by: Jan L. Hansen, Director
 Division: Division of Public Assistance

Phone: 465-2680
 Date: 3/23/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Date: 3/23/93

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Position Title Eligibility Technician II		No. of Positions 1	Range/Step 14B	Bargaining Unit GGU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District House 15
TYPE of EXPENDITURE		AMOUNT		
Salary		32.8		
Benefits		14.0		
Premium Pay				
Other				
Total Personal Services		46.8		
Travel				
Contractual		5.0		
Commodities		0.5		
Equipment		3.5		
Other				
Total Cost		55.8		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	2.9		
1003	GF Match	27.9		
1004	General Fund			
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
<p>Justification</p> <p>Sponsor Substitute for Senate Bill No. 5 expands Medicaid eligibility to cover severely disabled children in home and community-based care. The Division of Medical Assistance estimates that 139 disabled children who do not currently receive Medicaid would become eligible in FY94 under SSSB 5 and the Governor's amended budget. This caseload would grow to 148 in FY95 and 163 in FY96.</p> <p>Additional public assistance field eligibility staff would be required to process applications and maintain Medicaid cases for these additional clients. One additional Eligibility Technician I/II would be necessary to cover the increased caseload.</p>				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services

BRU: Public Assistance Administration

COMPONENT: Eligibility Determination (270)

FY94

Page 1 of 1

Revised Date:

03/24/93
13:33:23

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)

LTN1150
BY:ANC
FOR:ANC

TCN:30425

SCHEDULED FOR:03/24/93 13:30 TO 15:30

PUBLIC HEARING

SENATE HEALTH, EDUCATION & SOCIAL SERVIC

LOCATION: ANCHORAGE

SB 5 MS.
SB 5 MS.

*see
new
sheet*

LAUREL
KAROL

PUTNAM
LIBBEY

TESTIFY
TESTIFY

J. Klawork

Brenda Trumble

03/24/93
13:42:07

TCN: 30425
PUBLIC HEARING

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
SCHEDULED FOR: 03/24/93 13:30 TO 15:30
SENATE HEALTH, EDUCATION & SOCIAL SERVIC

LYN1150
BY: ANC
FOR: ANC

LOCATION: ANCHORAGE

SB 5
SB 5
SB 5

✓ MS.
✓ MS.
MS.

LAUREL
KAROL
ELAINE

PUTNAM
LIBBEY
HURLEY

TESTIFY
TESTIFY
TESTIFY

Brian Hurley's mom

SB

21

SENATE COMMITTEE REPORT

DATE: 3/14/94

FURTHER: Judiciary

DATE TURNED INTO OFFICE: 4/11/94

HESS Committee considered SENATE BILL NO. 21

"An Act relating to child visitation rights of grandparents and other persons who are not the parents of the child."

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Alaska Court	3/10/94	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DQ PASS:

Mike Miller
A. Ellis
Ron A. Lemaw
Ben May

OTHER RECOMMENDATIONS:

J. E. Salo No Rec

Steve King No Recommendation
 (Chair: Signature and Recommendation)



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SB 21
GRANDPARENTS VISITATION RIGHTS
SPONSOR STATEMENT
(April 1994)

SB 21, referred to as the Grandparents Visitation Rights bill, is currently in the Senate Health, Education and Social Services Committee.

This is a very straight-forward and necessary bill. SB 21 would allow grandparents to petition Superior Court for an order establishing reasonable visitation rights with their grandchildren. Of course, visitation rights would only be granted if the Court deemed it was in the best interest of the child.

While we are in the throes of budget discussions and health care reform, I still think this bill deserves attention this session. It is a simple bill with no partisan undertones and I see no reason why it should not pass the Legislature this year. I have received many phone calls and letters of support from seniors and senior groups all over the state.

If you need additional information on SB 21 contact Alexis Miller in my office at 465-3892.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-5571

CO-CHAIR: Anchorage Caucus • *MEMBER:* Senate Judiciary Committee • Senate Resources Committee

Produced in House

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 21

Revision Date: March 9, 1994
Title: "...relating to child visitation rights of grandparents and other persons who are not parents of a child."
Sponsor: Senator Donley
Requestor: Senate State Affairs Committee

Department Affected: Department of Law
BRU: Legal Services
Component: Operations
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services Division

Date: March 9, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General

Agency: Department of Law

Date: March 9, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 21

ANALYSIS CONTINUATION:

This bill amends AS 25.20 to provide that in a child custody determination a court shall provide for visitation by a grandparent or other person if that is in the best interests of a child. This bill deals with the rights of private parties, and it therefore will not have a fiscal impact on the Department of Law.

PREFACE

A growing number of grandparents throughout the country have been denied access to their grandchildren by the children's parents or other custodians and have sought legal assistance in obtaining visitation. At least one hundred appellate court decisions involving grandparent visitation rights have been published to date. Yet grandparent visitation law remains a relatively new area of domestic relations law, and there is little literature on the handling of grandparent visitation cases for judges, domestic relations attorneys, mediators and other professionals working in the family law arena.

In the Fall of 1987, the Administration on Aging of the U.S. Department of Health and Human Services provided funds to the American Bar Association for a one-year project focusing on grandparent visitation rights. The project was jointly sponsored by three American Bar Association entities: the Commission on Legal Problems of the Elderly, the Family Law Section, and the National Legal Resource Center for Child Advocacy and Protection. One of the primary goals of the project was to publish this legal resource manual to provide up-to-date information on statutory and case law, existing legal literature, case representation, judicial practice, the role of experts and the use of mediation.

We have many acknowledgements to make. First, we thank the Administration on Aging for providing the grant which made this project possible. We appreciate the tremendous efforts of the authors who contributed to this book. The following authors took time off from their various fields of practice to draft and redraft chapters for the manual: Judge Ernest Rotenberg, Leonard L. Loeb, Marcia B. Gevers, Patricia Fernandez, Dr. Pamela Langelier, and Dr. John Haynes. We also appreciate the help of our Advisory Committee members, who volunteered their time and shared their knowledge: Edith Engel, Dr. Arthur Kornhaber, Dr. Doris Jonas Freed, Leonard Loeb, Bruce Kaufman, T.H. Guerin, Paula Monopoli, Professor Judith Areen, and Daniel Skoler. We thank Inga Van Eysden and Kimberly Shanks, law students who did extensive research and drafted portions of the manual. On the American Bar Association staff we have numerous individuals to thank. We appreciate the guidance and supervision of Nancy Coleman, Staff Director of the Commission on Legal Problems of the Elderly, and Howard Davidson and Bob Horowitz, Director and Associate Director of the National Legal Resource Center for Child Advocacy and Protection. We also would like to thank Beverly Y. Lyons for word processing and performing numerous other helpful tasks, and Norma Gregerman for publication production.

Ellen C. Segal
Naomi Karp

February, 1989

. . . About the American Bar Association Commission on Legal Problems of the Elderly

In 1978, the American Bar Association established the Commission on Legal Problems of the Elderly to examine law-related concerns of older persons. The Commission has encouraged legal services for the elderly, particularly through involvement of the private bar; and has explored legal issues surrounding long term care, home care, guardianship, home equity conversion, surrogate decision-making, and Social Security due process.

. . . About the American Bar Association National Legal Resource Center for Child Advocacy and Protection

Since 1978 the Resource Center has worked to improve laws and professional practices in the child welfare arena. It routinely offers educational opportunities to lawyers and other professionals involved in child abuse, foster care, child support, and other substantive areas of law. One of its principal goals is to improve the way courts and public agencies handle their child welfare caseloads, particularly with an eye towards protecting the rights of children and families. Towards this end, the Center works with legislators, judges and agency administrators in the development and implementation of new laws and policies.

. . . About the American Bar Association Family Law Section

The Family Law Section was established in 1958 to promote the objectives of the ABA by improving the administration of justice in the field of family law, by study, conferences, and publication of reports and articles with respect to providing assistance and guidance to the practice of family law, and to provide assistance with the teaching, promulgation of, and improvement of the welfare and strength of the family unit and its members in all related matters.

Chapter I

INTRODUCTION

American grandparents are becoming increasingly vocal about being denied access to their grandchildren. It appears that more and more grandparents are being deprived of the opportunity to see their grandchildren. These visitation problems seem to reflect broad changes in American society: the divorce rate is growing, family members no longer live in close proximity to one another, and the traditional family unit is becoming diffused. The visibility of the grandparent visitation issue also seems to reflect demographic and political changes: as our population ages, older persons are becoming more verbal about issues affecting them, and legislators, policy makers and service providers are giving those issues more attention.

In the last two decades, grandparents have gained ground in their efforts to obtain court-ordered visitation. Under the common law parental rights doctrine, courts generally refused to order visitation rights for grandparents over the objections of the child's parents. Since 1965, every state (excluding the District of Columbia) has enacted a statute enabling grandparents to petition for visitation rights with grandchildren.

These state statutes vary a great deal. They differ on who is authorized to petition for visitation, when a grandparent may petition, and what standard a court should apply in deciding whether to grant visitation privileges. The volume of litigation in the grandparent visitation area is growing rapidly. As many as one hundred or more cases may have reached the state appellate court level since 1980; many more have been filed at the trial court level.

Although domestic relations is traditionally governed by state law, there has been considerable activity on the federal level concerning grandparent visitation. In 1982 and 1983, the House of Representatives' Select Committee on Aging Subcommittee on Human Services held hearings on the issue. House Concurrent Resolution 67 was adopted on April 24, 1985 expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents adequate rights to petition State courts for privileges to visit their grandchildren.

APPENDIX A

GRANDPARENT VISITATION STATUTES*

State	Citation to Statute	On Death ¹ of Parent	On Divorce ² of Parents	After Living with ³ Grandparent	General ⁴ Provision
1. Alabama	Ala. Code §30-3-3 (1983)	X	X		
2. Alaska	Alaska Stat. §25.24.150 (1983)	X	X		
3. Arizona	Ariz. Rev. Ann. §25-337.01 (Supp. 1987)	X	X		
4. Arkansas	Ar. Stat. Ann. §9-13-103 (Supp. 1987)	X	X		
5. California	Cal. Civ. Code §§197.5, 4601 (West 1984 & Supp. 1987)	X			X
6. Colorado	Colo. Rev. Stat. §19-1-116 (1986)	X	X		
7. Connecticut	Conn. Gen. Stat. Ann. §§46b-59, -59a (West 1986 & Supp. 1988)				X
8. Delaware	Del. Code Ann. tit. 10, §950(7) (Supp. 1986)		X		
9. Florida	Fla. Stat. §61.13(2) (b)2c (Supp. 1987)		X		
10. Georgia	Ga. Code Ann. §19-7-3 (Supp. 1988)	X			
11. Hawaii	Haw. Rev. Stat. §571.46(7) (1985)		X		
12. Idaho	Idaho Code §32-1008 (1983)				X
13. Illinois	Ill. Ann. Stat. ch.40, para. 607(b) (c) (Smith-Hurd Supp. 1988)	X	X		
14. Indiana	Ind. Code Ann. §§31-1-11.7-1 to .7-8 (Burns 1987 & Supp. 1988)	X	X		

*Reprinted, with minor editorial and substantive changes, from J. Atkinson 2 Modern Child Custody Practice §8.19 (1986 & Supp. 1987)

FOOTNOTES

- 1 Under this type of provision, visitation could be granted to a grandparent whose son or daughter (the parent of the child) died.
 2 Several statutes also specifically provided for grandparent visitation while the parents are separated, where the marriage was annulled, or where there are or have been child custody proceedings.

- 3 The length of the time in which the child lived with the grandparent triggered the right of the grandparent to seek visitation: twelve months (Minnesota and Pennsylvania) and six months (Texas and New Mexico).
 4 "General provision" refers to visitation statutes which did not specify or restrict the circumstances under which a grandparent could obtain visitation.

State	Citation to Statute	of Parent	of Parents	Grandparent	Provision
15. Iowa	Iowa Code Ann. §§598.35-.36 (West 1987 & Supp. 1988)	X	X		
16. Kansas	Kan. Stat. Ann. §60-1616(b) (Supp. 1987)				X
17. Kentucky	Ky. Rev. Stat. Ann. §405.021 (Baldwin 1984)				X
18. Louisiana	La. Rev. Stat. Ann. §9:572 (West Supp. 1988)	X	X		
19. Maine	Me. Rev. Stat. Ann. tit. 19, §752 (Supp. 1988)				X
20. Maryland	Md. Fam. Law Code Ann. §9-102 (1984)			X	
21. Massachusetts	Mass. Gen. Laws Ann. ch.119, §39D (West Supp. 1988)	X	X		
22. Michigan	Mich. Comp. Laws Ann. §§722.72(b), 722.72b (West Supp. 1988)	X	X		
23. Minnesota	Minn. Stat. Ann. §257.022 (West 1982 & Supp. 1988)	X	X	X	
24. Mississippi	Miss. Code Ann. §§93-16-1, -3, -5, -7 (Supp. 1988)	X	X		
25. Missouri	Mo. Ann. Stat. §§452.400, .402 (Vernon 1986)	X	X		
26. Montana	Mont. Code Ann. §§40-9-101 to -102 (1987)				X
27. Nebraska	Neb. Rev. Stat. §§43-1801 to -1803 (Supp. 1986)	X	X		
28. Nevada	Nev. Rev. Stat. §§125A.330, .340 (1987)	X	X		
29. New Hampshire	N.H. Rev. Stat. Ann. §458:17 VI (1983)			X	
30. New Jersey	N.J. Stat. Ann. §9:2-7.1 (West Supp. 1988)	X	X		
31. New Mexico	N.M. Stat. Ann. §§40-9-1 to -4 (1986 & Supp. 1988)	X	X	X	
32. New York	N.Y. Dom. Re. Law §§72, 240(1) (McKinney 1986 & 1988)	X	X		X
33. North Carolina	N.C. Gen. Stat. §§50-13.2(b1), .2A, .5(j) (1987)			X	
34. North Dakota	N.D. Cent. Code §14-09-05.1 (Supp. 1987)				X
35. Ohio	Ohio Rev. Code Ann. §3109.05(B) (Anderson Supp. 1987)			X	
36. Oklahoma	Okla. Stat. Ann. tit. 10, §5 (West 1987)	X	X	X	
37. Oregon	Or. Rev. Stat. §§109.121, .123 (1987)	X	X		

State	Citation to Statute	On Death ¹ of Parent	On Divorce ² of Parents	After Living with ³ Grandparent	General ⁴ Provision
38. Pennsylvania	23 Pa. Cons. Stat. Ann. §§5311-5314 (Purdon Supp. 1988)	X		X	
39. Rhode Island	R.I. Gen. Laws §§15-5-24.1 to .2 (1981 & Supp. 1987)	X	X		
40. South Carolina	S.C. Code Ann. §20-7-420(3) (Law. Co-op. 1976)				X
41. South Dakota	S.D. Codified Laws Ann. §§25-4-52 to -54 (1984)	X	X		
42. Tennessee	Tenn. Code Ann. §36-6-301 (Supp. 1988)				X
43. Texas	Tex. Fam. Code Ann. §14.03(e)-(g) (Vernon Supp. 1988)	X	X	X	
44. Utah	Utah Code Ann. §30-3-5(4),(7) (Supp. 1988)				X
45. Vermont	Vt. Stat. Ann. tit. 15, 1011-1016 (Supp. 1988)	X	X		
46. Virginia	Va. Code Ann. §20-107.2 (Supp. 1988)		X		
47. Washington	Wash. Rev. Code Ann. §26.09.240. (Supp. 1988)				X
48. West Virginia	W. Va. Code §§48-2-15(b)(1), 48-2B-1 (1986)	X	X		
49. Wisconsin	Wis. Stat. Ann. §767.245 (West Supp. 1988)				X
50. Wyoming	Wyo. Stat. §20-2-113(c) (Supp. 1988)	X	X		

ALASKA WOMEN'S LOBBY

P.O. BOX 22156, JUNEAU, ALASKA 99802

To: Senator Dave Donley
From: The Alaska Women's Lobby
Date: March 10, 1994

The Alaska Women's Lobby requests your consideration of an amendment to SB 21, regarding visitation rights of grandparents and other persons.

SB 21 requires that when custody is disputed in a divorce the court shall provide for visitation by a grandparent or other person with whom the court determines visitation is in the best interests of the child. The bill also allows a child's grandparents to petition the Superior Court for visitation after a divorce.

Sections 3 & 4 of the bill deal with dissolutions or divorces in which the parents are not in dispute but in agreement. The Alaska Women's Lobby supported changes in the dissolution statute several years ago which clarified that the agreements between spouses be in writing, that the written agreements constitute the entire agreement between the parties and that the court may amend the written agreements between the parties *only* if both petitioners concur in the amendment in writing or on the record. (A.S. 25.24.220 (g))

We continue to support this concept and so object to section 4 of SB 21 which specifically sets aside A.S. 25.24.220 (g) to allow the court to amend the dissolution agreement by inserting visitation rights for a grandparent or other person without the express consent of the parties to the agreement.

Section 3 of the bill requires the court when considering if the parents agreement on visitation is in the child's best interests to also consider whether the agreement should include visitation by a grandparent or other person. If the parents agree on all other aspects of the dissolution but cannot agree in writing to the insertion of an other person's right to visitation with their child the court has the option of not granting the dissolution.

A.S. 25.24.230 (a) (4) currently requires that in dissolutions " each spouse entered into the agreement voluntarily and free from coercion of another person".

We request that Section 4 be stricken from the bill. Thank you for your consideration of our concern.

S B

45



Alaska State Legislature

Chair
*Legislative Budget and Audit
Community and Regional Affairs*

Vice-Chair
Transportation

Randy Phillips

State Senator
District L

Session
State Capitol
Juneau, AK 99801
(907) 465-4949

Interim
P.O. Box 142
Eagle River AK 99577
(907) 694-4949

Memorandum

TO: Senator Steve Rieger, Chair
Health, Education and Social Services Committee

FROM: Senator Randy Phillips REP

DATE: March 4, 1993

RE: Sponsor Statement in Support of: Senate Bill No. 45
"An Act relating to persons under the age of 21; providing for designation of 'safe homes' for runaway minors; and providing for an effective date."

According to the Alaska Department of Health and Social Services, over 3,500 youth runaway from home each year in Alaska. Many of these youths end up on the streets or in the homes of exploitive adults where they engage in prostitution, drug trafficking and property crimes to support themselves.

Senate Bill 45 was proposed as a means of addressing the growing problem of "runaway" children in Alaska, the inability of parents to deal with these children under existing laws and the inability of the state and local governments to protect these children. Senate Bill 45 changes several statutes relating to persons under the age of twentyone as well as providing a mechanism for the licensing of "safe homes".

Senate Bill 45 changes the definition of contributing to the delinquency of a minor. Current statute provides that a person over the age of 19 may not aid, induce, cause or encourage a child under the age of 16 to be absent from the custody of a parent, guardian. Senate Bill 45 would raise that age from 16-18.

Senate Bill 45 raises the age for purchase and possession of firearm from 16 to 21 years of age. Unless the minor has express permission of the minor's parents.

Senate Bill 45 prohibits an unemancipated minor from working without the permission of the minor's legal custodian and from working after 10:00 pm on school nights or 9:00 pm. if the minor is under the age of 16.

Senate Bill 45 allows the parents of a minor child to file an emancipation petition with the court on behalf of a minor. The purpose of this provision is to allow parents that cannot compel a child to remain in their custody and control, to initiate the process that would make the child solely accountable for his or her actions. It makes no change to the standards under which a minor could be emancipated.

This bill is intended as one step in a comprehensive look at statutes that apply to minor children. Thank you for your support in addressing this important issue. I have attached a copy of the report "Children in Crisis, A report on runaway and homeless youth in Alaska" for your information.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 45

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An act relating to persons under 21 years of age; providing designation of safe homes for runaway minors BRU: Family & Youth Services
 Component: Central Office, SCRO, NRO & SERO
 Sponsor: Senator Randy Phillips
 Requestor: _____ COMPONENT SERIAL NO. 0259, 0254, 0255 & 0258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	38.6	92.5	144.1	157.0	157.0	157.0
TRAVEL	5.0	10.0	12.0	12.0	12.0	12.0
CONTRACTUAL	23.2	6.4	9.6	9.6	9.6	9.6
SUPPLIES	1.2	1.4	1.6	0.6	0.6	0.6
EQUIPMENT	6.0	6.0	6.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	74.0	116.3	173.3	179.2	179.2	179.2

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

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

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	74.0	116.3	173.3	179.2	179.2	179.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	74.0	116.3	173.3	179.2	179.2	179.2

POSITIONS:

FULL-TIME	1	2	3	3	3	3
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

See attached for Fiscal Note Analysis

Prepared by: Deborah R. Wing, Director *DRW*
 Division: Department of Health & Social Services

Phone: 465-3191
 Date: 01/25/93

Approved by Commissioner: Theodore A. Mala, MD, MPH *[Signature]*
 Agency: Department of Health & Social Services

Date: 1/26/93

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FISCAL NOTE ANALYSIS SB 45

Assumptions:

Assumption: SB 45 would not be implemented without positions. As in other experience with private agencies, state agency staff must train private agency staff and enforce when children are harmed or when there is a pattern of disregard for regulations. In Anchorage and some other areas of the state, licensing workers are carrying a facility load of 120 per worker. They are unable to meet current statutory responsibilities without adding another facility type to their responsibilities. In addition, equity for licensees already in the division's licensing load is warranted.

Program Summary:

1. Positions: One Community Care Licensing Specialist is needed to implement the safe homes permit process in the Southcentral Region, as that is the region where private nonprofit groups have expressed strong interest in implementing the new statutory provisions.

The position would begin by providing research support to the contractor for drafting the regulations; by identifying areas of need and private agencies interested in recruiting and evaluating safe homes; and by being a licensing trainee in Anchorage under the supervision of an experienced licensing supervisor. Following the promulgation of regulations, the position would assist in the development of implementation materials and provide training in the new safe homes concept to both private agency and division staff throughout the region. Division staff would then pick up the support of agencies in their development of safe homes. Following implementation, the position would carry a mixed licensing and safe home load.

In the second year, a position would be needed in Fairbanks to serve the Northern region and a permanent full time position in Juneau to serve southeast in the same manner as described for the Anchorage position.

2. Other Expenditures A personal computer is a necessity for each position to gain technological efficiency and to meet the continuing goal of a PC for each division professional.

\$20,000 of the \$23,200 for FY 93 in the contract line is needed to contract with an attorney or an experienced professional to draft the safe home regulations and related legal documents and to adjust the safe home regulation draft following public comment.

Position Title		Community Care Licensing Specialist I		No. of Positions	1	Range/Step	16A	Bargaining Unit	GGU
Time Status	Staff Months			Location	Anchorage			Election District	9-25
	Full Time	9							
TYPE of EXPENDITURE			AMOUNT	Justification					
Salary			27.4	<p>A Community Care Licensing Specialist will implement the safe homes permit process in the Southcentral Region. The first year this position will 1) do research to support the contractor for drafting the regulations; 2) will identify communities needing safe homes and private agencies interested in recruiting and evaluating homes; 3) will be a licensing trainee; and will help develop safe home materials.</p> <p>SB 45 would not be implemented without this position. Some workers are carrying 120 homes and residential facilities. The load is such that they are unable to meet current responsibilities and could not add another facility type to their duties.</p> <p>This position will train and provide technical support to private agency staff who are evaluating safe homes. It will also enforce regulations (including revocation or denial of a permit when a child is harmed in the home, when a first time applicant is not in substantial compliance with regulations, or when there is a serious pattern of disregard for regulations). Serious complaints against a provider holding a permit cannot be solely handled by private agency staff. Following implementation, the position would carry a mixed licensing and safe home load.</p>					
Benefits			11.2						
Premium Pay									
Other									
Total Personal Services			38.6						
Travel			5.0						
Contractual			3.2						
Commodities			1.2						
Equipment			6.0						
Other									
Total Cost			54.0						
FUNDING SOURCE for TOTAL COST									
1002	Federal Receipts								
1003	GF Match								
1004	General Fund		54.0						
1005	GF/Program Receipts								
1006	GF/Mental Health Trust								
1007	I/A Receipts								
1061	CIP Receipts								
Other									

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Family & Youth Services
 COMPONENT: Southcentral Region

FY94

Page 1 of 3
 Revised Date:

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 45

Revision Date: January 26, 1993
Title: "An Act relating to persons under 21 years of age... designating 'safe homes'..."
Sponsor: Senator Phillips
Requestor: Senate HESS

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All
Legal Services - Operations
COMPONENT SERIAL NO. 0085 through 0090, 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:						
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

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

Phone: 465-3672
Date: January 26, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: January 26, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 45

ANALYSIS (Continued):

This bill amends various statutes to allow concerned citizens to volunteer to assist runaway minors in their private residences. The bill is intended to encourage properly qualified private citizens to seek designation of their homes as "safe homes" where runaway minors could seek temporary, short-term shelter and other care. The bill would require oversight of the safe homes by non-profit corporations which, in turn, would be subject to state permit regulation to insure that the homes meet health and safety standards designed to protect the runaway minor in a safe home.

The Department of Law would be involved in this process to the extent that our department would be required to assist the Department of Health and Social Services adopt regulations required under Section 17. The Department of Law would also be involved in any action requiring the suspension, modification, or denial of a permit to operate a safe home. Historically, Health and Social Services licensure disputes have proven to be time consuming for our department, often requiring considerable attorney resources to resolve. However, there is no way to predict the extent to which such disputes may ever occur. Consequently, fiscal impact funds have not been requested.

We also note that Section 9 amends AS 11.61.220(2) to provide that a person commits the crime of misconduct involving weapons in the fifth degree if, being a person under 21 years of age, the person possesses a firearm without the written consent of a parent or guardian. This section would appear to require the written consent of a parent or guardian before members of the National Guard or other armed services, under 21 years of age, could participate in weapons training or close order drill activities when firearms are used.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : SB 45

Revision Date: _____

Department Affected: Labor

Title: MISC. LAWS RELATING TO MINORS

BRU: Labor Standards & Safety

Sponsor: Senator(s) PHILLIPS, et. all

Component: _____

Requestor: Health, Education & Social Services

Wage & Hour

COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Donald Study, Director *Donald Study CSP* Phone: 465-6003
Division: Labor Standards & Safety Date: 3/1/93

Approved by Commissioner: Charles W. Mahlen *Charles W. Mahlen* Date: 3/1/93
Agency: Department of Labor

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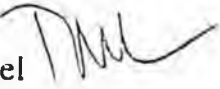
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 14, 1993

SUBJECT: Sectional Summary of SB 45, An Act relating to persons under 21 years of age and providing for designation of "safe homes" for runaway minors (SB 45)

TO: Senator Randy Phillips

FROM: Terri Lauterbach 
Legislative Counsel

This memorandum contains a general sectional summary of SB 45. If you have a specific question about the legal effect of any particular provision of SB 45, please let me know.

Section 1. This section sets out the findings and intent that relate to the "safe homes" sections of the bill (sections 12 - 19).

Secs. 2 - 7. These sections amend the code of civil procedure relating to actions to remove the disabilities of minority. Under current law, a minor can get court approval to have the responsibilities and powers of an adult for either general purposes or for a specific purpose. The changes in this section would allow the legal custodian of a minor to file a petition to remove disabilities of the minor. Formerly, only the minor could file such a petition.

Sec. 8. The substantive effect of all the changes in this section is to raise from 16 to 18 the age of minors covered by the statute that makes it a crime to contribute to the delinquency of a minor by encouraging the minor to be absent from the custody of parents or other custodians. Exceptions are made for minors for whom the disabilities of minority have been removed and for persons who aid runaway minors by keeping them in a "safe home." (See secs. 12 - 19 of the bill for provisions relating to "safe homes.")

Sec. 9. This section raises from 16 to 21 the age at which a person can possess a firearm without the consent of a parent or guardian. It also makes it a crime for a person to give or sell a firearm to a person under 21 without the consent of the

person's parent or guardian. There are no exceptions to the parental consent requirement, e.g., for military service or for employment requiring the use of firearms.

Sec. 10. This section is just a technical amendment made necessary by the amendments to AS 11.51.130(a) under sec. 8 of this bill.

Sec. 11. This section, relating to working hours of minors, is self-explanatory.

Sec. 12. This section provides immunity to the state and to agencies that designate safe homes for the acts of a minor in a safe home.

Sec. 13. This section establishes requirements and immunities relating to persons who operate safe homes for runaway minors.

Sec. 14. This section allows a peace officer to take a minor who is in protective custody to a safe home that agrees to shelter the minor. This section also requires the officer to inform the minor's custodian that counseling services are available through the Department of Health and Social Services.

Sec. 15. This section requires the Department of Health and Social Services to offer counseling services to the custodian of a runaway minor (and to the custodian's household) before the department may take emergency custody of a minor.

Sec. 16. This section provides that a person may not represent a home as a "safe home" for runaways unless the person has the appropriate permit.

Sec. 17. This section directs DHSS to adopt regulations under which a nonprofit corporation may apply for a license to designate and supervise safe homes for runaway minors. The regulations must include health and safety standards for the homes. Upon notification by a licensed agency, DHSS will provide a permit to the designated homes.

Sec. 18. This section requires that an agency may not designate safe homes unless licensed to do so by DHSS.

Sec. 19. This section defines "runaway minor" and "safe home."

Sec. 20. This section gives the bill an immediate effective date.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

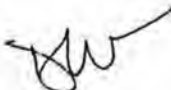
WALTER J. HICKEL, GOVERNOR

X 110630
J. NEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

MEMORANDUM

Date: March 9, 1993

To: Honorable Steve Rieger, Senator
Alaska State Legislature

From: Deborah R. Wing 
Director
Division of Family And Youth Services

Subject: Draft Regulations "Programs for Runaway Minors"

Please find attached a draft copy of the regulations for "Programs for Runaway Minors" that was requested in Senate HESS committee on March 5, 1993.

DRAFT

TITLE 7. HEALTH AND SOCIAL SERVICES

Chapter

CHAPTER 53. SOCIAL SERVICES

7 AAC 53 is amended by adding a new article to read:

ARTICLE 4. PROGRAMS FOR RUNAWAY MINORS

Section

- 410. Applicability and scope
- 420. License required
- 430. Application
- 435. Plan of correction
- 440. Waiver of Requirements
- 450. Provisional license
- 460. Consultation
- 470. Renewal

- 480. Denial, modification, and revocation
- 485. Right to hearing and appeal
- 490. Voluntary modification of license
- 500. Voluntary termination of operations
- 510. License
- 520. Organization and administration
- 530. Changes affecting license
- 540. Insurance and risks
- 550. Reports and records
- 560. Inspection
- 570. Fire and life safety
- 580. Sanitation and environmental protection
- 590. General environmental requirements
- 600. Emergency provisions
- 610. Administrator
- 620. Careprovider qualifications
- 630. Staffing requirements
- 640. Staff orientation, supervision, and training
- 650. Transportation
- 660. Non-discrimination practices
- 670. Admission policies

- 680. Program of care
- 690. Assessment, plan of care, and case records
- 700. Care agreement
- 710. Confidentiality
- 720. Discipline and behavior management
- 730. Nutrition
- 740. Medical and dental care
- 750. Discharge of minors
- 760. Immunity
- 770. Definitions

7 AAC 53.410. APPLICABILITY AND SCOPE. (a) The provisions of 7 AAC 53.410 -- 7 AAC 53.770 apply to runaway minor program facilities located within the State of Alaska.

(b) The licensing of a runaway minor program facility by the division does not require the division or another placement agency to support the facility financially or to place or maintain a minor in the facility. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.420. LICENSE REQUIRED. A facility must be operated either by a non-profit corporation organized under AS 10.20 or a municipality. Only non-profit corporations organized under AS 10.20 and municipalities that have valid, current licenses issued by the division under 7 AAC 53.410 -- 7 AAC 53.770 may operate, advertise or otherwise represent that they operate a runaway minor program facility. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.430. APPLICATION. (a) An applicant must apply for a license on a form provided by the division.

(b) Within 60 days after receipt of a completed application, the division

(1) will review the application, confer with the applicant, and inspect the facility for which the application was made; and

(2) if the application is for operation of a facility of six or more minors who are unrelated to the operator, or if the division considers it necessary, will request appropriate authorities to verify compliance with applicable fire safety regulations, environmental health regulations, building codes, zoning ordinances, and other state and municipal requirements.

(c) If the division determines that the facility complies with the requirements of 7 AAC 53.410 -- 7 AAC 53.770, the division will issue a license to the applicant, or the division will modify the existing license of the applicant, as appropriate. If the division determines that the facility does not comply with the requirements of 7 AAC 53.410 -- 7 AAC 53.770, the division will deny the applicant a license or license modification unless the division determines that a provisional license should be issued to the applicant as provided in 7 AAC 53.450.

(d) If the applicant has a current biennial Residential Child Care Facility license for emergency shelter care issued by the department for the physical location where the runaway minor program facility will be operated, the division may, in its discretion, substitute the requirements of sections 7 AAC 50.025 -- 7 AAC 50.045 and 7 AAC 50.053 -- 7 AAC 50.057 for the requirements of sections 7 AAC 53.520, 7 AAC 53.570 -- 7 AAC 53.660 and 7 AAC 53.720 -- 7 AAC 53.740 when requested in writing by the applicant. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7AAC 53.435. PLAN OF CORRECTION. (a) If the division determines that an application under 7 AAC 53.430 or 7 AAC 53.470 is deficient or the applicant fails to meet a requirement of 7 AAC 53.410 -- 7 AAC 53.770, the facility may submit a plan of correction. The plan must be designed to correct the deficiency or meet the requirement which the division determined the

applicant failed to meet.

(b) The division may approve the plan of correction and issue the applicant a license only if the plan is reasonable and specifies a period of time within which to satisfy the requirements of 7 AAC 53.410 -- 7 AAC 53.770.

(c) A facility must meet the requirements of 7 AAC 53.410 -- 7 AAC 53.770 within the time specified in the plan of correction. If a plan of correction accepted by the division under (b) of this section is not effective by the date specified, the division may approve a resubmitted plan with a revised date of completion only if the facility has demonstrated reasonable efforts to carry out the requirements of the plan.

(d) If the facility fails to complete the plan, the division will immediately revoke or modify the license. (Eff. / / ,
Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.440. WAIVER OF REQUIREMENTS. (a) The director or the director's designee may, with discretion, waive a requirement of 7 AAC 53.410 -- 7 AAC 53.770 if an alternate method of satisfying the purpose of the requirement is established and the well-being of the facility residents is reasonably ensured.

(b) The appropriate municipal or state authority must review a waiver request involving fire safety, environmental health, or other municipal or state requirements within their jurisdiction before the director or the director's designee may allow the waiver.

(c) An applicant for a waiver must apply in writing to the division. The application must state

(1) the requirement for which the waiver is requested;

(2) an explanation of why the requirement cannot be satisfied; and

(3) the applicant's alternative method of meeting the purpose of the requirement.

(d) The division may grant a waiver under this section for the term the license is in effect, or for a shorter period of time. The division may, in its discretion, renew the waiver for successive periods of not longer than the term of a renewed license if it determines that the provisions of (a) -- (c) of this section are satisfied.

(e) The division will answer a waiver request in writing.

(Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.450. PROVISIONAL LICENSE. (a) The division will, in its discretion, issue a provisional runaway minor program facility license to a first time applicant, an applicant who is

temporarily unable to comply with a regulation, or an applicant who previously had a license revoked under this article if

(1) the facility is in substantial compliance with the requirements of 7 AAC 53.410 - 7 AAC 53.770;

(2) the non-compliance does not cause an immediate risk to the life, health or safety of resident minors; and

(3) the applicant submits to the division a completed application that is in conformity with the requirements of this article except

(A) those requirements where compliance cannot be determined because the program is not in full operation;

(B) a requirement waived under 7 AAC 53.440 for a period of one year or less;

(C) when the applicant has a plan approved by the division to correct the areas of noncompliance within the

times specified by the provisional license; or

(D) when the noncompliance is caused by practical considerations, including weather and shipping.

(b) The division will approve or deny the request for provisional license in writing.

(c) The division will issue an operator a biennial license only after the operator has been operating under a provisional license for at least one year, and is found to conform to all standards and procedures of 7 AAC 53.410 -- 7 AAC 53.770. (Eff.

/ / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.460. CONSULTATION. The division may, in its discretion, provide consultation to assist an applicant in complying with the requirements of 7 AAC 53.410 -- 7 AAC 53.770.

(Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.470. RENEWAL. (a) A licensed facility operator (hereinafter, "operator") who wishes to be relicensed, must apply, as directed by the division, at least 60 days but no more than 120 days before expiration of the existing license.

(b) The division will conduct a review not later than 10 days before expiration of the existing license and will take appropriate action under 7 AAC 53.430(b) and (c).

(c) If the operator applies in compliance with (a) of this section, but the division is unable to complete its review within the period set out in (b) of this section, the division will temporarily extend the existing license for a certain period.

(Eff. / / , Register)

Authority: AS 47.05.010
AS 47.10.300
AS 47.10.310

7 AAC 53.480. DENIAL, MODIFICATION, AND REVOCATION. (a) If the division determines that a facility does not comply with AS 47.10.300 -- 47.10.390, AS 47.35.010 -- 47.35.090, 7 AAC 53.410 - - 7 AAC 53.770, or the terms of the license, it may deny, modify, or revoke the license without the operator's or applicant's consent or agreement.

(b) The division will initiate proceedings to deny, modify, or revoke the license by service of an accusation or statement of issues in accordance with AS 44.62, and will conduct the proceedings in accordance with AS 44.62.330 -- 44.62.650.

(c) If the division determines that the health, safety, or well-being of any minor in the facility is in jeopardy, the division may immediately revoke the license. Otherwise, a denial, revocation, or modification of a license will take effect upon the final administrative action of the department, following

an appeal if applicable.

(d) If a license is denied or revoked, the length of time before the person may reapply, if any, will be stated in the final administrative action of the department. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

7 AAC 53.485. RIGHT TO HEARING AND APPEAL. An applicant who has been denied a license or renewal of a license or whose license has been revoked or modified without the applicant's consent may request a hearing before the director or the director's designee under AS 44.02.390. If there is immediate revocation under AS 47.35.050, a hearing, if requested, will be scheduled within 30 days. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

7 AAC 53.490. VOLUNTARY MODIFICATION OF LICENSE. (a) An operator may initiate a voluntary license modification by writing the division director. The operator must notify the director of the modification desired, and when the modification could become effective. The director will, in the director's discretion, request additional information, or approve or deny the modification.

(b) The division may initiate a voluntary license modification by contacting the operator. The division must notify the operator of the modification desired, and when the division would allow the modification to become effective. The operator has authority to refuse a license modification sought by the division under this subsection. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.500. VOLUNTARY TERMINATION OF OPERATIONS. (a) An

operator shall notify the division of any intention to voluntarily terminate operations a minimum of 30 days prior to termination.

(b) The operator has continuing responsibility to ensure that records are kept confidential and minors receive continuous service. The operator must submit to the division for approval a plan designed to ensure confidentiality of records and continuity of service. The operator shall forward all records according to division direction. (Eff. / / , Register)

Authority: AS 47.05.010
AS 47.10.300
AS 47.10.310

7 AAC 53.510. LICENSE. (a) A license issued in accordance with 7 AAC 53.430 or 7 AAC 53.440 will state

(1) the type of facility;

(2) the name of the facility;

(3) the name of the organization or municipality licensed to operate the facility;

(4) the location and mailing address of the facility;

(5) the greatest number of minors who may reside at the facility at any one time;

(6) the ages of minors who may reside at the facility;

(7) if applicable, the facility's authorization to provide more than one type of care and the number of beds in the facility which are designated for the runaway minor program facility;

(8) the period for which the license is in effect; and

(9) other special conditions concerning compliance with 7 AAC 53.410 -- 7 AAC 53.770.

(b) Licenses are not transferrable from one person to another or one location to another.

(c) An operator shall immediately return a revoked license to the division.

(d) All licenses remain the property of the division.

(e) A biennial license issued by the division will be valid for two years from the effective date of the license, unless subsequently revoked or modified.

(f) An operator must display the license in the facility in plain view of the public. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.520. ORGANIZATION AND ADMINISTRATION. (a) The governing board, if any, of an operator must: