

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8282 SENATE HEALTH EDUCATION & SOCIAL SERVICES

HB

97

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

N' 1
Bill Version: HB 97
(H) Publish Date: 2/10/93

Revision Date: _____ Dept. Affected: Health and Social Services
Title: "An act clarifying responsibilities for children in custody of department" BRU: Purchased Services
Sponsor: House HESS for DHSS Component: Foster Care
Requestor: _____ COMPONENT SERIAL NO. 0252

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
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						
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REVENUE FUND SOURCE						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
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: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill is critical to the Division of Family and Youth Services. There will be no increased costs incurred if this bill passes, but there is a serious potential for a sizeable increase in foster care costs if it does not pass.

Prepared by: Deborah R. Wine, Director
Division: Department of Health & Social Services
Approved by Commissioner: Theodore A. Mala, MD, MPH
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/02/93
Date: 2/5/93

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HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

STATE CAPITOL, JUNEAU 99801
(907) 465-3759



HB 97

CLARIFYING PARENTAL RESPONSIBILITIES

FOR A CHILD IN STATE CUSTODY

HB 97 clarifies the responsibilities of the Department of Health and Social Services and parents for children who are committed to the custody of the department and are placed by the department with the parents.

The bill responds to an Alaska Supreme Court decision that will incur new and substantial costs to the state.

In the August 1991 decision in the case of In re E.A.O., the court reversed a lower court decision and ruled that the state must pay for the medical costs of a child in state custody even though the child lives with his or her parents.

Prior to this decision, the state interpreted the law to pay for medical care costs of children in physical custody of the state. Holding the state responsible for medical costs of children in its custody who are placed at home would result in less protection for these children and other children in need of aid.

The ramifications of this decision may also lead to the state's being held liable for other costs of child rearing such as food, shelter, and education. HB 97 will free the state from the fiscal complications arising the August 1991 court decision.

HB 97 passed the House with 39 Yeas - 1 Excused. We urge your favorable consideration of this legislation.

HOUSE BILL 97

For An Act Entitled: "An Act clarifying the responsibilities for the Department of Health and Social Services and parents for children who are committed to the custody of the Department and are placed by the Department with the parents; and providing for an effective date"

Analysis/Program Impact

The Department of Health and Social Services strongly supports HB 97, which clarifies the responsibilities of the Department for children committed to its legal custody who continue to reside with the parent or parents. The Bill amends AS 47.10.084 (a) to expressly require a parent or parents to provide for the day to day care of their children if the children are residing with them when the state has legal custody as a result of child protection services purposes.

This bill was made necessary as a result of the Alaska Supreme Court ruling in the case of In re E.A.D., 816 P.2d 1352 (Alaska 1991), in which the court ruled that the current AS 47.10.084 requires the Department to pay for medical costs associated with the care of children, even though they live with their parents. The Department has never interpreted the statute in this manner in the past. Therefore, absent an amendment, the Department will incur substantial additional financial expenses for these medical costs and may also be exposed to legal suits to resolve the responsibility for other costs of child rearing, including food, shelter, and education, while a child is placed at home by the Department. The Department has not budgeted for these types of costs, and these cost would significantly impact our budget, as well as the Medicaid budget. Although the court did acknowledge a possible right of reimbursement from the parents, the collection would not be practical nor cost effective.

The bill provides for a retroactive effective date to August 30, 1991, the date that the court issued its ruling. A retroactive effective date is necessary to avoid the additional unbudgeted expenses and to resolve a legal question as to the Department's responsibilities for other expenses, such as shelter, which the court did not directly address in its decision.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Position Paper
page 2
HB 97

Department's Position The Department of Health and Social Services urges the passage of this bill.

Recommended: Deborah R. Wing Date: 2/5/93
Deborah R. Wing, Director
Division of Family and Youth Services

Approved: Theodore A. Mafa Date: 2/5/93
Theodore A. Mafa MD, MPH
Commissioner
Department of Health and Social Services

MEMORANDUM

State of Alaska

Department of Law

TO: Elmer Lindstrom
Department of Health and
Social Services
Juneau, Alaska

DATE: January 5, 1993

FILE NO.:

TEL. NO.: 269-5100

SUBJECT: Legislation

FROM:

Dianne Olsen

Dianne Olsen
Assistant Attorney General
Human Services Section

Last year, the department introduced legislation to modify AS 47.10.084, which outlines the responsibilities of the department to children in its legal custody. The statute states that when the department has legal custody of a child, it has

the responsibility of physical care and control of the child, the determination of where and with whom the child shall live, the right and duty to protect, train and discipline the child and the duty of providing the child with food, shelter, education, and medical care.

In the case of In the Matter of E.A.O., 816 P.2d 1352 (Alaska 1991), the department had argued that when children in state custody are placed by the department in the home of their parents, it is the parents who are responsible for such things as food, shelter, education, and medical care. The Alaska Supreme Court, on the basis of strict statutory construction, disagreed. Therefore, the legislation was introduced to modify the statute. Although the legislation did not pass last year, we urge the department to work toward getting it introduced and passed this year.

Since the E.A.O. decision, defense attorneys have been relying upon the decision to make requests for the Department of Health and Social Services to pay for various expenses of children and their families when those children are in the legal custody of the state. In Anchorage, defense attorneys have filed motions in at least two cases to require the department to pay for housing costs of children and their parents. The department has resolved those cases prior to a judicial ruling. In Kenai, a defense attorney used the decision to support a request that the department pay for unapproved counseling costs for a child. The department was willing to arrange for counseling at an agency with which it had a contract, but the parents arranged for the child to be in counseling with someone with whom it did not have a contract and for whom federal funds would have been unavailable.

Elmer Lindstrom

January 5, 1993
Page 2

Although there have not been a large number of cases where such requests have been made, it is clear that defense attorneys will continue to make the argument that the department is required to pay for food, shelter, housing, and medical care no matter where the child resides. For instance, if a child in the custody of the state lives at home and that child suffers an injury, the department is responsible for payment for the medical expenses. Because the child is not in foster care, the child is not likely to be eligible for medicaid funds. Therefore, the expenses will come from the department's limited budget.

Please let me know if there is any further information that would be helpful to you.

DO/jlb

HB

114



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA D. TOOHEY

State Capitol
Juneau, AK 99801-1182

DISTRICT 13

SPONSOR STATEMENT

HOUSE BILL 114

"An Act allowing the Board of Nursing to authorize an advanced nurse practitioner to dispense medical, therapeutic, and corrective measures; and providing for an effective date."

House Bill 114 would clarify in statute an advanced nurse practitioner's authority to dispense medication within the scope of practice.

Dispensing has been a common practice with ANP's for many years. ANP's dispense medications for a variety of reasons. In some cases there is no access to a pharmacy and in other situations, the client may not have the resources to pay for the medications and the service of dispensing the medications better serves the immediate medical needs of that client.

In 1992 an advanced nurse practitioner requested clarification of her authority to dispense medication. The Department of Law advised that a statutory change would be necessary to clarify that authority.

Last year, the results of a survey of ANP's indicated dispensing was an essential function in many situations. The Board of Nursing and the Board of Pharmacy then worked together on the issue. The conclusion was the statutory change was needed.

HB114 is supported by the Board of Pharmacy, the Board of Nursing, the Alaska Nurses Association, The Alaska Association of Advanced Nurse Practitioners and nurse practitioners around the state. It passed the House 39-0. Your support of this bill would be appreciated. It has a zero fiscal note.

POSITION PAPER
HOUSE BILL 114

"An Act allowing the Board of Nursing to authorize an advanced nurse practitioner to dispense medical, therapeutic, and corrective measures."

House Bill No. 114 amends AS 08.68.410(1) by adding a provision to the definition of advanced nurse practitioner that will give these health care providers dispensing privileges.

The Division of Public Health currently employs or contracts for the services of ten advanced nurse practitioners throughout the state to provide family planning services. These services are made available through clinics that provide family planning and disease prevention education, prescribe family planning methods, and treat sexually transmitted diseases. These clinics serve persons who would not otherwise have access to these services. If these practitioners were to be denied the ability to dispense treatments, the result would be a serious impact to this underserved population in their ability to prevent unwanted pregnancies, reduce the complications of untreated sexually transmitted diseases, and stem the spread of these diseases.

The Division also provides grants to 14 rural health clinics throughout the state. These grants subsidize the operation of community clinics that provide primary medical care through the services of a mid-level practitioner (i.e. advanced nurse practitioner or physician's assistant). Eligible clinics are located in communities that are generally too small to support the services of a physician, and whose populations would not otherwise have local access to medical care. The communities receiving these grants, places such as King Cove, Galena, and Pelican, are isolated and often experience difficulties in travel and shipment of goods due to poor weather conditions. If advanced nurse practitioners are not able to dispense medications, the residents of these communities would experience a significant negative impact on their health.

HB 114 does not expand the nurse practitioner's privilege of prescribing medication, but allows them to dispense what they are currently prescribing. Nurse practitioners are required by regulation to have 15 hours of continuing education in pharmacology in order to renew their licenses. This ensures the necessary competency to allow for the action of dispensing medications. To date, the Division of Public Health has had no report of abuse or misuse of prescriptive authority or problems with medications, birth control methods, or treatments of sexually transmitted diseases by advanced nurse practitioner employees. In general, these practitioners have rigorous licensure requirements, and high professional standards.

The Department of Health & Social Services strongly supports the passage of House Bill 114.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

HB 114
Page 2

Peter Nakamura
Peter M. Nakamura, MD, MPH
Director

2/5/93
Date

Theodore A. Mala, Deputy Com
Theodore A. Mala, MD, MPH
Commissioner

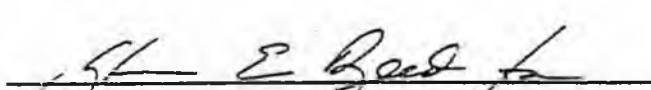
2/5/93
Date

HB 114: "An Act allowing the Board of Nursing to authorize an advanced nurse practitioner to dispense medical, therapeutic, and corrective measures."

This bill is necessary to provide legal authority for advanced nurse practitioners to dispense the medications which they prescribe.

Advanced Nurse Practitioners' (ANPs) dispensing has been occurring statewide since ANPs began practicing in Alaska under regulations established in 1980 by the Board of Nursing. A July 1992 Attorney General opinion stated there is no legal authority which allows ANP dispensing. A survey of ANPs conducted by the Board of Nursing in November 1992 with a 71% response rate, revealed that 55% of ANPs working in Alaska dispense in their practice. The survey further disclosed that 25% of the ANPs were in communities without pharmacies, and 22% were in communities without physicians.

The Boards of Nursing and Pharmacy have collaborated on the statute and regulation changes necessary to grant dispensing authority within the ANP scope of practice, and endorse the statute change. Therefore, the department supports HB 114.


Paul Fuhs, Commissioner
Department of Commerce and Economic
Development

2-5-93
Date

10640 Misty Lane
Juneau, Alaska 99801
February 5, 1993

Representative Cynthia Toohey
Capitol, Room 104
Juneau, AK 99801-1182

RE: House Bill 114


Dear Representative Toohey,

Last year and early this year, a joint subcommittee of the Board of Pharmacy and the Board of Nursing met on several occasions to discuss a statutory change which would give advanced nurse practitioners authority "to dispense medical, therapeutic, and corrective measures under regulations adopted by the board." The joint subcommittee also agreed on regulations, which would be promulgated by the Board of Nursing upon passage of such legislation.

The subcommittee presented its recommendations to the Board of Pharmacy and on January 28, 1993, the Board voted unanimously to support such legislation.

The Board of Pharmacy, therefore, supports House Bill 114.

Sincerely,



Gerald Race, President
Alaska State Board of Pharmacy

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

3601 C STREET, SUITE 722
ANCHORAGE, ALASKA 99503-5986
PHONE: (907) 561-2878
FAX: (907) 562-5781

Alaska Board of Nursing Position on Advanced Nurse Practitioner Dispensing

The Board of Nursing supports HB 114, an act allowing the Board of Nursing to authorize an advanced nurse practitioner (ANPs) to dispense medical, therapeutic and corrective measures.

The legislation is necessary to provide legal authority for ANPs to dispense the medications which they prescribe. ANP dispensing has been occurring statewide since ANPs began practicing in Alaska under regulations established in 1980 by the Board of Nursing. A July, 1992, Attorney General opinion stated there is no legal authority which allows ANP dispensing.

ANP dispensing occurs around the state. A survey of ANPs done by the Board of Nursing in November, 1992, with a 71% response rate, revealed that 55% of ANPs working in Alaska dispense in their practice. The survey further disclosed that 25% of the ANPs were in communities without pharmacies and 22% were in communities without physicians. This bill is needed to allow ANPs to continue to dispense in their practice so the care in these communities will not be adversely impacted.

The Board of Nursing and the Board of Pharmacy have been working together on the parameters for ANP dispensing. The ANP will be required to dispense in accordance with the practitioner's scope of practice. The parameters will be defined by Board of Nursing regulations.

1492n



Tom Fink,
Mayor

Municipality of Anchorage

Department of Health and Human Services

825 "L" Street
P.O. Box 196650 Anchorage, Alaska 99519-6650



February 8, 1993

Rep Cynthia Toohey
CoChair HESS
Capitol Room 104
State Capitol
Juneau, Alaska 99801-1182

Dear Rep Toohey:

We support HB 114. Ninety percent of our clients are low-income women falling below the poverty guidelines. In taking care of these women who are uninsured or who fall below the poverty guidelines it is vital we be able to dispense medication for the improvement of their health.

Thank you for introduction of this bill. We appreciate all the support that you and the HESS Committee are providing to continue the vital role of the nurse practitioners in providing quality health care to the citizens of Alaska.

Please share this letter with other committee members.

Sincerely,

Lorraine Martin ANP

Lorraine Martin, ANP

Karen Murray ANP

Karen Murray, ANP



ANPA

Alaska Nurse Practitioner Association

February 4, 1993

Cynthia Toohey, Co-Chair
House HESS
State Capitol
Juneau, AK 99801-1182

Dear Rep. Toohey,

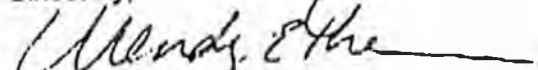
The Alaska Nurse Practitioner Association (ANPA) supports HB114.

This change is necessary for the nurse practitioner to provide complete health care to clients who are unable financially to purchase medications or who live in areas where there are no pharmacies. The change in this statute breaks down those barriers that prevent clients from seeking care and obtaining needed treatment, finances and geography.

Nurse practitioners have had independent practice since 1984 and prescriptive authority since 1985. Since nurse practitioners provide health care to indigent clients and provide care in rural areas, dispensing has been a necessary part of the provision of this care. The addition of the word dispense to the current statute allows nurse practitioners to continue providing health care and meeting the needs of clients.

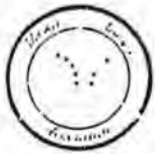
If I or our organization can be of further assistance, please call 561-1925.

Sincerely,



Wendy Thon, ANP
Nurse Practitioner

ANPA
Legislative Affairs
237 E. 3rd
Anchorage, AK 99501



ALASKA NURSES ASSOCIATION

237 E. 3rd Avenue #3
Anchorage, AK 99501-2523
(907) 274-0827
FAX (907) 272-0292

February 8, 1993

Representative Cynthia Toohey
Health, Education, and Social Services
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Toohey:

The Alaska Nurses Association (AaNA) supports HB 114, an act allowing the Board of Nursing to authorize an advanced nurse practitioner (ANP) to dispense medical, therapeutic, and corrective measures.

Nurses have a long and proud history of supporting issues that would ensure universal access to health care for all, irrespective of geographical location and economic status. Enabling the Board of Nursing to authorize this important action by ANPs is crucial to ensuring access health care services for clients around the state, including the indigent, the non-insured, and rural residents with no access to pharmacies.

AaNA urges the Legislature to pass this bill so that ANPs can continue to provide invaluable service to the communities they serve. Nurses in advanced practice have proven their effectiveness in providing high quality and cost-effective care for consumers -- they need this authorization to ensure that their contributions will continue to benefit all residents of Alaska.

Sincerely,

Patricia A. Hong, MA, RN, CCRN
President

Office Phone: 694-4080



2-3-93

Cynthia Toohey
House HESS
State Capitol
Juneau, Alaska
99801-1182

Dear Cynthia Toohey,

This is a letter to support HB114 to add the word dispense to the Nurse Practitioners statute.

I have been in independent practice for 11 years and not being able to dispense would be a hardship to many of my patients.

I trust you will support HB114 so I can continue caring for patients who choose to have a Nurse Practitioner care for them.

Sincerely,

Lila McEwen, F.N.P.
Family Health Center
16839 Park Place
Eagle River, Alaska
99577

LM/jε

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

March 1, 1993

Senator Steve Reiger, Chair
Committee on Health, Education
and Social Services
Alaska State Senate
Capitol Building
Juneau, AK 99801

Re: Support HB 114
Drug Dispensing
by Nurse
Practitioners


Dear Senator Reiger:

ASHNHA, representing community hospitals and nursing homes urges Senate HESS Committee support of HB 114, allowing Advance Nurse Practitioners to dispense medications.

This authority is of particular importance in rural Alaska.

Many thanks,

Sincerely,



Harlan R. Knudson
President/CEO

cc: Representative Cythia Toohy



Yukon-Kuskokwim Health Corporation
Community Health Aide Program

“Ensuring Native Self-Determination in Primary Care, Prevention and Health Promotion”

P.O. Box 528 Bethel, Alaska 99559 (907) 543-5075 543-4471

FEB 11 1993

FEB. 8, 1993

Dear Ms. Toohey,

I am writing in support of HB114 to add the word 'dispense' to our statute regarding Nurse Practitioner practice.

I am a Family Nurse Practitioner who worked as a health care provider in an Alaska bush community for 13 months. From Sept. 1991 to Oct. 1992, I was the sole practitioner in Akutan, a small fishing village, which is located 800 miles from Anchorage and 30 miles from Dutch Harbor.

My patient population included non-natives as well as beneficiaries of Alaska Native Medical Center services. Dispensing medication was the only method in which patients received their medications. There were several times when a pharmacy in Anchorage needed to mail medication to Akutan; seven days was a minimum time for mail delivery.

If the ability of dispensing medication was not an option for me in this setting, clearly the quality of care would have been altered. An individual would have access to health care, without the benefit of receiving treatment.

The ability to dispense is critical to function within the scope of practice for Nurse Practitioner's working in rural communities in the State of Alaska.

Sincerely,

Nancy Walsh-Robart

Nancy Walsh-Robart FNP



UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508-8175

STUDENT HEALTH CENTER
(907) 786-4040

February 5, 1993

Representative Cynthia Toohey
Room 104
Capital Building
Juneau, Alaska 99801-1182

RE: HB114

Dear Representative Toohey:

On July 31, 1992, the Assistant Attorney General issued an opinion to the Division of Occupational Licensing at the request of the Pharmacy Board advising the an advanced nurse practitioner may not dispense drugs. This response has generated a great deal of concern on the part of nurse practitioners delivering primary care across the State.

Advanced nurse practitioners (ANPs) dispense medications for a variety of reasons. In some cases there is no access to a pharmacy and in other situations the client may have limited resources to pay for the medications and the service of dispensing the medications increases patient compliance.

The University of Alaska Anchorage, Student Health Center has a potential population of 8,000 students eligible for services. The clientele of the Student Health Center frequently have limited financial resources, no health insurance and diminished compliance related to attitude, and time demands. It is of primary concern that the inability to dispense medications will dramatically decrease compliance with medication treatment regimen. Frequently the illness requires prompt medication intervention. The ability to dispense the prescription drugs, explain the rationale for the prescribed treatment, and the directions for taking the medication reinforce the importance of the treatment and consequently foster improved compliance.

Even though the Student Health Center is located within the Municipality of Anchorage and not a rural setting the issue of prompt treatment, compliance and cost effective health care are unchanged. The dispensing of medications onsite contributes to prompt and effective treatment.

Any opportunity to assist patients/students in making educated decisions regarding their health care should not be overlooked. Health care providers should encourage people to be intelligent consumers of health care services.

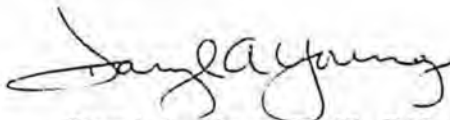
Representative Toohey
February 5, 1993
Page 2

Medications dispensed at the Student Health Center are prepackaged unit dose to reduce error. These packages are labeled in accordance with 12.AAC52.120 - Labeling Unit Dose Use and Prepackaged Drugs. It should be noted that we are not compounding any medications.

I applaud your proactive stance regarding the delivery of health care to the variable population in Alaska. I support the recommended statutory changes for nurse practitioners to dispense prescription medications.

Thank you for your assistance in this important health care delivery issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daryl A. Young".

Daryl A. Young, MS, RN, CS, FNP
Manager, UAA Student Health Center

cc. Gail M. McGuill, Executive Secretary
Board of Nursing

STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

NOV 17 1992

DIV. OF OCCUPATIONAL LICENSING

Sun November 8, 1992

17:21pm

Dixie L. Light ANP/FNP, M.Sc.N., PhD.
P.O. Box 382
Houston, Alaska 99694
Telephone (907) 892-8804

Gail M. McGill, RN, Executive Secretary
Alaska Board of Nursing
Department of Commerce and Economic Development
7th Floor Frontier Bldg.
3601 C Street, Suite 722
Anchorage, Alaska 99502

RECEIVED

Division of Occupational Licensing

Dear Gail,

I doubt if you remember me with all you have to do but, we met briefly at the 1991 ANP Conference in Anchorage. Looking forward to meeting you again this year at the conference.

Last week I sent you my response to your questionnaire regarding the dispensing of pharmaceuticals. The implications of being unable to provide medications in my small rural practice are fairly alarming.

I serve families along the Parks Highway from just South of Big Lake, the community of Big Lake, Houston, and again along the highway about 15 miles North of Willow, the Hatcher Pass, and fly ins from the Susitna and Yentna rivers. Our practice is small, in 14 months we have opened 480 records or which 30 are summer visitors (removal of fish hooks and small emergencies).

There is a lot of data in my charts and I am kicking myself for not having put it in a data base to be able to draw more meaning that you might find useful. People come to me because:

1. they usually don't have to wait.
2. they learn I and my husband listen (and make sure we make time to do that if it's needed).
3. we accept small portion of the office fee and charges for medications when they are short and need to pay later (about 16% of our clients).
4. they can get some basic prescription medications from us without traveling further from home.
5. 90% of my patient time is spent in health teaching. Patients have learned we will search for the health information we don't have on hand.
6. we always follow up with no charge visits or telephone calls.

Our service is very personal and focused on family needs from the family members' perception expanded by giving them my own perception. Without the availability of medications some of these people will still use our services.

NOV 17 1992

DIV. OF OCCUPATIONAL LICENSING

Many of my clients would still use us if we can't dispense, but:

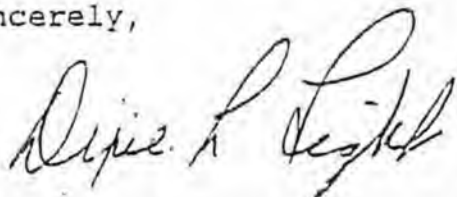
1. some won't fill their prescriptions because they lack ready cash or the other usual reasons people don't pick up or take prescribed medications or actions.
2. a large number will not use us because they would need to drive 20 to Wasilla for the prescription anyway. 80% of our clients are low income or acquire their annual income in summer to be measured out over the next 3 months. Transportation costs are a very large problem.

My husband and I run this practice. At the end of 14 months we bring in just a little more than our costs. I am having a ball working for myself and doing work we both feel is needed. My husband says he loves the work too and he has been a real help to parents with kid questions and problems.

We do not think we can maintain the practice without dispensing medications. There is no pharmacy nearby and we would lose about half of our clients. I am certain that we would have to close. We try to follow sound small business practices. We purchased most of our medical equipment used but in safe and working condition. We might be committing a "good business" error by leniency about payments but people have paid us (better than 99% of the time when they received some cash).

Last winter a man came to us with a severe burn. His wife told me she used all of the family cash reserve to pay the emergency room and ambulance. After my assessment I told the family what still needed to be done. I gave them the truth including the probability of complications. The 2nd degree burns of face, hands, and anterior tibial skin required sterile supplies, 9 dressing changes by me, and in a later stage teaching the couple to change the dressings themselves, services for which I charged \$150. They had no money and we never expected to see any return, but this last week we got a check for everything we charged. Whatever happens I will feel we have made a difference and enjoyed doing it.

Sincerely,



Dixie L. Light PhD, ANP/FNP, MScN.

November 5 - 1992

Nancy Schupp
1953 Kingfisher
Fairbanks, Alaska
99709
479-5207H 452 4768W

RECEIVED
NOV 16 1992
Division of Occupational Licensing

Gail Mc Guill, RN
Executive Secretary
Alaska Board of Nursing
3601 C Street, suite 722
Anchorage, Alaska
99503-5986

Dear Gail,

The following is my testimony concerning the need to continue the practice of the dispensing of medicines to clients:

I strongly believe that it is absolutely necessary to certain populations of this state, that nurses continue to dispense medications and are able to with safety and provision of good patient education at that time. I also believe that anyone who dispenses medication needs to label appropriately.

Alaska is proud of its rural areas and all it stands for. Having provided a full range of health care services to the seven communities in the Yukon-Koyokuk River Subregion for 14 years, following 2 years in a remote corner of Washington State, I am acutely aware of the need for people to have access to medications without extended delays. I have worked with the pharmacists associated with that area to provide medications to individuals safely. I've enjoyed the assistance from the pharmacists in Tanana and Fairbanks in setting up automatic refill programs, prepackaging, storage, and reference advice. We have utilized patient education materials and provided instructions at the time of dispensing medication.

The nearest pharmacy, physician, and hospital had been about 200 miles away in Tanana until it closed. Fairbanks is almost 300 miles away with only airplane travel as the common mode of travel and mail. We commonly used prepackaged and labeled bottles but because of the tremendous variety of acute needs that can develop in a diverse community, we also used stock bottles to pour from into smaller bottles, label and distribute as necessary. We also provided this service for semi-emergent situations to send to individuals in the surrounding villages when a delay caused by waiting for delivery from a Fairbanks would have been detrimental to the patient. This was only done when seemed absolutely necessary.

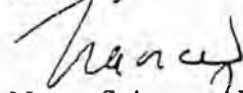
I have seen a variety of time delays in medication reaching a village or subregional community. When it all has worked out and it was obvious that there was an acute need and getting a medication to a patient was much cheaper than the 200+ dollars it can cost

to bring a patient into Fairbanks, we've been able to call the pharmacy, they would fill the prescription in Fairbanks, have a messenger take it to a private air taxi, pay the minimum freight charge, the air taxi in Galena would call the clinic who would need to send a messenger to the air port to pick it up bring it to the clinic and thatn we could pass it on to a patient all in the same day. The above is the best of situations. Smaller village clinics are one more airline step further away. Generally it takes several days to coordinate the deliverance of a medication never mind the expense of phone calls, air frieght or express mail and worker's time. During January of 1989, it was three weeks before a plane was able to fly into the surrounding villages.

A professional nurse, nurse practitioners being some of the most trained, and most committed of them, have been drilled since school how to administer medication safely. The dispensing and labeling is one step further. But nurse practitioners are certainly capable of this step. They are also the best in patient education. I am in full agreement that they need to follow the same laws and guidelines that pharmacists must adhere to during that practice.

I have seen the need for dispersion of drugs by a nurse practitioner thousands of times to prevent prolongation or exacerbation of a patients health problem. I have done it safely thousands of times and the people of those communities have only benefited.

Sincerely


Nancy Schupp, ANP

Marta Poore
P.O. Box 9396
Ketchikan, AK 99901

Cynthia Toohey
House HESS
State Capital Building
Juneau, AK 99801-1182

February 4, 1993

RE: HB 114 adding "dispense" to the statute regarding Advanced Nurse Practitioner practice.

I am an Advanced Nurse Practitioner (ANP) working with a majority of individuals who may be homeless or without access to insurance or medical services. Some are pregnant and have not yet established prenatal care. I see people both in Ketchikan and on Prince of Wales (POW) island. The individuals from POW are limited to expensive air travel or sporadic ferry service to obtain health care. Dispensing medications is crucial for prompt attention to health problems and decreases the delays and frustration of trying to get into town for treatment.

Please support HB 114.

Sincerely,



Marta Poore, Certified Nurse-Midwife
Advanced Nurse Practitioner

cc: Jack Heesch

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
SECTION OF NURSING

KETCHIKAN HEALTH CENTER
305 1/2 FIFTH AVENUE
KETCHIKAN, ALASKA 99901-5773
PHONE: (907) 225-4350

January 5, 1993

Cynthia Tooley
House HESS
State Capitol
Juneau, AK 99801

Dear Ms. Tooley,

I am writing to support passage of HB 114 which clarifies the intent of the nurse practitioner statute regarding dispensing of drugs. Nurse Practitioners are an essential part of the health care delivery system in Alaska, providing care primarily to the rural and indigent population in our State.

By statute Nurse Practitioners are already able to prescribe drugs according to their area of specialty. Dispensing allows the Nurse Practitioner the ability to physically give the bottle of pills to the client. The importance of adding this language to the statute is obvious. Having practitioners available to see patients, diagnose their illness but not give them the necessary medication assures an additional barrier to timely, appropriate care.

The need is greatest in those circumstances wherein the Nurse Practitioners are the primary care givers, that is in rural communities where pharmacists are not available to count and distribute medication as well as in indigent care where clients haven't the financial nor transportation resources to access a pharmacy.

HB 114 does not change the scope of practice for the Nurse Practitioner. It does not add additional rights and responsibilities. It changes the language to assure that practitioners' current practice is safeguarded by statute.

Sincerely,



Joan Nugent
Nurse Manager

cc. Jack Heesch
Representative Bill Williams

Phyllis Yetka
P.O. Box 958
Ward Cove, Ak 99928

Feb. 4, 1993

Representative Cynthia Toohey
House HESS
State Capitol
Juneau, AK 99801-1182

Dear Rep. Toohey,

I am writing to voice my support of HB114. I am a pediatric nurse practitioner from Keachikan, Ak. It is imperative that the word "dispense" be added to the State Statute regarding nurse practitioners and how we are able to best serve our patients. Being able to "dispense" medications to those who are in need of help or unable to get to a pharmacy is not only good medicine but it is economically sound. Nurse practitioners can competently provide the quality, cost-effective health care that our patients deserve. The addition of the word "dispense" to HB114 would aid us in our goal.

Thank You.


Phyllis Yetka R.N., C.P.N.P.

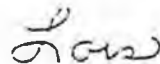
P.O. Box 614
Bethel, Alaska 99559
February 12, 1993

Cynthia Toohey
Committee on Health, Education and Social Services
State Capitol
Juneau, Alaska 99801

Dear Ms. Toohey:

I am writing in support of adding the word dispense to the statute regarding Nurse Practitioner practice, House Bill--114. As a Family Nurse Practitioner practicing in a Bush community it is absolutely critical that I be able to dispense medications. There are no pharmacies in Bethel and health care would be negatively impacted if Nurse Practitioners are not able to dispense medications.

Sincerely,



Lois Rockcastle R.N.C.,
M.S., F.N.P.

Cynthia Jolley
House 1155, St. 1. Capital
Juneau Alaska 99801-1152

Dear Mr. Jolley,

I am writing in support of H. R. 114, an amendment to the Nursing State, regarding the education of drug by advanced nurse practitioners.

Nurse practitioner have practiced independently with prescriptive authority, for a number of years. They are required to maintain and upgrade their skills, including pharmacology, on an ongoing and constant basis through continuing education and formal courses. Many nurse practitioners work in remote areas which have no pharmacy. I live in one such area. Bethel has one pharmacy associated with the regional hospital, which routinely cares for the native population only, and emergency medication supply (10 days) for non-natives. There is no pharmacy closer than Umanorage (400 air miles) for the non-native population. Besides Bethel, there is a total of 49 villages in the Umanorage delta, none of which have a pharmacy, either for native or non-native persons.

Nurse practitioners frequently travel to these villages to deliver direct primary care. If medication is necessary it cannot be provided except by the cumbersome method of the postal system unless the practitioner is able to acquire the medication at the time of the patient encounter. The alternative use

of the postal system entails a delay of one week at the minimum, three weeks at the usual, and longer dependent on mail pickup schedules and weather conditions. This is clearly an unacceptable delay in the treatment of illnesses. Practitioners need to be able to bring a stock supply with them, or to dispense from a stock supply provided to the village from the Bethel pharmacy. Until such time as pharmacies are based in each village, or pharmacist is able to travel with the health care provider, there is no reasonable alternative available. The ability to dispense medications is crucial to adequate health care delivery in remote areas.

Thank you for your consideration of this matter, and if I can be of further assistance or information, please to contact me without hesitation.

Sincerely yours,
Milma Thaxual, R.N., C. ; F.N.P., C. ; C.S.
Box 559

Bethel Alaska 99559 - 0559
Work Phone : 543 - 2110
Fax number . 543 - 5271

cc JACK HEESCH
Tundra/Anchorage

February 4 1993

Representative Cynthia Johnson
House HB 114
State Capitol
Juneau AK 99801-1182

Dear Ms. Johnson,

I am a nurse practitioner in Bethel, Alaska
to the surrounding villages conducting 3-5
day clinics. I am writing to urge your
support of HB 114.

As a nurse practitioner I have been able to
prescribe medications for clients since 1985.
This bill will allow me to dispense those
medications to the patients in the field when
there are no pharmacists. This would greatly increase
the efficiency & cost effectiveness of our health
care delivery system in rural Alaska.

Thank you,
Cathy Fawcett, ANP
P.O. Box 803
Bethel AK 99559

To: The Honorable Cynthia Tookey

Thank you for introducing HB 114 - Drug Dispensing For
Advanced Nurse Practitioners. Thank you for your support, in
general, of nursing and health care issues.

Valerie Ziemacki RN

Valerie Ziemacki RN
711 Lake St.
Sitka, Ak. 99835
747-3894

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COPIES

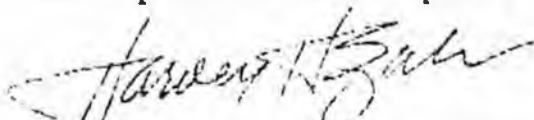
Representative Cynthia Toohay
House of Representatives
Alaska State Legislature

I have been a Family Nurse Practitioner practicing in Alaska for twelve years. More than half of that time was spent in rural areas of the state as the sole health care provider. The ability to provide medications to patients in a timely manner is of most importance. You can make the diagnosis but if you can't treat the patient, what are the outcomes. A good example of this is the infant who at 2:00 am has a bad ear infection. If I am in a rural setting and the nearest pharmacy is 60 miles away, not being able to dispense the appropriate antibiotic is going to cause the child delay in treatment. This delay causes pain for the child, stress on the parents, and has the potential for long term effects.

My current position at the Kodiak Area Native Association, requires my travel to the six villages on Kodiak Island. I may spend as much as two weeks a month providing care to the villages. If I could not dispense medications on site to the patients I see, all medications would have to be sent out from the KANA Pharmacy in Kodiak. This, at the best, would take two days. Unfortunately most of the time it is longer due to weather.

Even when practicing in Anchorage, samples of medications were donated by various drug companies representatives. We dispensed to those individuals who could not afford to have a prescription filled at a pharmacy 2 blocks down the street.

Your support is greatly appreciated for House Bill 114, that would allow advanced nurse practitioners to dispense medications.



Harvey H Baker RN,C ANP
Family Nurse Practitioner
424 Carolyn
Kodiak, AK 99615

Mrs. Mary

Warner

Box 1258

Bethel

AK 99559

543-2554

Date POM Sent 02/05/93

N

Bill Number HB 114 position SUPPORTS Subject

PLEASE SUPPORT HB114 FOR NURSE PRACTITIONERS TO DISPENSE PRESCRIPTIVE MEDICATIONS. AS A NURSE PRACTITIONER WORKING IN RURAL ALASKA, I NEED TO DISPENSE MEDICATIONS TO PATIENTS ENSURING THEIR TREATMENT STARTS PROMPTLY

WITHOUT MAIL OR WEATHER DELAYS. THIS PARTICULARLY AFFECTS INDIGENT OR UNINSURED PATIENTS WITHOUT ANOTHER SOURCE OF HEALTH CARE.

Ms. Lorraine

Martin

12610 Neher Ridge Drive

Anchorage

AK 99516

345-3075

Date POM Sent 02/08/93

N

Bill Number HB 114 position SUPPORTS Subject

I SUPPORT HB 114. 90% OF MY CLIENTS ARE LOW-INCOME WOMEN FALLING BELOW THE POVERTY GUIDELINES. IN TAKING CARE OF THESE WOMEN WHO ARE UNINSURED OR WHO FALL BELOW THE POVERTY GUIDELINES IT IS VITAL I BE ABLE TO DISPENSE

MEDICATION FOR THE IMPROVEMENT OF THEIR HEALTH. LETTER TO FOLLOW.

Ms. Karen
17452 Kahiltna Drive
Eagle River

Murray

AK 99577

694-3140

Date POM Sent 02/08/93

N

Bill Number HB 114 position SUPPORTS Subject

I SUPPORT HB 114. 90% OF MY CLIENTS ARE LOW-INCOME WOMEN FALLING BELOW THE POVERTY GUIDELINES. IN TAKING CARE OF THESE WOMEN WHO ARE UNINSURED OR WHO FALL BELOW THE POVERTY GUIDELINES IT IS VITAL I BE ABLE TO DISPENSE

MEDICATION FOR THE IMPROVEMENT OF THEIR HEALTH. LETTER TO FOLLOW.

HB

122

SENATE COMMITTEE REPORT
2796

DATE: 4/14/93

FURTHER: JUDICIARY

DATE TURNED INTO OFFICE: 1/19/94

HES Committee considered HOUSE BILL NO. 122

"An Act eliminating a requirement that a court consider the findings and recommendations of a neutral mediator when awarding shared child custody."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendr.ent(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
Court	1/18/94	✓	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Mike Miller
Bernie Brown
Loew
Leman

OTHER RECOMMENDATIONS:

J. Duncan - no Rec
W. Ellis - no Rec
Dudith E. Soto - no Rec

Alma Rice Do Pass
Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 122

Revision Date: 01/18/94 Dept. Affected: Alaska Court System
 Title: Child custody procedures BRU: Trial Courts
 Components: _____
 Sponsor: House Judiciary
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
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 (FY 94) cost: \$ None

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

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 01/18/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 01/18/94
 Agency: Alaska Court System

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Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

April 19, 1993

The Honorable Steve Rieger
Chairman, Senate HESS Committee
P. O. Box V
Juneau, Alaska 99811

Dear Senator Rieger:

I am writing to request that the HESS Committee schedule a hearing on House Bill 122, relating to the findings and recommendations of a neutral mediator when awarding shared child custody. This bill was introduced by the House Judiciary Committee at the request of the Alaska Supreme Court.

In December, 1988, Chief Justice Warren Matthews created the Task Force on Mediation in response to an instruction from the Fifteenth Legislature. The purpose of the task force was to evaluate the potential benefits of mediation to consumers and to the court system. In its report, issued in June, 1990, the task force recommended the statutory change contained in HB 122.

Currently, AS 25.20.090 reads in pertinent part:

In determining whether to award shared custody of a child the court shall consider

-
- (7) any findings and recommendations of a neutral mediator;
-

After study, the task force concluded that this statute as written endangers the mediation process and runs contrary to the majority view that mediation communications be kept

The Honorable Steve Rieger
April 19, 1993
Page 2

confidential. The majority view also does not envision a mediator making a recommendation about the resolution of a dispute, should mediation be terminated without agreement. The mediator's role is to guide the parties to a mutual decision, and not to impose a decision upon the parties, even in the form of a recommendation, if they cannot reach a decision.

To correct this problem, HB 122 would simply delete from the statute the requirement that the findings and recommendations of a neutral mediator be considered by the court.

Thank you for your courtesy. Please contact me if you have any questions or comments concerning this legislation.

Very truly yours,

C. S. Christensen III bh

C. S. Christensen III
Staff Counsel

CSC:bh

HB

128

jm DATE: 2/28/94

FURTHER: Judiciary
Finance

DATE TURNED INTO OFFICE: 3-21-94

HESS Committee considered CS SSB 128(FIN)

"An Act relating to paternity determinations and acknowledgements."

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

\$ fiscal note forthcoming from HSS - State Health Services #961

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
HSS - Art Hlth	1-31	✓	
HSS - State Health			✓

Appropriation No Fiscal Note

DO PASS:

J. Eilers
Brew A. Lewan

OTHER RECOMMENDATIONS:

J. Duncan
Judy Sals
No Kee

Beth Mason

Vice Chair: No Kee

ALASKA STATE LEGISLATURE

333 C STREET
ANCHORAGE, ALASKA 99501
907-561-2039
FAX: 907-561-1691

STATE CAPITOL
JUNEAU, ALASKA 99901-1182
907-465-3875
FAX: 907-465-2294



MINORITY WHIP
CHAIR
CHILDREN'S CAUCUS
HEALTH, EDUCATION
& SOCIAL SERVICES
STATE AFFAIRS
ECONOMIC TASK
FORCE

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

CSSSHB 128 (FIN) - "RELATING TO PATERNITY DETERMINATIONS AND ACKNOWLEDGEMENTS"

Non-support of children has become a national epidemic with one-fourth of children in the United States now living with a single parent and an estimated 60 percent spending at least part of their childhood in a single-parent home. In almost half of these cases, the absent parent does not pay child support. Many of these children are born out-of-wedlock and paternity is established in only 30 percent of such cases. That interprets into 70 percent of out-of-wedlock births where there is no proof of paternity and no means to collect child support.

CSSSHB 128 (FIN) adds language to A.S. 18.50 and requires the state registrar to prepare a paternity acknowledgment form to be used at the time of birth. The form, signed by both parents, will list the father's full name and social security number, and requires the signature of a notary public. The bill also lays out specific responsibilities of hospitals or midwives (should the birth occurs outside the hospital setting) to get the proper information on the form and to distribute appropriate paternity materials from the Department of Health and Social Services. In addition, the State of Alaska is required to give full faith and credit to a determination of paternity made by another state, regardless of the method in which paternity was established. Another component of CSSHB 128 (FIN) provides for procedures to allow a default order to be entered in contested paternity cases upon showing that process was served on the defendant in accordance with state law.

This legislation is an attempt to get acknowledgment at the time when a father is particularly willing to develop a relationship with the child, which benefits both parties. The child will have the security of knowing who his/her father is and could gain access to support from Social Security, survivor and veteran benefits and worker's



Sponsor Statement
CSSSHB 128 (FIN)

compensation. The child would also be entitled to the father's inheritance, health insurance and have access to the family medical history. The father, in turn, maintains the legal right to have access to his child even though he is not married to the mother.

As of December 1992, there were 36,396 cases pending in the Alaska Child Support Enforcement Division and 7,199 of those cases are directly related to paternity verification. Establishing paternity early on will better enable the state to collect child support in the future and could subsequently reduce the number of families needing public assistance.

CSSSHB 128 (FIN) is a step towards giving children in this state a better start in life and the support they deserve from both parents.

FISCAL NOTE

CSSSHB 128 (FIN)

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

Revision Date: 3/22/94 Dept. Affected: Health and Social Services
 Title: An act relating to early acknowledgement of paternity BRU: State Health Services
 Component: Bureau of Vital Statistics
 Sponsor: B. Davis, Toohcy
 Requestor: Senate HES COMPONENT SERIAL NO. #961

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	33.2	34.0	34.9	35.8	36.6	37.6
TRAVEL						
CONTRACTUAL	4.9	4.9	4.9	4.9	4.9	4.9
SUPPLIES	0.1	0.1	0.1	0.1	0.1	0.1
EQUIPMENT	5.1	0.5	0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	43.3	39.5	40.4	41.3	42.1	43.1

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
----------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1007 Interagency Receipts	43.3	39.5	40.4	41.3	42.1	43.1
TOTAL	43.3	39.5	40.4	41.3	42.1	43.1

POSITIONS:

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

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

Twelve thousand babies are born each year in this state. Four thousand of these births are to unwed mothers. The Bureau of Vital Statistics will be working with Child Support Enforcement to identify paternity for child support payments. This will require the printing and distribution of 5,000 pamphlets/year and the processing of 250 affidavits/month.

The cost incurred for the implementation of this bill would be the costs associated with a new position for review, research, correction, data entry and filing of the affidavits of paternity, updating and issuing substitute certificates, sealing and storing of original certificates in all related case documents. The salary of this position has a 2-1/2% inflation factor built in.

Prepared by: Peter M. Nakamura, MD, MPH *PMA*
 Division: Public Health

Phone: (907) 465-3090
 Date: 03/22/94

Approved by Commissioner: Margaret R. Lowe
 Agency: *PR* Department of Health & Social Services

Date: 3-22-94

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Revision Date: 3/22/94

BILL NO. _____

ANALYSIS (cont.):

In order for this position to function, it will need funding in the contractual line for phone bills and postage, in the supply line for normal office supplies, and in the equipment line for a desk, chair and computer with related software. In subsequent years, the equipment line would need to have funds for upgrades to the computer software and replacement costs for hardware.

In addition contractual costs would be incurred for the costs associated with the printing and distribution of the 5,000 pamphlets.

Printing	3.0
Mailing	1.5

Funding for the position and associated costs of the position itself will be through an RSA with the Department of Revenue Division of Child Support Enforcement.

Position Title Document Processor II		No. of Positions 1	Range/Step 8A	Bargaining Unit GGU
Time Status PFT	Staff Months 12	Location Juneau		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		22.0		
Benefits		11.2		
Premium Pay				
Other				
Total Personal Services		33.2		
Travel				
Contractual		0.4		
Commodities		0.1		
Equipment		5.1		
Other				
Total Cost		38.8		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund			
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts	38.8		
1061	CIP Receipts			
Other				
<p>Justification</p> <p>This position will review, research and correct, data enter and file the affidavits of paternity, update and issue substitute birth certificates, seal and store original certificates in all related case documents.</p> <p>This position in order to function will need to have contractual costs for postage and phone bills, office supplies, and a desk, chair and computer equipment plus software.</p>				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services

BRU: State Health Services

COMPONENT: Bureau of Vital Statistics #961

FY95

Page 1 of 1

Revised Date:

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CS SS HB 128 (HES)

Revision Date: 1/28/94 Dept. Affected: Health and Social Services
 Title: An act relating to early acknowledgement of paternity BRU: State Health Services
 Component: Bureau of Vital Statistics
 Sponsor: B. Davis, Toohcy
 Requestor: House Finance COMPONENT SERIAL NO. #961

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	4.5	4.5	4.5	4.5	4.5	4.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	4.5	4.5	4.5	4.5	4.5	4.5

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	4.5	4.5	4.5	4.5	4.5	4.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	4.5	4.5	4.5	4.5	4.5	4.5

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

Twelve thousand babies are born each year in this state. Four thousand of these births are to unwed mothers. This requires the printing and distribution of 5,000 pamphlets/year.

The cost incurred for the implementation of this bill would be the costs associated with the printing and distribution of the 5,000 pamphlets.

Printing	3.0
Mailing	1.5

Prepared by: Peter M. Nakamura, MD, MPH Phone: (907) 465-3090
 Division: Public Health Date: 01/28/94

Margaret R. Lowe

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. Date: 1-31-94
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CS SS HB 128 (HES)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An Act relating to early acknowledgment of paternity for an unwed mother" BRU: Assistance Payments
 Sponsor: B. Davis Component: AFDC
 Requestor: _____ COMPONENT SERIAL NO. 0220

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	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 (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Paternity establishment is a significant issue in the AFDC program because fathers cannot be held financially responsible for children born to unwed mothers unless paternity has been established under state law.

CSSS S3190 establishes new statutory requirements for acknowledgement of paternity. The new requirements are substantially the same as existing requirements and are not projected to have a significant impact on public assistance program costs.

Prepared by: Jan L. Hansen, Director
 Division: Division of Public Assistance
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Phone: 465-2680
 Date: 1/26/94
 Date: 1-31-94

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MEMORANDUM

February 21, 1994

SUBJECT: Sectional Summary of CSSSHB 128(FIN) (An Act relating to paternity determinations and acknowledgements.)

TO: Representative Bettye Davis

FROM: Terri Lauterbach
Legislative Counsel *TML*

You have requested a sectional summary of the above-described bill.

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

Section 1. Directs the state registrar to prepare a form that can be used by a man to acknowledge that he is father of a child named in the form. When properly witnessed, this acknowledgement is presumptive evidence of the man's paternity.

Sec. 2. Sets out the conditions under which a default judgment must be entered against the defendant in a contested paternity action.

Sec. 3. Requires hospitals and other health care providers to advise unmarried women, and their male partners if possible, concerning the rights and responsibilities of parents. Also requires them to give the woman, and the man if possible, the paternity acknowledgement form developed under section 1 of this Act.

Sec. 4. Directs the child support enforcement agency to seek default judgments in paternity actions that meet the criteria of section 2 of this Act.

TML:pl
94-144.plm

Conservatives' ^{ADN} new 'index' finds ^{3/16/93} society slipping

By PETER A. BROWN
Scripps Howard News Service

WASHINGTON — Conservatives have come up with a way to quantify the decline in cultural values they have long sought to make a political issue.

William Bennett, a Cabinet member in the Reagan and Bush administrations, Monday announced an "Index of Leading Cultural Indicators" which he said shows that "over the last three decades we have experienced substantial social regression."

The index measures, among other things, welfare caseloads, out-of-wedlock births, crime rates, divorce rates, single-parent families and Scholastic Aptitude Test scores.

Employees of three conservative groups — Bennett's Empower America, The Heritage Foundation and the Free Congress Foundation — analyzed the data and compared the changes on a per-capita basis.

They found, for instance, that out-of-wedlock births were 5.3 percent of the nation's total in 1960 but 28 percent in 1990 — a more than 500 percent increase, when the population grew only 41 percent during the same period.

They found that single-parent families were 9.1 percent of all families with children in 1960, but 28.6 percent in 1991. And the percent of children

who receive Aid to Families with Dependent Children, the major welfare program, jumped from 3.5 percent in 1960 to 12.9 percent in 1991.

Bennett said that despite revisions in the SAT grading system, scores still have dropped about 8 percent since 1960. He said SAT scores dropped at the same time that government spending on education — adjusted for inflation — more than doubled.

Bennett offered a series of ideas to reverse the trends: using the Internal Revenue Service to collect child support from "dead-beat dads"; having hospitals establish paternity at the time of birth; tripling the personal income tax exemption for children; rescinding no-fault divorce laws for parents with children; and much tougher sentences for criminals.

Bennett said that he did not think the large increases in government spending during the 1960-90 period had caused the societal decline spotlighted by his index.

But he said he felt that the government programs may have created harmful incentives by shifting the emphasis from family and private solutions to problems.

"The thesis is: Government can't do it all and in fact, government can't do very much" about these problems, he said.



Child Support Report

Office of Child Support Enforcement

Vol. XIII, No. 10, November-December 1991

Paternity Establishment at Birth:

Capturing the Happy Hour

The chances of establishing paternity are greater at the time of a child's birth than at any other time says Jane Clements, Policy Section Chief of Virginia's IV-D office. This propitious moment for obtaining voluntary paternity acknowledgements has been referred to as "the happy hour," the moment when the father is bursting with pride and is most willing to accept his paternity and its obligations.

Capturing a child's legal paternity at this opportune time seems to many to be common sense. Enforcement personnel have long known that, as the child grows and the parents' relationship weakens or deteriorates, the chances of establishing legal paternity progressively worsen. From a programmatic perspective, and in the wider social sense, high numbers of nonmarital births mean growing welfare dependency and growing IV-D caseloads. The backdrop to this picture is often a costly and time-consuming paternity establishment process through overburdened courts.

Benefits of Paternity

Apart from the possibility of the father's immediate care and support of the baby, legal paternity confers a multitude of other rights and benefits which new parents may not know. With paternity established:

- The child has a right to the father's name and such support that is based on his work history, such as Social Security and other survivor's benefits, veteran's benefits, and workman's compensation.
- The child can receive any inheritance, life and health insurance, and a right to access family health information.



Tim Hershberger, 1-day old Patrick John Hershberger, and Brenda Blackall. Photo: Butterworth Hospital, Grand Rapids, Michigan 1991.

- The father now has a legal right, though not married to the mother, to establish and maintain a relationship with his child.
- In the developing bonds of care and support, the child stands to gain a whole family, reaching to both the mother's and father's sides.

(continued on page 2)



U.S. Department of
Health and Human Services
Administration for Children and Families
Office of Child Support Enforcement

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From the Deputy Director

Allie Page Matthews

Allie Page Matthews

It's about the treatment of people—it always is. Whether it's in the highest negotiations for world peace or in simply asking for a glass of water in a restaurant, how you treat people tells a great deal about you.

A long time ago when I worked in the office of then-Congressman George Bush, I was struck with the simple kindheartedness that prevailed in that office.

I felt a part of a team. I was included because the idea was the thing that brought you to the table, not rank or position. There were no territorial battles, we were all treated equally, and our business was about solving problems.

And I could get help if I needed it from the people around me. There was none of this "Use them up and toss them away" attitude that seems to be prevalent today in a lot of places.

Every management book in the world will now tell you that the way I was treated is plain good management, but to me it's more a matter of how you live your life. Do you display kindness or rudeness? Do you offer help or criticism? Do you bring hope or despair?

I pray child support offices all over this country will choose to treat people at every level as I was treated in the Bush office. I want us to be what government should be. ■

Paternalty At Birth

(continued from page 1)

The Programs

Mindful of these considerations, several states have passed legislation and instituted programs for establishing paternity in the hospital at the time of the child's birth. Child support enforcement programs in Virginia, Washington, and Michigan, for example, have voluntary consent processes in which the father and mother can acknowledge and sign a document that legally establishes paternity.

*The programs
include carefully
informed consent...*

Washington State, Kent County (Grand Rapids), Michigan, and Virginia have had hospital-based paternity efforts for about a year. Washington, the first state to establish such a program, currently has 80 participating hospitals and expects 7,000 sworn paternity affidavits to be signed by the end of 1991. Averaging 88 affidavits per hospital, this represents 80 percent of the fathers who were given the

opportunity to acknowledge paternity when their babies were born.

Kent County (Grand Rapids), Michigan, has one large participating hospital and expects to have 791 affidavits signed by the end of a 14-month period. This represents 52 percent of fathers given the chance to establish their paternity in the hospital. Virginia has five hospitals participating in its paternity establishment program and is expecting to add four more, moving toward a statewide program in its 35-40 birthing hospitals. According to Jane Clements, one invaluable ingredient has been the endorsement of the Virginia Hospital Association, which has promoted the program in its newsletter.

How They Work

The three state programs share several similar practices. In Washington State, hospital personnel, e.g., the doctor, midwife, social worker, or an administrative employee, "provide the opportunity" to the father and mother to acknowledge paternity, and medical records personnel obtain the acknowledgments as part of the birth registration process. In Virginia, a social worker presents the

Special Issue for Front Line Workers

January's *Child Support Report* will be a special issue for frontline workers. To ensure that they see it, please circulate your copies as widely as you can and let us know if you need more for distribution to local offices.

We would also be glad to add to our regular mailing list any local CSE offices that do not now receive *CSR*. Please let us know on 202-401-9383. ■



opportunity and the hospital's medical records clerk who prepares the birth certificate, obtains the paternity acknowledgments. In Grand Rapids, the medical records clerk performs both functions, with some of the groundwork laid by a social worker.

All three programs provide training to hospital personnel involved in paternity establishment—medical records clerks, vital statistics registrars, and supervisors. Also, the usual practice is for state CSE programs to pay the hospital a nominal fee of \$10 to \$20 per acknowledgment, which is eligible for federal financial participation. Clements points out that the fee can in no way compensate for the time the hospital spends with the patients, basically donated time.

Questions of Law

The programs include carefully informed consent, providing the mother and father with information which explains the benefits of paternity establishment and the availability of support enforcement services. Kent County has a resource person available at the agency for the hospital to refer any additional questions to, particularly of a legal nature.

How is legal paternity formalized? In Virginia and Washington, paternity is finally established when the hospital-notarized affidavits or declarations of paternity are filed with the state vital records departments. In Washington, the father has several opportunities to later contest the acknowledgment or the support order that results. In Grand Rapids, paternity is legally established when the affidavits are filed with the court.

Community Outreach

Kent County has done a lot of outreach with pregnant, unmarried women, so they and the fathers will be prepared when they enter the hospital. It distributes brochures to doctors' offices, health clinics, hospital-run prenatal clinics, and schools with unwed mothers. The



Brochure from Kent County Michigan

hope is that if unmarried fathers have information and have had time to discuss and think about the benefits of paternity to their child, they may be more receptive to acknowledging it when they come to the hospital. In Virginia, posters placed in the hospitals encourage

employees to obtain training in the hope that they can help "market" the program.

Cost Savings

In operational terms, the cost savings to state IV-D program can be substantial. Virginia estimates that in-hospital paternity establishment saves about \$440 per case over the cost of getting paternity processed through the courts. In one year, the Virginia CSE program has realized an estimated savings of \$126,700 for 288 hospital-established paternities.

The true benefits of "happy hour" paternity establishment are, of course, for the children. Says Nancy Sterk, District Manager with the Office of Child Support in Kent County, Michigan, "The children can leave the hospital with two legal parents instead of one, starting life on a positive basis." And, with paternity established at birth, and a support order entered soon after, the mother has earlier access to child support enforcement services, if and when she and her child need them.

For further information about these in-hospital paternity establishment programs, contact: **Kent County, Michigan:** Nancy Sterk, 616-247-6230; **Virginia:** Jane Clements, 804-662-7469; and **Washington:** John Hoover, 206-586-3555. ■



The Washington Post

AN INDEPENDENT NEWSPAPER

Who Pays for Children?

THE NON-SUPPORT of children has become a national epidemic. A fourth of U.S. children now live with a single parent, and an estimated 60 percent will spend at least part of their childhood in a single-parent home. In nearly half such cases the absent parent, generally the father, won't pay support. More than 40 percent of women raising children on their own have never been awarded child support, and only about a quarter get the full amounts to which they are entitled.

This splitting apart of the family as a financial unit is a major reason why a fifth of the children in the country are poor today, and an eighth are on welfare. The recurrent question is how, besides making welfare payments, the government should respond. Part of the cautious traditional response has been that this is a state and local issue from which Big Brother should keep its distance. A striking proposal now in play on Capitol Hill would abandon that tradition on grounds that only the national government has the resources to combat what has become a national emergency. The problem is such that normal political lines have been blurred. In the House, where the idea has got to the point of hearings, the principal sponsors are the unlikely pair of liberal Thomas Downey and conservative Henry Hyde.

The proposal is to federalize the patchy child support system—the collection, disbursement and periodic adjustment of child support awards—and to make failure to pay on the part of an able parent a federal crime. Awards would still be made in state courts, but increasingly according to federal standards—and state welfare agencies would be given powerful financial incentives to see that the number of such awards increased. The Internal Revenue Service would then become the enforcer of every child support

award in the country, collecting the money just as it does taxes, through withholding, with similar penalties for evasion. Unemployed fathers who had no income would be enrolled at federal expense in a job preparation program and might eventually be given public-sector jobs from which support would be subtracted.

The likely increase in support would reduce welfare costs. The government would reduce them further by guaranteeing every cooperating single parent in the country a minimum level of child support, if for lack of income or other reason the payment from the other parent fell short, the federal government would make up the difference. The result would be a partial federalization of the welfare system as well and a greater payoff for welfare mothers who went to work. They would still lose the welfare part of their benefits as they began to earn, but not the child support part. The lower welfare costs would also provide some fiscal relief for the states.

At the federal level, the system would be costly—the amount depending on the guarantees—and it's not going anywhere this year. Messrs. Downey and Hyde didn't even introduce it as a bill, but as a concept; that's what the Downey Ways and Means subcommittee is holding hearings on. But it's a provocative idea. The government undertakes to shift more resources to children, poor ones especially, but only after making their parents also take more responsibility for them. There's something in that for everyone. A shift of power over domestic relations to the federal level may yet unnerve some people—making non-support of children a federal crime in the same way non-payment of taxes is. You have to ask yourself, which is the greater offense—and who pays when the parents don't?

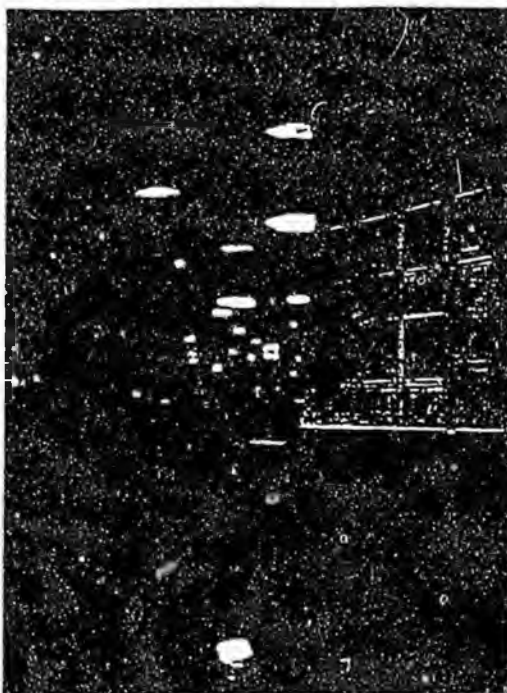
Deadbeat Dads

BY STEVEN WALDMAN

John Lock goes to court in Chicago next week to explain why he owes back child support, but his ex-wife Esther isn't expecting much. They have, after all, been through more than 100 court hearings about child support and their divorce over the past 19 years. And, according to the state of Illinois, he still owes more than \$160,000 for his four children. She's feeling needy now because she lost her job as a social worker 17 months ago, but she remembers more desperate times, like February 1977. "Our electricity was being turned off," she recalls. "We were lighting the house with candles. We were on what we called the 'white diet'—a lot of rice and cereal. No medical coverage, no dental." Her ex-husband, then a dentist, was living in the affluent suburb of Highland Park with his new family. "I knew he didn't want the kids so I figured I'd use it as a scare tactic," says Esther. She gave their two teenage sons overnight packs and dropped them off in front of their father's house in subzero weather. He called the police. "He told the Highland Park police that there were two boys outside trespassing," she says. "I'm not proud of it, but I was desperate."

John Lock admits he called the police but says he had to because one of his sons was on the verge of "kicking the door down." He concedes he didn't pay the \$1,100 monthly child support for nine years, and admits he fled to Costa Rica for three years because he was "physically, emotionally, financially devastated." But he says he had paid regularly prior to 1977, owes "significantly less" than the state claims and thinks that his ex-wife and the state of Illinois are obsessed with trying to put him in jail. He no longer practices dentistry and works part time delivering flowers in Ida, Mich. "The kids were my world," he wrote in a recent letter to NEWSWEEK. "I did my best to give them a nice life." In an interview, he added, "This has gone on to a point where there's no hope." His oldest son, Byron, now 32, agrees. He says he still can't comprehend his father's behavior. "We were his children," he says. "Why would he want to hurt us? That's what was so confusing about the whole deal—why would a father turn his back on a child?"

In battles like these, nobody ever comes out a winner. Fierce struggles over child support pit parent against parent and inevitably spray the children with emotional shrapnel. Increasingly, the private family traumas are spilling into public view. Posters of most-wanted deadbeat dads began peppering subways and bulletin boards in Massachusetts this month, and police quickly arrested the fathers. They also hauled in Frederick Grimaldi, who



IRA WYMAN FOR NEWSWEEK

Chocking out delinquent dads in Saugus, Mass. (above), Rose Brown and son Tony in Louisville, Ky. (right), and a Baltimore city sheriff arrests a man for nonpayment of support

owes \$22,144 and was working in Florida as, of all things, a deputy sheriff, according to Massachusetts officials. Grimaldi has pleaded not guilty to charges of criminal nonpayment, and his lawyer says he owes just \$19,000, some of which accumulated while Grimaldi was unemployed. Next month an association of state child-support enforcement agencies will release its second annual national Wanted list, which will include a Louisiana attorney who owes \$123,000 and a Tennessee man who

owes his quadriplegic daughter \$21,500. These small steps reflect a growing awareness on the part of public officials of just how potent an issue this has become. Consultants for former Louisiana governor Buddy Roemer were surprised to discover that in focus groups during the 1991 campaign, middle-class voters spontaneously mentioned child support as one of their most important concerns. Bill Clinton, in campaign speeches, regularly urges tougher enforcement.

It's easy to understand why: of the 5 million women who are supposed to receive child support, only half reported receiving full payment, according to a 1990 U.S. Census Bureau study. One quarter of the women got partial payment, and one quarter got nothing. An additional 2.7 million women said they wanted support but were never able to obtain an award. Deadbeatness cuts across income groups: college graduates are about as likely to have a negligent ex-spouse or ex-boyfriend as high-school grads. It even spans gender lines. Fifteen percent of custodial parents are now men, and mothers in those cases have an equally dismal record of supporting their children. The consequences of nonpayment are staggering. On average, the family income of the mother retaining custody drops 23 percent after divorce or separation—a disparity that could be wiped out for many families if full child-support payments were made. Families headed by a mother alone are six times as likely to be poor as those with two parents.

These dreary statistics have recently led social-policy thinkers of many ideological stripes to the same conclusion: child support is key both to fighting poverty and to sustaining middle-class fam-

SEEKING NEW SOLUTIONS



RICH FRISHMAN

As Leslie Fernen and Jeffrey Smith took turns holding their newborn baby boy last week at Swedish Hospital Medical Center in Seattle, staffer Dorothy Mitchell handed them a brochure. Because they are not married, Mitchell explained, Smith would have to sign a paternity statement if he wanted his name on the birth certificate. This enables the state to "go after you if you were to break up," she added—"but we don't even want to think about that now."

The proud parents may not want to think about it, but the state of Washington sure does. About one in every four children is born outside a marriage, and enforcing child support is most difficult in cases where paternity has not been established. So Washington decided to get men on the hook while they're most proud of fatherhood. In about 40 percent of out-of-wedlock births the father is now acknowledging paternity at the hospital. Smith was one who gladly signed.

Washington's program is one of many innovative approaches states have devised to beef up collections. Taken as a whole, the record of the government's network of locally run, federally financed agencies is pathetic. But prodded by major laws passed by Congress in 1984 and 1988, the agencies have pursued several avenues of reform:

Hit 'Em Where They Work. Government officials thought they had the magic bullet in the mid-1980s: take the child support directly out of the father's paycheck. But this approach loses track of people like

Kent Patterson of Seattle, who switched construction jobs 24 times in 11 months. In 1990, Washington state began requiring many employers to give the names and social-security numbers of all hires to the child-support agency so it could track them. By 1994 all states are also supposed to garnish paychecks automatically, without waiting for the father to become delinquent.

Putting Blood in the Stone. You can lead a deadbeat to court, but you can't make him pay if he doesn't have any money. So several states have begun requiring fathers to join job-search programs. A Grand Rapids, Mich., program found jobs for 432 of 1,077 employees during an eight-month period—and their child-support payments jumped by more than 300 percent.

Private Eyes. Agency workers juggling 1,000 cases can often spend only a few minutes on each case. So some states, and increasing numbers of desperate mothers, are turning to private collection services for help. They are often quite effective, but firms can take a big cut of whatever they collect, while the government collects it all (in theory) for free. Parents can increase their odds by consulting groups like the Association for Children for Enforcement of Support (1-800-537-7072) and the National Child Support Advocacy Coalition (P.O. Box 420, Hendersonville, Tenn. 37077). Noncustodial parents can try the National Council for Children's Rights (202-547-NCCR).

The Big Fix. Some child-support experts believe the state-by-state enforcement system is too bureaucratic to ever work well. One proposed solution: turn it over to the IRS. Some advocates go further with a proposal called child-support assurance. The government steps up enforcement, but if the father doesn't pay fully, the state fills the gap. States could then eliminate one of the counterproductive parts of the current law: when poor men do pay support, the state keeps most of it to help finance its welfare operation. Like many of these reforms, the goal here is somewhat unusual for the government: forcing parents, instead of the state, to take care of kids.

S. W. with LORRAINE IANNELLO

in the beginning he was just hurt because I hit him," Willie says. "He didn't want to go back into it and bring back up that hurt." Despite his long absence, Itchner carried his kids' pictures in a wallet for more than a decade and on a few occasions drove by house or to a nearby park and watched them from a distance. Daughter Jewel, who has for several years kept Itchner's set of medals in a box by her night stand, recently started a correspondence with him. During a recent interview he pulled out photographs of the girls at the ages of 4 and 2. "You look at the pictures," Itchner says. His eyes well up. "And you look at them he points to pictures of them at 13 and 15." How much have gone through? How much have I missed? How much have missed from not being with me? All three of us have lost out on a deal, and now we're trying to get it back."

In truth, some men never really develop any relationship with their children, so not paying child support doesn't arouse guilty feelings. Roger Hollenbeck of Des Plaines, Ill., met Rose Brown at a pig roast in Louisville, Ky., in 1980. She describes the relationship as a brief fling (she says they were together seven months) and was furious to learn she was pregnant because she had told him that a medical condition made that impossible. He left town a few months later and over the next 10 years missed \$21,000 in payments. Hollenbeck's explanation for why he didn't pay: he didn't realize he owed any child support. (This seems unlikely, since the IRS in 1985 intercepted his tax refund for nonpayment of child support.) Under threat of a jail sentence, Hollenbeck recently paid \$10,000 of back support and spoke with his son. "Do you hate my mother?" the boy asked, according to Hollenbeck. "I said, 'No. We were friends, and I moved away'."



DAVID WALE

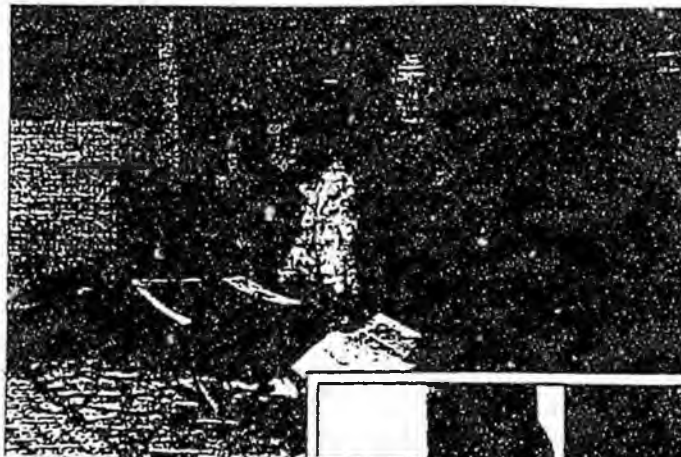
But asked later what kind of relationship he expects he will have with his son, Hollenbeck says, "absolutely nothing. I know that sounds cold to say, but facts are facts."

Some fathers make so little money that their child-support payments feel like an enormous burden. Since payments are usually based on a percentage of parental income, however, even wealthy fathers can feel the pinch. Washington, D.C., lawyer Grier Raclin currently pays \$4,150 per month to his ex-wife Victoria Reggie, a well-paid Washington lawyer who is about to marry Sen. Edward M. Kennedy. Despite their lucrative jobs, the parents regularly bickered over child support, according to correspondence filed in court. Raclin tried to get reimbursed for camping gear he had bought for a trip with his son. "I absolutely refuse," Reggie replied in October 1990. "I have already paid \$1 for Cub Scouts—an activity for which you said you would be responsible—and I will not pay for the gear you decided you need to take Curran camping. . . . If you try to deduct anything from t

The father of Eric and Allsa Marcelles Melrose Park, Ill., owes thousands of dollars behind in support, says his wife who took him away from the kids.

mother can turn to the local government for free—and enter a surreal world where social workers juggle 1,000 cases at a time, a prosecutor might handle 100 cases a week and fathers evade pursuit for years by merely moving a few miles away across state lines. "There's a fiction that we're working everybody's cases," says Darryll Grubbs, until recently a top official of the Texas child-support-enforcement division. "Good Lord. We're not coming close." Jim Harrelston, until last November an investigator in Ft. Worth, Texas, was supposed to look through his 2,800 cases and chase the most delinquent parents. In fact, he usually ended up responding to whichever irate mother called the most, and he got 30 to 40 calls a day. The squeaky-wheel system pays little attention to which mother is neediest, and the caseload can push overwhelmed employees to the edge. "There's nothing I can do!" one fuming caseworker yelled at a parent on the phone in Prince Georges County, Md. "I can't make him a good person!"

Among the many difficulties caseworkers face, one is frighteningly basic: figuring out who the father is. A startling 27 percent of all American children are born out of wedlock; two thirds of all black kids are. Identifying the father is much easier now than 10 years ago because blood tests show, with 98 or 99 percent certainty, whether a man fathered a child. Yet the system solves fewer than half its paternity cases. Many welfare mothers



don't cooperate, fearing they'll lose benefits if the father is found, but even when they do identify the man, states must find him and get him into court, a process that can take years. Sometimes the results are ghoulish: a Maryland judge decided that a man who had fathered a child through a sexual assault should legally be considered the father, paying child support—and getting visitation rights.

Knowing who the father is doesn't mean knowing where he is, how much he earns or how to collect from him. Roughly one third of all child-support cases involve parents living in different states—and women in such cases were twice as likely to get nothing as those with the father nearby, according to a 1990 General Accounting Office study.

The system is routinely maddening for women, but can sometimes be merciless to men, too. Fathers who want to have visitation orders enforced or who've hit hard times and want to have their support payments reduced will have to hire their own lawyers, even if they have no money; most states represent mothers for free in collection cases, fathers not at all. One Las Vegas man ended up paying for a judicial mistake for a decade. He had been dating a woman in Derry, N.H., for just about two months when she announced she was pregnant. He married her, but a year later, he says, he came home to discover she had cleaned out the house and left. Bitter and suspicious about the experience, he asked the court for a blood test to see if he was actually the father of the baby girl, but

the court denied the request out of fear that doing so would taint the child with the "implication of illegitimacy." He paid \$100 a month in child support sporadically, falling about \$5,500 behind at one point. He saw the girl a total of four or five weeks over the next 10 years and shifted between feeling defiant and guilty. "I never treated her like a real father treats a real daughter," he says. "You see dads all bright and aglow; I never had that. I kept thinking I was a bad dad." Finally, at the prompting of his new wife, he tricked his daughter into taking a blood test while she was visiting him in Las Vegas—and the test showed he was not her father.

Despite the many examples of governmental foul-ups, the system works much better than it did 10 years ago. Although the average support award is just \$57.59 per week, most courts have increased payment levels because Congress in 1984 required states to write specific child-support guidelines. As the issue has become politically hot, it has even seeped into electoral politics, in sometimes troubling ways. A fathers'-rights group in Las Vegas is running a slate of candidates in the elections for family-court judges, backing only those who, the group thinks, will lean more toward fathers in custody and support cases.

Reforming child-support policy may prevent a few families from entering into the war zone inhabited by people like John Chappell of Port St. Lucie, Fla., and his ex-wife Linda Place of Springfield, Va. She says he owes his three children more than \$20,000 in child support and reimbursement of medical expenses. Eleven-year-old Matthew spends weeks at a time in a hospital with a serious immune disorder; Place has so far been unable to afford specialized treatment at Duke University. Chappell used to earn \$26,000 a year as a medical-bill collector, but he was, until last Friday, unemployed. Place believes he was intentionally not working to avoid paying the \$540 a month and medical expenses. "There's

Carolyn and Jewel Itzchner have kept the service medals of their father, Drew (right), even though they haven't seen him for 12 years



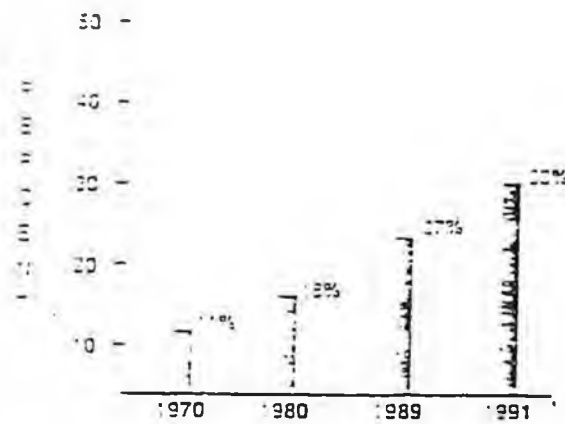
WILSON—NEWSWEEK (TOP); SLOAN—NEWSWEEK

nothing wrong with him that he could not maintain a job," says Place, who works 32 hours a week as a nurse and often sleeps in a cot by Matthew's bed. "He's removed himself from the situation so it's not real anymore. He doesn't go to the hospital every day and see Matthew with IVs and needles."

Chappell complains bitterly that his ex-wife is pursuing him out of "raw hate" and turning the children against him. He says his new job in a convenience store will enable him to pay more. "To me, this is a battle between her and me—not the kids," he says. He's right that the parents are the combatants, but he shouldn't delude himself about the names of the casualties. Matthew is growing up thinking that his debilitating illness might be better treated if only his father would pay more in child support. Chappell's oldest son, Chris, speaks in more emotional terms. "Not getting stuff hurts," says 14-year-old Chris, "but thinking that Dad doesn't care enough to support you—that really hurts. I don't think I'm ever going to forgive him. It's just too hard." Chris visited his father in Florida just last summer, and Chappell brought him on a special afternoon outing—to court. There, Chris got to watch the judge chastise his father for failure to pay child support, put him in handcuffs and lead him off to jail. ■

Overhead #1

Percent of out of wedlock births in America*

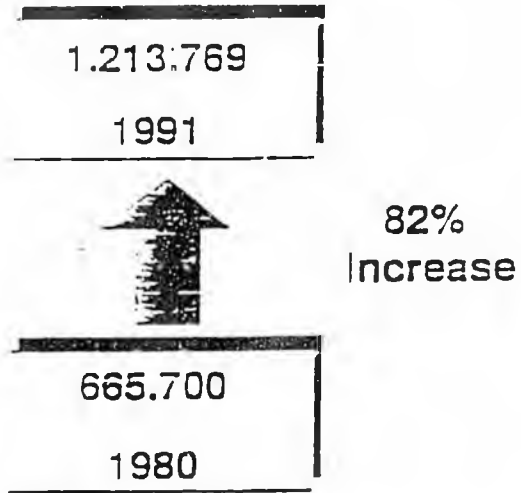


* Data from National Center for Health Statistics

- According to data from the National Center for Health Statistics, about 29.5% of births in the United States were to unmarried mothers in 1991 (the latest data we have).
- This is a substantial increase from a rate of 11% just twenty years ago.

Overhead #2

Number of Births To Unmarried Women



- In 1991, there were well over a million births to unmarried women.
- This represents an 82% increase over the number in 1980.

Overhead #3

Social and Economic Impact of Out of Wedlock Births

- Every hour 56 children are born to teenaged mothers:
- Approximately 1 out of every 4 children are born out of wedlock:
- 56% of women receiving AFDC have never been married:
- The poverty rate for all women with children from absent parents is 32%.

- The high level of out-of-wedlock births has social and economic consequences.
- Many of the mothers are teenagers. Every hour 56 children are born to teenage mothers.
- Many of the mothers and children may end up on public assistance. 56% of women receiving AFDC have never been married.
- Many of these families live in poverty. The poverty rate for all women with children from absent parents is 32%.

HB

136

Sponsor Statement for CS HB136(FIN)
Representative Eldon Mulder

House Bill 136 is a product of the Alaska Sentencing Commission's recommendations for increasing the usage of alternative sentencing. The purpose of the bill is two-fold; to crack down on DWI offenders by offering more serious and immediate punishment, and to do so in a manner that would help ease some of the financial burden on the Department of Corrections, and hence, the State.

The bill requires first and second time DWI offenders and those who refuse to submit to a breath test to serve their time in community residential centers and perform community work service while at the center. In cases where a community residential center is not available, another appropriate placement will be determined by the commissioner of corrections. In addition, the bill requires that all (not just first and second) DWI offenders, no matter where they are imprisoned, pay for the cost of their incarceration, up to a maximum of \$1,000. Unpaid costs are to be collected from the offender's permanent fund dividend check. "Cost of imprisonment" is defined in the bill to mean a uniform average cost of imprisonment that is determined and prescribed by regulation by the commissioner of corrections. This ensures that everyone pays the same rate, no matter where they are incarcerated.

The Judiciary CS also requires that the costs of imprisonment be included as part of the court's judgement of conviction. This makes the collection of unpaid costs considerably easier for the Department of Law. It involves amending Alaska Rule of Criminal Procedure 32(b).

The bill also contains several sections pertaining to limited licenses in relation to DWI offenses. Under current law, someone with up to six DWI offenses can obtain limited license privileges. HB 136 would reduce limited license privileges down to first offenders only. Those convicted of refusing to submit to a breath test would be eligible for any limited license privileges. It also requires that an individual must show proof of enrollment in, or have completed, an alcohol treatment program before they can obtain a limited license. In addition, the bill imposes a fee of \$100 for a person applying for a limited driver's license. This stipulation will generate a substantial amount of revenue, as indicated in the Department of Public Safety's fiscal note.

****The only change in the Finance version of the bill occurs on page 2, Section 3 where the letter (g) replaced the letter (e). This was strictly a technical error which was corrected.**

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

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

MEMORANDUM

March 24, 1993

SUBJECT: Sectional Summary of CSHB 136(JUD)
TO: Representative Eldon Mulder
FROM: Michael F. Ford *M.F.*
Legislative Counsel

*A purely technical
change was made in
House Finance - this
sectional for the Jud
version is still correct.*

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Allows the Department of Public Safety to terminate an administrative driver's license revocation and reissue a driver's license to a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the conditions set out under AS 28.15.181(e), relating to meeting the required minimum revocation period, alcoholism treatment, and paying the required fee.

Section 2. Reduces the mandatory minimum period of driver's license revocation for a conviction based on driving while intoxicated or refusal to take a breath test from five years to three years if the person is a third time offender, and from ten years to five years for a person convicted four or more times.

Section 3. Allows a court to terminate a driver's license revocation of a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the required minimum revocation period, and complies with the conditions set out in AS 28.15.211(d) and (e) relating to alcoholism treatment, and paying the required fee.

Section 4. Allows a court to impose limitations on a driver's license if the court determines the person meets certain conditions (imposed under (b) of this section) and the court determines that the limitations will allow the person to earn a livelihood. Allows the court or the Department of Public Safety to grant limited

Representative Eldon Mulder

March 24, 1993

Page 2

license privileges if the person was convicted of driving while intoxicated, but not if convicted of refusal to take a breath test. The person is a first time offender and the person meets the other conditions set (d)(3) - (5) of this section.

Section 5. Requires a person convicted of driving while intoxicated or refusal to take a breath test to take certain alcoholism treatment, before receiving a new driver's license.

Section 6. Imposes a fee of \$100 for a person applying for a limited driver's license under sec. 4.

Section 7. Specifies that a person convicted of driving while their driver's license is revoked, suspended, or in violation of a limitation cannot get a limited driver's license.

Section 8. Provides that a first or second time D.W.I. offender will serve prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of D.W.I. to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

Section 9. Definition.

Section 10. Provides that a person convicted of refusal to take a breath test for the first or second time will serve their prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of refusal to take a breath test to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

Section 11. This section sets out the effect certain sections of the bill have on Alaska Rule of Criminal Procedure 32(b).

Section 12. Applicability section.

Section 13. Effective date.

MFF:pl
93-236.plm

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 136 (Jud)

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to the offense of BRU: _____
driving while intoxicated..." Component: _____
 Sponsor: Rep. Mulder
 Requestor: House Finance COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars) 1858

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6

CAPITAL						
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REVENUE FUND SOURCE: GF/PR 1005	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
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FUNDING:

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
1006 GF/MHTIA						
Other						
TOTAL	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6

POSITIONS:

POSITIONS	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Dana LaTour, Legislative Liaison *Dana LaTour* Phone: 465-3376
 Division: Office of the Commissioner Date: 04-05-93
 Approved by Commissioner: Lloyd G. Rupp, Commissioner Date: 04-05-93
 Agency: Department of Corrections

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FISCAL NOTE ANALYSIS
 CSHB 136 (JUD)
 Page 2

CSHB 136(JUD) provides for the placement of offenders, convicted of DWI or refusal to submit to a breath test, in a community residential center or other facilities. The bill requires the offenders to pay up to \$1000 of the cost of their imprisonment. The bill also requires the offender to perform community service work.

1992 DWI Offenses	X	Assumed Conviction Rates	Convicted Offenders
3532	1st offense	65%	2261
1124	(one prior offense)	75%	843
407	(two prior offenses)	80%	326
276	(three prior offenses)	80%	221

Using those numbers:

2261 - 226 (10% indigent offenders)	= 2035 offenders x 3 days x \$60 day	= \$ 366,300
843 - 84 (10% indigent offenders)	= 759 offenders X \$1000	= \$ 759,000
407 - 41 (10% indigent offenders)	= 366 offenders X \$1000	= \$ 366,000
276 - 28 (10% indigent offenders)	= 248 offenders X \$1000	= \$ 248,000

The total amount charged annually should be approximately \$1,739,300. Assuming that 60% of the amount charged is collected, a total of \$1,043,580 should be generated each year from the program.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB136 (JUD)

Revision Date: March 31, 1993
Title: "...relating to limited driver's licenses and...
driving while intoxicated...refusal to submit..."
Sponsor: Representative Mulder
Requestor: House Judiciary Committee

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

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

Phone: 465-3672
Date: March 31, 1993
Date: March 31, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 136 (JUD)

ANALYSIS (Continued):

The Judiciary Committee substitute for HB 136, substantially amends the state's laws relating to driving while intoxicated and refusal to submit to a breath test. The bill's amendments primarily address sentencing provisions which occur after prosecution. Consequently, the amendments will not have a fiscal impact on the Department of Law.

The major feature of the bill provides the minimum mandatory period of imprisonment, 72 hours for a first offense and 20 days for a second offense shall be served at a community residential center or, if a center is available, at another appropriate facility determined by the commissioner of corrections. The bill further provides that the cost of the imprisonment, not to exceed \$1,000, shall be paid by the person who is sentenced. And the bill provides that the state shall seek reimbursement from a person's permanent fund dividend, in cases where a person has not paid for the cost of imprisonment. The Department of Law's civil division currently collects unpaid criminal fines and would collect unpaid imprisonment costs that result from the adoption of these provisions.

Upon further review, we have determined that legislative findings are not required to overcome the problem of having persons convicted of DWI and breath refusal pay for the cost of their imprisonment (when other offenders are not required to do so), because the maximum amount that may be assessed does not exceed \$1,000.

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHB 136(JUD)

Revision Date: 3/24/93 Dept. Affected: Public Safety
 Title: "An Act relating to offenses of driving while intoxicated and refusal to submit to a breath test." BRU: Motor Vehicles
 Sponsor: Representative Mulder Component: Driver Services
 Requestor: House Judiciary COMPONENT SERIAL NO. 500

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

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	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	108.0	108.0	108.0	108.0	108.0	108.0

FUNDING: (Thousands of Dollars)

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

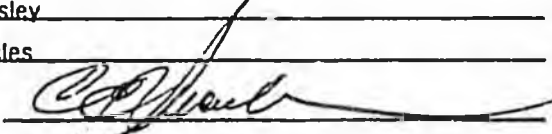
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

It is estimated that 30% of all persons whose license is revoked as a first offender DWI will request a limited license. In 1992, there were approximately 3600 drivers license revocations for first offender DWIs. Charging a \$100.00 limited license application fee will generate approximately \$108.0 in revenue to the general fund.

Prepared By: Juanita Hensley Phone: 465-4361
 Division: Motor Vehicles Date: 3/24/93
 Approved by Commissioner:  Date: 3/24/93
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHP 136(JUD)

Revision Date: 3/31/93 Dept. Affected: Public Safety
 Title: "An act relating to revocations of and BRU: Alaska State Troopers
limitations on a driver's license Component: Detachments
 Sponsor: Representative Mulder
 Requestor: House Finance COMPONENT SERIAL NO. 799

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

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

FUNDING: (Thousands of Dollars)

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

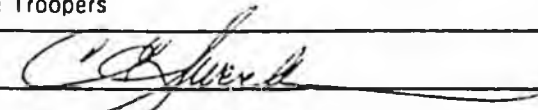
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 3/23/93
 Approved by Commissioner:  Date: 3/31/93
 Agency: Richard J. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 136 (IUD)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to revocation of and limitations on driver's licenses and to the offenses . . ." BRU: Public Defender
 Component: Public Defender
 Sponsor: Representative Mulder
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MIHTA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

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

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear User Date: 3/30/93
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 136 (Iud)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to revocation of and limitations on driver's licenses and to the offenses" BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Representative Mulder
 Requestor: House Finance COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

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

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usera Date: 3/30/93
 Agency: Department of Administration

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Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

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Duane S. Lulana
Rep. Fran Limer

February 10, 1993

Representative Eldon Mulder
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

RE: HB 136; DWI

FEB 15 1993

Dear Representative Mulder:

I am writing with respect to your proposed legislation altering DWI penalties. Your legislation encourages the housing of DWI prisoners in halfway houses and strengthens the fines and forfeiture provisions of the current law.

One of the Sentencing Commission's major recommendations is well served by your legislation -- the increased use of halfway houses. Clearly, the great majority of DWI offenders could be more cheaply and more effectively punished in the setting you propose (halfway houses with community service) than in hard beds. As you know, many DWI offenders in Anchorage and Fairbanks already serve their sentences in halfway houses.

While the Commission did not specifically make a recommendation as to the use of community service while in halfway houses, your proposal is certainly consistent with their general recommendations. You might also consider a requirement for alcohol screening and education while at the halfway house. We have discussed a similar program with representatives of MADD. I recommend you consult with both DOC and MADD.

The commission recommended the increased use of fines and forfeitures, but as alternatives to jail time rather than as additional penalties. The commission generally recommended the use of fines scaled to the offender's income, which would seem appropriate in DWI cases. See 1992 ASC Report at p. 11. The Commission also recommended that the legislature investigate alternatives to the current three day minimum sentence for first time DWI offenders. At p. 44-45 of its 1992 report, the Commission recommends:

Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the

legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

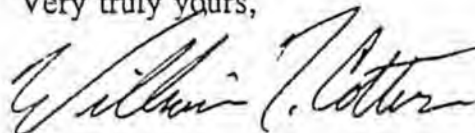
Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Commission certainly understands the political realities concerning DWI. Its recommendation quoted above was only made after a long discussion and consideration of all the issues. Nevertheless, if we are to address the current backlog of about 2500 misdemeanants waiting up to nine months to go to jail, within our current fiscal constraints, we must consider creative alternatives. I would ask you to consider whether some combination of community service, stiff fines (on a sliding scale dependent on income to increase the bite), and mandatory alcohol treatment could be substituted for the current required 72 hours in jail.

Please feel free to give me a call if you have any questions.

Very truly yours,



William T. Cotten
Executive Director