

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10235 HOUSE HEALTH EDUCATION & SOCIAL SERVICES 80

Alaska Youth and Parent Foundation

Challenge House

9320 Roy Street
Anchorage, Alaska 99508
Shelter phone: 243-6342
Shelter Fax: 248-6902

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Thank You.

Deliver To: LIO office

Date: April 23, 2002

Fax: 269-0229

RE: House Bill 182

From: Tamara Keech

Total pages sent 2 (including cover page). If all pages are not received, please call sender at (907) 243-6342.

Message: ☺

4/22/2002

To:

Subject: HB 182

From: Michael & Tamara Keech
7715 Port Oxford Drive
Anchorage, AK 99507

To Whom It May Concern:

This letter is in reference to HB 182 and it's probable impact on the foster care system.

The bill, also known as the "pro-rata" bill, tells the administration to pro-rate the monthly payment to foster parents when funds run low, which means the payment would be adjusted to fit the amount of money the Department is budgeted.

When foster care funding runs low now, the administration is allowed to ask for more funding through the Supplemental Budget process. SB 182 states no Supplemental funding would be available for foster care.

Living within the budget is ok when the number of children needing that care does not exceed the annual budget. In some years, more children needed protection through placement in foster care than the budget allowed.

If SB 182 passes, then in future years when foster care budget runs low, future administrations would have to reduce the monthly payment to foster parents. There would be no other option. Legally, the division could not accept fewer children in need in order to balance the budget.

The average monthly payment to foster parents is \$22.34. Foster parents are not interested in making money while providing foster care, but they surely can't supplement foster children to the detriment of their own! Secondly, managing a household within financial limits is vital, and without confidence that the rates would not vary, many foster families would discontinue caring for these children in need. After the first occurrence of reductions, I believe the already frustrated foster families, who are unaccustomed to dealing with the government bureaucracy would say the heck with it and bring the children back to DFYS! Then the only alternative would be to place them in residential group home settings at a rate of well over \$100.00 daily. Common sense should prevail here ladies and gentlemen. Sheer economics, coupled with the proven success of home environments in lieu of shelters, dictates the discontinuance of this bill.

Sincerely,

Tamara Keech
Michael Keech

Michael & Tamara Keech
Foster Parents



TONY KNOWLES, GOVERNOR
State of Alaska

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone: 907-269-8990 • Fax: 907-269-8995

April 23, 2002

Members of the House Health, Education, and Social Services Committee:

The Governor's Council on Disabilities and Special Education writes this letter in opposition to Senate Bill 182. This bill attacks people with developmental disabilities by reducing the benefits they receive whenever the Legislature under funds a state "benefit program". It is very difficult for people with disabilities, dependant on state benefits, to live off a budget that fluctuates one month to the next. People with disabilities depend on the following programs.

- **Adult Public Assistance (APA):** Almost 15,000 disabled and elderly people who are currently able to live on their own because they receive Adult Public Assistance could be forced into more expensive institutional care, or even homelessness, if their benefits erode under pro rata shortfall scenarios. APA is chronically under funded: state spending on APA has exceeded the Legislature's appropriation in 11 of the last 13 years, and the program is currently under funded for FY02.
- **Medicaid, Chronic Acute Medical Assistance, and General Relief Assistance:** Destabilizing the benefits of these programs would affect thousands of Alaskans who are now beneficiaries of these programs.

Benefit programs provide a safety net that is available to every Alaskan to meet basic needs, work toward self-sufficiency, and continue to live with dignity in our communities. Compensating for a budget shortfall on a pro rata basis, rather than through supplemental funding, could tremendously destabilize the lives of people who receive support through benefit programs

The Governor's Council on Disabilities and Special Education strongly requests that you will consider the effects that SB182 will have on people with disabilities as well as other Alaskans who depend on "benefit programs" to maintain basic standards of living, self-sufficiency, and dignity while living in our communities.

Arctic Alliance for People remains unequivocally opposed to SB182, the pro-rata benefit reduction bill. This is NOT the way to balance our budget. By compensating for budget shortfalls on a pro rata basis rather than by supplemental funding, you would allow the legislature to shift the budget balancing burden onto the backs of the most vulnerable Alaskans -- the poor, the elderly, the disabled. For example, the potential reduction of benefits possible with the passage of this bill would undermine our ability to recruit and retain foster homes, would create unnecessary hardships for the elderly and disabled, and might actually force more people onto welfare. The clients of Arctic Alliance agencies have been speaking out against this legislation since it was first introduced in 1999 as HB 161. Last year during a public demonstration against SB182, disabled and elderly citizens spoke painfully and poignantly of the limitations of their incomes and the very real consequences that this bill could have on their ability to meet their most basic of needs. Please acknowledge them now and do not promote this piece of legislation.

As you deal with the budget challenges of the state during this legislative season, I applaud the House for continuing to look for ways to enhance revenue -- a strategy that will ultimately strengthen our state -- not weaken us by undermining our ability to care for our neediest citizens. The health of any society is determined by its ability to take care of those unable to care for themselves. Please recognize this bill for the unhealthy piece of legislation that it is.

Date: Thursday April 25, 2002

To: House HESS Committee

From: Taber Rehbaum, PO Box 438 Ester AK 99725
Arctic Alliance for People 452-8118
H: 458 0423

Re: SB182

Taber S Rehbaum

Tomy Lombardo

TESTIMONY REGARDING SB 182
PRESENTED 04-23-2002
LEGISLATIVE INFORMATION OFFICE
ANCHORAGE

Ladies and Gentlemen of the Health Education and Social Services Committee,

Good afternoon. My name is Anthony Lombardo and I represent Covenant House Alaska. Covenant House is a privately funded, non profit agency which cares for homeless and at risk youth . Today, I am here to offer you our view on SB182.

In addition to our emergency shelter, we having a program in Anchorage, called Passage House, which helps teen moms transition off public assistance and into self sufficiency. I speak to you today on their behalf.

Most Passage House moms come to us barely surviving on ATAP and WIC. We help stabilize their lives, find affordable day care, learn life skills like money management, find a job and over the course of about 18 months, transition off of public assistance. They come to us because they know that they are barely making it and often fear that one false step will result in life on the street and possibly loss of their child to the state's protective custody.

The uncertainty this bill would create in the meager budgets of young moms like those at Passage House is too great. Those teen moms who could otherwise come to us for help might lose their children to state services before they ever get to Passage House. We need less babies in state custody, not more. We need more programs transitioning poor moms and babies into self sufficiency

and off public assistance, but these moms do not need any more financial crisis or uncertainty.

In addition, if this bill passes, foster parents would not necessarily know from month to month how much income to factor into their budget. The added difficulties could discourage foster parents from participating in the program. We already have a shortage of foster care homes in this state. If we train wreck the fragile homes maintained by moms like those at Passage House, the state will need somewhere to place those children.

In short, Covenant House is opposed to the apparent intent of this bill. It would be unreasonable to introduce additional uncertainty into the health, safety and welfare of our poorest families.

Thank you.

Subject: SB 182

Date: Thu, 25 Apr 2002 14:09:51 -0800

From: Mark Andrews <markandcheryl@ak.net>

To: Representative_John_Coghill@legis.state.ak.us, Representative_Fred_Dyson@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Vic_Kohring@legis.state.ak.us

I urge you to defeat SB 182. It is poorly conceived and can do immeasurable damage. Foster care is desperately needed, and reducing the stipends will make it even harder to find. Adult public assistance is paid to folks who are not able to work & support themselves. This is very poor public policy.

Sincerely,

Cheryl Keepers

PO Box 74898

Fairbanks, AK 99707

Subject: SB 182

Date: Mon, 22 Apr 2002 17:51:33 -0800

From: "Mary Ideran" <awrc@ak.net>

To: <Representative_Fred_Dyson@legis.state.ak.us>

Dear Representative Dyson:

I am writing to you in a different role from AWRC Executive Director. I am also Chairperson of the Anchorage Women's Commission. We are writing to communicate to you grave concerns over SB 182 which is to be heard in your committee on April 23rd.

Anchorage residents who receive benefits through the programs affected by SB 182 are, typically, women with low or fixed incomes. The benefits that come to them are a crucial part of a tight and carefully crafted budget, the purpose of which is either to help them move beyond the need for temporary assistance or to help them to live independently of institutional care. To pro rate these benefits is to de-stabilize the lives and plans for independence that these Alaskans have worked hard to build. Without this assist toward independence, these individuals are likely to need even greater levels of help at greater cost to our state and communities.

The Anchorage Women's Commission strongly urges that this bill not become a part of the FY 2003 state budget. We understand that legislator's responsibilities in the funding process are complex and difficult, and that many Alaskans are contacting you to convey their feelings on budget issues. The Anchorage Women's Commission strongly urges that SB 182 not become a part of the FY03 state budget.

Mary Ideran, Chair
Anchorage Women's Commission

SB

295

Alaska State Legislature

SENATOR
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
Senator_Pete_Kelly@legis.state.ak.us
(907) 456-8161



Senate

White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

Senate District P

MEMORANDUM

To: Representative Fred Dyson, Chair
House HESS Committee

From: Senator Pete Kelly, Co-Chair *Pete*
Senate Finance Committee

Date: April 18, 2002

RE: Hearing Request for SB 295
"An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date."

Please accept this memorandum as a request to schedule SB 295 for a hearing in the House HESS Committee at your earliest convenience.

I have enclosed the following back-up information for your review and inclusion in bill packets:

- SB 295
- Sponsor Statement
- Fiscal Note

If you have any questions please contact Wendy in my office at extension 4747. Thank you for your consideration of this request.

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2327
Fax: (907) 465-5241



Interim:
119 N. Cushman
Fairbanks, AK 99701
Phone: (907) 456-8161
Fax: (907) 456-8163

Senator Pete Kelly
District P

SB295 Sponsor Statement

“An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date.”

Both State and Federal laws currently require all child and adult care licensing authorities to review criminal histories of every individual, aged 16 and older, who is seeking either a care license, employment with a care provider, or residing in the home of a care provider seeking licensure.

Criminal history information for persons under 18 is not accessible through the Alaska Public Safety Information Network, but is available through the Division of Juvenile Justice (DJJ). Yet due to the language in the current statute, the division may release certain information for specific situations to only a few of the licensing agencies. The fact that an applicant may have a son living in the home who is a convicted child molester could be kept from a licensing agency because of the limitations on the division's authority to release that information.

This bill will give the Department of Health and Social Services clear authority to provide all child and adult care licensing agencies access to appropriate delinquency information. This will help facilitate the licensing of suitable individuals as well as help ensure quality of care and safety concerns are met for every client receiving services in a care facility or program.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 295
() Publish Date: _____

Revision Date/Time (Note if correction): 2/21/2002 3:24 pm Dept. Affected: Health & Social Services
Title: DISCLOSURE OF JUVENILE DELINQUENCY INFORMATION TO LICENSING AGENCIES BRU: Juvenile Justice
Component: Probation Services
Sponsor: KELLY
Requestor: SENATE (HES) Component Number: 2134

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--do not abbrevia')						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

While our administrative staff may have to compile information and transmit it to DEED, Senior Services, etc., we do not anticipate a significant fiscal impact with the passage of this bill.

Prepared by: Susan M. Taylor, Administrative Manager Phone 465-2212
Division: Juvenile Justice Date/Time 02/21/2002
Approved by: Ellmer A. Lindstrom, Deputy Commissioner Date 02/23/2002
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

SB

302

GARY WILKEN

SENATOR
West Fairbanks

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Fairbanks, Alaska 99701
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Alaska State Legislature

Senate

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Fax: (907) 465-4714
Website: www.garywilken.com
E-Mail: Senator_Gary_Wilken@legis.state.ak.us

MEMORANDUM

TO: Representative Fred Dyson, Chairman
Health, Education and Social Services Committee

FROM: Senator Gary Wilken

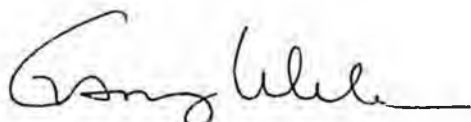
DATE: April 18, 2002

RE: Senate Bill 302 - Mental Health Professionals

I respectfully request that Senate Bill 302, *Mental Health Professionals*, be scheduled for a hearing before the House Health, Education, and Social Services Committee.

Senate Bill 302 recognizes the growth in the clinical mental health profession and broadens the definition to include all qualified mental health experts. A more inclusive mental health professional definition increases the capacity of Alaska's mental health system to protect our youth and adults who are experiencing acute psychiatric crisis in our communities.

Thank you for your cooperation and assistance in scheduling a hearing.



GARY WILKEN

SENATOR
West Fairbanks

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E-Mail: Senator Gary Wilken@legis.state.ak.us

Sponsor Statement CS for SB 302 (JUD) - Mental Health Professional Definition

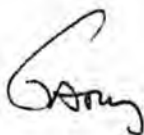
Committee Substitute for Senate Bill 302 (JUD) recognizes the growth in the clinical mental health profession and broadens the "mental health professional" definition to include (1) a licensed clinical social worker, (2) a licensed marital and family therapist, and (3) a licensed professional counselor. The current Title 47 definition was written in 1981 prior to the passage of Alaska's licensing requirements governing these master level mental health clinicians.

A more inclusive mental health professional definition increases the capacity of the Alaska's mental health system to protect our youth and adults who are experiencing acute psychiatric crisis in our communities. Today, not enough mental health professionals are authorized under the current definition to respond to some critical public safety situations, particularly in rural Alaska. And yet there are hundreds of licensed professionals who are qualified to aid these Alaskans, but cannot, as they do not fall within the current statutory definition. Committee Substitute for Senate Bill 302 (JUD) recognizes this problem and updates the Title 47 definition.

The expanded "mental health professional" definition, as stated in Committee Substitute for Senate Bill 302 (JUD), increases the number of trained professionals who will be:

- Allowed to provide mental health treatment for prisoners
- Authorized to evaluate children and minors in custody to determine placement in residential treatment centers
- Required to report incidents of harm to vulnerable adults
- Allowed to conduct civil commitment evaluations

I respectfully request your consideration and support for Senate Bill 302.



April 16, 2002

Home of the
University of Alaska

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 302
 (s) Publish Date: 3/6/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: DEFINITION OF MENTAL HEALTH PROFESSIONAL BRU: Community Mental Health Grants
 Component: Svcs/Chronically Mentally Ill
 Sponsor: WILKEN
 Requestor: SENATE (HES) Component Number: 800

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--do not abbreviate)						
TOTAL						

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 302 changes the definition of Mental Health Professional (MHP) by adding the licensed disciplines of clinical social worker, marital and family therapist and professional counselor, and allowing experienced unlicensed master's level mental health graduates who are seeking licensure and are supervised by a licensed MHP, to do the work of a MHP. The bill increases access to mental health services to several different consumer populations by increasing the pool of prospective employees in a time of shortage. It also encourages licensure of experienced individuals which increases the quality and accountability of the professions serving vulnerable Alaskans.

No cost is identified with these changes.

Prepared by: Sarah Brinkley, Administrative Manager Phone 465-3167
 Division: Mental Health & DD Date/Time 02/27/2002
 Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 02/28/2002
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

Comparison Chart for Mental Health Disciplines covered under SB302

Current Definition

Added by Senate Bill 302

License Requirement	Psychologist	Psych. Assoc.	CSW	MFT	LPC
Education	Ph.D. from program approved by Board	MA from program approved by the Board	MA from program approved by the Board	MA from a Regional Accrediting agency (Specifies course work)	MA from a National or Regional Accrediting Agency (60 total graduate hours)
No Improper Conduct or Investigations in other states	Not engaged in dishonorable conduct	Not engaged in dishonorable conduct	Of good moral character	Has not engaged in conduct that is grounds for disciplinary sanctions	Not under investigation in this or another jurisdiction, & has not had any license suspended or revoked
Post Graduate Supervised Experience	1 year	2 years	2 years or 3000 hours	1500 clinical contact hours, 100 hours of individual supervision, 100 hours of group supervision	3000 hours of clinical contact, 1000 hours of face to face counseling, 100 hrs face to face supervision
Exam Required	Yes	Yes	Yes	Yes	Yes
Professional References	5 required by regulation	2 required by regulation	3	1 verification of supervised experience & fitness	2 references and 1 verification of employment for 2 years
Practice Definitions	Diagnosis Treatment Emotional/Mental Disorders Individual group	Dependent on experience and training	Diagnosis Treatment Mental & Emotional Disorders Individuals, families, groups, communities	Diagnosis Treatment Mental & Emotional Disorders Individuals, families, groups	Diagnosis Treatment Mental & Emotional Disorders Individual, group, and organizations

For details please see Statutory Definitions of Alaska's Mental Health Disciplines document

Prepared by DHSS - based on current law

SB302--Changing the Definition of Mental Health Professional

How the Initial Civil Commitment Evaluation for Ex Parte Works

When a person experiencing a mental health crisis needs an evaluation for possible admittance to a mental health hospital, a "mental health professional" (MHP) is called in to conduct an evaluation. The goal of the evaluation is to determine if the person has a mental illness, and as a result, is suicidal, homicidal or "gravely disabled". If the MHP determines that the person fits these criteria, and the individual refuses voluntary hospitalization, a call is placed to a consulting psychiatrist or physician. If the consulting psychiatrist or physician concurs with the evaluation that the person is at dire risk, the MHP contacts a judge, who hearing the results of the evaluation makes the decision whether or not to involuntarily commit the individual to a 72-hour hold. While hospitalized, a psychiatrist examines the person. If there continues to be sufficient risk of harm, there is a court hearing for extended commitment. At anytime during this process if the person no longer meets commitment criteria, they are released.

Current Definition

The current definition included every discipline of mental health practitioner at the time: licensed psychiatrist or physician, licensed clinical psychologist or licensed psychological, registered nurse with a master's degree in psychiatric nursing, or any kind of social worker with a master's degree and experience.

Since the statute was written in 1981, the nation and Alaska have been licensing Clinical Social Workers (LCSW), Licensed Marital and Family Therapists (LMFT) and Licensed Professional Counselors (LPC).

To do an ex parte eval you must work in a hospital or State funded mental health center.

Across the state, there are approximately 140 mental health clinicians doing emergency services evaluations. In reality, only half of these clinicians fit the current definition.

Under current statute there is a legal precedent for having unlicensed, social workers with experience do evaluations. SB302 would include master's level clinicians who are experienced, but also supervised and working toward licensure.

- LMFTs, LPCs and LCSWs are clinically qualified to serve these needs.
- Including all licensed mental health disciplines and requiring that unlicensed clinicians hold a master's degree, be experienced, supervised and working toward licensure, enlarges the pool of MHPs who must meet legislatively mandated standards of education, experience and professionalism to qualify for one of the 140 present emergency services positions. **People who do not hold one of these jobs cannot do civil commitment evaluations. A judge makes the decision about commitment.**

Initial Civil Commitment for Ex Parte

1. Person experiences a mental health crisis and needs an evaluation for possible admittance to a mental health hospital.
2. A "mental health professional" is called in to conduct an ex parte evaluation.
3. The evaluator must work in a hospital (a doctor or psychiatrist) or be employed at a state-funded community mental health center.
4. The evaluation is to determine if the person has a mental illness and, as a result, is suicidal, homicidal or "gravely disabled", each of these criteria require there to be an indication of real, imminent risk. Examples of "grave disability" are an individual who stops eating and is near starvation because they hear voices that say someone has poisoned the food, or they are so delusional that they are at risk of freezing to death because they have no awareness of their bodies needs for survival.
5. If the mental health professional determines the person fits this criteria and the individual refuses voluntary hospitalization, a call is placed to a consulting psychiatrist or physician.
6. If the consulting psycniatrist or physician concurs that the person is at risk, the mental health professional contacts a judge.
7. Upon hearing the results of the evaluation, the judge makes the decision as to whether or not there is sufficient criteria to initiate an ex parte hold of the individual for up to 72-hours for purposes of obtaining a full psychiatric evaluation done by a psychiatrist.
8. If there continues to be sufficient risk of harm, a court hearing is held to determine the appropriateness for a civil commitment.
9. Anytime throughout this process if the person no longer meets the commitment criteria, the individual is released from the hospital.

Mental Health Professional

Current Definition

1. Licensed Psychiatrist
2. Licensed Physician
3. Licensed Clinical Psychologist
4. Licensed Psychological Associate
5. Registered Nurse with a Master's Degree in Psychiatric Nursing
6. Any Type of Social Worker with a Master's Degree and Experience

SB 302 New Definition

1. Licensed Psychiatrist
2. Licensed Physician
3. Licensed Clinical Psychologist
4. Licensed Psychological Associate
5. Registered Nurse with a Master's Degree in Psychiatric Nursing
6. Licensed Clinical Social Worker
7. Licensed Marital and Family Therapist
8. Licensed Professional Counselors
9. Master-level clinician, with experience, under supervision and seeking licensure



March 14, 2002

Senator Gary Wilken
Room 514
Alaska Senate Office Building
Juneau, Alaska 99801

Re: SB 302

Dear Senator Wilken:


I wish to strongly recommend the inclusion of Licensed Professional Counselors (LPC) in the definition of "mental health professional" as discussed in SB 302.

Licensed Professional Counselors in the State of Alaska are required to have a minimum of a Master's Degree in counseling, have completed a certain number of supervised hours as a counselor and pass a nationally recognized exam. Additionally, Licensed Professional Counselors are required to annually complete professional development courses to maintain license currency in the State of Alaska.

Our national organization, the American Counseling Association, defines Professional Counselors as: "An employee of or independent contractor for an institution ... whose official responsibilities include counseling to the members of the institution's community and who is functioning within the scope of his/her license or certification..."

Licensed Professional Counselors in the State of Alaska currently meet standards similar to all of the other professions included in SB 302; they also provide similar professional health care services.

Thank You,


Jeannette E. Lawson
President, Alaska Counseling Association

The TRUST

The Alaska Mental Health Trust Authority

March 1, 2002

The Honorable Gary Wilken
Alaska Senate
State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Wilken:

I am writing to you to thank you for your sponsorship of SB302, the bill to change the definition of mental health professionals (MHP). The Trust supports updating the definition to include all the licensed mental health professions and experienced practitioners seeking licensure. The proposed definition increases access to vital, often lifesaving services for the beneficiaries of the Trust. In recent years we have been privy to many anecdotal reports of beneficiaries suffering hardships and indignities due to the lack of services in rural and urban locations. Service providers speak to the difficulties of meeting the current MHP definition requirements for hiring staff.

The Trust is actively supportive of addressing the recruitment and retention issues that impact Alaska's health care professions and providers that serve the needs of Alaska's youth and adults who are experiencing acute psychiatric crisis in our communities, who protect and safeguard vulnerable adults from harm, and who treat mentally ill adults in correctional facilities. We understand that this definition change increases the pool from which professionals can be hired by over 40% of licensed practitioners, and significantly more who are currently working toward licensure.

Sincerely,



Jeff Jessoe

Executive Director

Cc: Board of Trustees

ALASKA MENTAL HEALTH BOARD

TONY KNOWLES, GOVERNOR
STATE OF ALASKA

431 N. Franklin, Suite 200
Juneau, Alaska 99801
Office: (907) 465-3071
Fax: (907) 465-3079

February 28, 2002

The Honorable Gary Wilken
Alaska Senate
State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Wilken:

The Alaska Mental Health Board (AMHB) wishes to convey to you its position on SB 302. As the entity tasked by state law with planning, evaluation, and advocacy for public mental health services in Alaska, the AMHB works regularly and closely with a wide range of stakeholders in that system. The Board considered the issues prompting the bill and agrees with the Department of Health and Social Services that the time is ripe to update the statutory definition of a mental health professional. The benefits of increasing the pool of licensed professionals that meet professional standards are clear. Civil commitment based on mental health issues is a serious matter. The State's responsibility to ensure that the professionals that perform the evaluations that initiate the commitment process are qualified to do so seems clear to us. The current situation under which evaluations in many cases must be conducted by providers that cannot be licensed because they are not defined as mental health professionals should be rectified.

The AMHB appreciates your willingness to sponsor this needed legislation. Please let us know if we can assist as the bill makes its way through the Legislature. Thank you for this opportunity to comment.

Respectfully,

/s/ Richard Rainery

Richard Rainery
Executive Director

Subject: SB 302

Date: Sun, 24 Feb 2002 08:16:22 -0800 (PST)

From: Sally Donaldson <sallyannhd@yahoo.com>

To: Senator_Gary_Wilken@legis.state.ak.us

Senator Wilkin,

Please support SB302, as it includes licensed professional counselors, marital and family therapists and clinical social workers under the term "mental health professional".

This bill will enable qualified, licensed professional mental health care providers, especially in rural Alaska, to care more inclusively for those who need services.

Thank you for your attention to this important matter.

Sincerely,
Sally Donaldson, LPC, School Counselor
Juneau

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Please support SB302

Subject: Please support SB302

Date: Tue, 19 Feb 2002 23:27:58 EST

From: CathrynMFS@aol.com

To: Senator_Gary_Wilken@legis.state.ak.us

Dear Senator Wilken:

I am a licensed professional counselor working in Anchorage. SB302 will provide Alaskans with better, more accessible mental health care by authorizing professionals with the proper training to perform civil commitments and other necessary services. It also provides accountability to the public that these critical functions are carried out in an ethical and effective manner. Rural areas in particular are in great need of professional services and these services are currently being limited by outdated legislation. Please support Alaskans by supporting SB302 and working for its speedy passage.

Thank you,
Cathryn Simon
12320 Tracy Rd., Apt. A
Anchorage, AK 99516

Subject: SB 302

Date: Wed, 20 Feb 2002 14:31:11 -0900

From: "Judith Anne Morotti" <jmorotti@northstar.k12.ak.us>

To: Senator_Gary_Wilken@legis.state.ak.us

Dear Senator Wilken,

I write to urge you to support SB 302. It is important to have

licensed professional counselors available for all Alaskans. This bill provides Alaskans, especially those in rural areas access to mental health care.

Thank you, Judith Morotti, M.Ed.

Subject: SB302

Date: Thu, 21 Feb 2002 15:03:14 -0900

From: Jim Lorence <jlorence@crsd.k12.ak.us>

To: Senator_Gary_Wilken@legis.state.ak.us

Dear Senator Wilken: I support SB302 because I see that it will provide more access to mental health services in rural Alaska. Living in the Copper River area, it is often difficult for people to get into places like Matsu or Anchorage to obtain the services they need. This bill, by recognizing all clinical mental health disciplines as being valid for carrying out important services, will make it much easier for people in our area to access the mental health services they need.

Sincerely,

Jim Lorence, Guidance Counselor, Copper River School District

Subject: SB 302 / Please Support

Date: Wed, 20 Feb 2002 09:50:59 -0900

From: "Shawn Marsh" <shawn_c_marshall@hotmail.com>

To: Senator_Gary_Wilken@legis.state.ak.us

Senator Wilken,

I am writing today to respectfully encourage you to support SB 302. This bill advocates a change in the definition of "mental health professional" to include a variety of well-qualified occupational groups in Alaska. As a lifelong Alaskan and National Certified Counselor (NCC), I believe this change is clearly in the best interest of consumers (e.g. provides improved access to qualified professionals) and clinicians (e.g. increased accountability).

Thank you for your time and consideration in this matter.

Sincerely,

Shawn Marsh, M.Ed.

National Certified Counselor

Mental Health Clinician

Fairbanks, Alaska

(907) 488-8230

Chat with friends online, try MSN Messenger: [Click Here](#)

Subject: SB302

Date: Wed, 20 Feb 2002 22:13:42 -0900

From: "Kelly Seman" <kellyseman@hotmail.com>

To: Senator_Gary_Wilken@legis.state.ak.us

Dear Senator Wilkens -

I would like to express my support for SB302 which will broaden the definition of a "Mental Health Professional" in the state of Alaska. I am currently a Licensed Professional Counselor in both the state of Montana and Alaska. While living in Montana I worked for community mental health and was considered a mental health professional. I conducted evaluations for involuntary commitments and provided crisis services. When I moved to the state of Alaska two years ago I was surprised to learn that the LPC was not well recognized and my skills could not be utilized because of this. I believe many jobs have remained unfilled because of the narrow definition of "Mental Health Professional", especially in rural areas. I hope you will consider supporting this bill. Thank you for your time.

Sincerely,

Kelly Seman-Ewalt , LPC #318

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Susitna Family Services

Vivian C. Finlay, M.Ed.

Licensed Marriage and Family Therapist

Clinical Member: The American Association
For Marriage & Family Therapy

2/22/02

Please see attached information
sheet written by Anne Henry LPC

Dear Senator Wilken,

I have just reviewed a copy of SB 302.
I wanted you to know that I am in full support
of this bill. In private practice I may not be in
a position to address the populations mentioned
in the bill, however, I believe more of us
experienced mental health practitioners should
be "allowed" to address these situations.

I have been in practice for 26 years, 15 of
these have been in my own practice in
Wasilla. I believe I have a wealth of experience
with clients. I also am an Approved Supervisor
for Marriage and Family Therapists, so I may
supervise clinical people who may be addressing
the populations listed in SB 302.

I see absolutely no reason, from a clinical
competency basis, why all mental health professionals
are not being treated equally in the state of
Alaska. We all may come from different training
backgrounds, but we all treat and serve similar
mental health needs.

Sincerely,

Vivian C. Finlay

P.O. Box 872433 • Wasilla, Alaska 99687 • (907) 373-6006

c.c. Senator Lyda Green - please schedule a hearing on
this bill as soon as possible. Thank you.
Vivian C. Finlay

The original statutory definition for "mental health professional" (MHP) was written into Title 47, when psychiatrists, physicians, psychologists, master's level psychologists (psychological associates) and psychiatric nurses were the only licensed mental health professions. At that time, master's level social workers were not licensed, but were acknowledged under the definition and allowed to do civil commitment evaluations if they had "substantial experience". Since then, the clinical mental health field has expanded to license social workers, marital and family therapists (MFT), and professional counselors (LPC).

In addition to the use of the mental health professional definition for persons evaluating adults in acute psychiatric crisis and facing mental health commitment, the definition also applies to those working with incarcerated adults with mental illnesses, youth in the custody of the Divisions of Family and Youth Services or Juvenile Justice, and with vulnerable adults in a variety of health care settings.

Licensing these professional mental health clinicians is critical to the public safety, and to hold accountable people working with vulnerable populations. Today, there are not enough people within the current definition of a mental health professional licensed to do this work. At the same time, there are hundreds of licensed professionals who do not fall within the current definition and cannot do the work.

This bill changes the definition of MHP to acknowledge the licensing of clinical social workers (LCSW), MFTs and LPCs, and makes provisions for those working toward licensure. By including experienced master's level clinicians working toward licensure, the bill also increases the capacity of our mental health system to protect Alaska's youth and adults who are experiencing acute psychiatric crisis in our communities, to protect and safeguard vulnerable adults from harm, and to treat mentally ill adults who are incarcerated.

Changing the definition of MHP would increase the number of trained professionals working in the field who are:

- required to report incidents of harm to vulnerable adults;
- allowed to provide mental health treatment to prisoners;
- authorized to evaluate children and minors in custody for appropriateness to be placed in secure residential treatment centers;
- eligible to work in one of the 140 jobs at community mental health centers where emergency evaluations are done on individuals experiencing a crisis, to determine suicidality, homicidality and grave disability in preparation for a judge's decision on appropriateness for mental health civil commitment to a hospital in Fairbanks, Anchorage or Juneau.

Subject: Sponsor SB302

Date: Mon, 25 Feb 2002 08:35:28 -0900

From: "Lynn Paterna" <lypaterna@acsalaska.net>

To: <Senator_Gary_Wilken@legis.state.ak.us>

February 23, 2002

Dear Senator Wilken:

Please sponsor SB302. I strongly support his bill, because the original statutory definition for "mental health professional" (MHP) was written into Title 47, when psychiatrists, physicians, psychologists, master's level psychologists (psychological associates) and psychiatric nurses were the only licensed mental health professions. At that time, master's level social workers were not licensed, but were acknowledged under the definition and allowed to do civil commitment evaluations if they had "substantial experience". Since then, the clinical mental health field has expanded to license social workers, marital and family therapists (MFT), and professional counselors (LPC).

In addition to the use of the mental health professional definition for persons evaluating adults in acute psychiatric crisis and facing mental health commitment, the definition also applies to those working with incarcerated adults with mental illnesses, youth in the custody of the Divisions of Family and Youth Services or Juvenile Justice, and with vulnerable adults in a variety of health care settings.

Licensing these professional mental health clinicians is critical to the public safety, and to hold accountable people working with vulnerable populations. Today, there are not enough people within the current definition of a mental health professional licensed to do this work. At the same time, there are hundreds of licensed professionals who do not fall within the current definition and cannot do the work.

This bill changes the definition of MHP to acknowledge the licensing of clinical social workers (LCSW), MFTs and LPCs, and makes provisions for those working toward licensure. By including experienced master's level clinicians working toward licensure, the bill also increases the capacity of our mental health system to protect Alaska's youth and adults who are experiencing acute psychiatric crisis in our communities, to protect and safeguard vulnerable adults from harm, and to treat mentally ill adults who are incarcerated.

Changing the definition of MHP would increase the number of trained professionals working in the field who are:

- required to report incidents of harm to vulnerable adults;

- allowed to provide mental health treatment to prisoners;

- authorized to evaluate children and minors in custody for appropriateness to be placed in secure residential treatment centers;

- eligible to work in one of the 140 jobs at community mental health centers where emergency evaluations are done on individuals experiencing a crisis.

- judge's decision on appropriateness for mental health civil commitment to a hospital in Fairbanks, Anchorage or Juneau.

I am the President-elect of the Alaska Counseling Association and a family therapist who works with families at risk of losing their children because of neglect and abuse. I daily realize the tremendous help I and my mental health colleagues provide for Alaska's families and children. Please sponsor SB302.

Thank you,

Lynn S. Paterna, MS, LPC

Family Therapist

THE
FOLLOWING
DOCUMENT(S)
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Robert D. Schultz
3406 Glacier Hwy
Juneau, AK 99801

March 4, 2002

Re: SB302

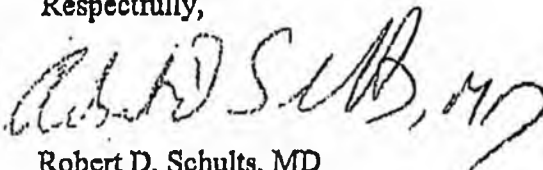
Dear Senator Wilkins:

This letter is written in strong support of the addition of marital and family therapists licensed by the Board of Mental Health and Family Therapy, Professional Counselors licensed by the board of Professional Counselors, Clinical Social Workers licensed by the Board of Social Work Examiners and a person with a Masters Degree in the field of Mental Health and who has at least 24 months of post masters, working experience in the field of Mental Illness, who is in the process of qualifying for licensure by a board named above and who is working under the supervision of a type of license listed in SB 302 to be able to be listed as Mental Health Professionals under the statute.

This will recognize the people's skills and ability for help, get the work done which requires a mental health professional such as relating to the evaluation of prisoners who may need psychological or psychiatric treatment for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments.

Thank you for your interest in this matter

Respectfully,



Robert D. Schultz, MD
Psychiatrist

two bills currently in process

Subject: two bills currently in process

Date: Fri, 1 Mar 2002 17:01:44 -0900 (AKST)

From: Dan and Ann Swift <dswift@ptialaska.net>

To: Senator_Gary_Wilken@legis.state.ak.us

Dear Gary,

I am writing you about two bills currently under consideration in the Legislature.

SB 302 - Thank you for introducing this bill. As a public member of the licensing board for marital and family therapists, I see the need for expanding the definition of mental health professional. As you are probably aware, there is a great shortage of mental health professionals in this state and, unfortunately, no shortage of people with mental health problems.

I have seen the care with which our board scrutinizes all applications for licensure and the process of supervision for those who have not yet had sufficient hours of practice to be licensed. (Marital and family therapists are mental health professionals, not simply marriage counselors. An applicant for licensure must have a masters or doctorate degree in a mental health field, as well as three years of practice, supervised by an accredited supervisor.) By including in this bill those "working under the supervision of a . . . licensee," more people likely will be able to access the services of mental health professionals.

SB 182 - I urge you to vote against this bill. It would certainly impact the most vulnerable Alaskans. Cutting funds to help the poor, elderly and disabled would not likely save much money--and the little the state might save would seem a lot to those affected by the cuts.

Thank you, Ann Swift

3181 Arella Ave.
Fairbanks, AK 99709

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3 4 2

ALASKA STATE LEGISLATURE



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SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

April 24, 2002

TO: Fred Dyson, Chair
House, Health Education and Social Services Committee

FROM: Senator Lyda Green, Chair 
Senate, Health Education and Social Services Committee

RE: Hearing Request SB 342

Senate Bill 342, "An Act relating to the long term care ombudsman" has been referred to the House Health Education and Social Services Committee.

Please consider this my request to schedule a hearing on SB 342 at the earliest opportunity.

If you have any questions please call Jerry at 3579. Thank you for your consideration.

SENATOR LOREN LEMAN, VICE-CHAIR
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

ALASKA STATE LEGISLATURE



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Session:

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SENATOR LYDA GREEN SENATE DISTRICT N

Sponsor Statement CS Senate Bill 342

Long-Term Care Ombudsman

Each state is required to have a long term care ombudsman under the Older Americans Act. Alaska's long-term care ombudsman is located in the Alaska Mental Health Trust Authority. Recently, the long term care ombudsman resigned, citing frustration with Alaska's statutes as one of the reasons for leaving.

Discussion with the executive director of the Alaska Mental Health Trust led to the filing of Senate Bill 342 which brings Alaska's statutes in line with the federal law.

Specifically, SB 342:

- directs the long term care ombudsman to visit long term care facilities and identify problems rather than assuming the more passive role of only responding to complaints;
- provides that no long term care facility may deny immediate access to an employee or volunteer from the long term care ombudsman's office who is responding to a complaint;
- gives the long term care ombudsman an active role in developing and providing technical support to volunteer organizations which are interested in the health, safety, welfare and rights of older Alaskans

The long-term care ombudsman's role is critical in protecting the health and safety of our most vulnerable older Alaskans. It is essential that we provide the office with the tools necessary to do this job.

22-LS1591\N
Lauterbach
4/24/02

HOUSE CS FOR CS FOR SENATE BILL NO. 342()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the long term care ombudsman."

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

3 * Section 1. AS 47.62.015(a) is amended to read:

4 (a) The ombudsman shall identify, investigate, and resolve complaints that
5 are [A COMPLAINT] made by or on behalf of older Alaskans who reside [AN
6 OLDER ALASKAN WHO RESIDES] in a long term care facility in the state if the
7 complaints relate [COMPLAINT RELATES] to a decision, action, or failure to act
8 by a provider or a representative of a provider of long term care services, or by a
9 public agency or social services agency, that may adversely affect the health, safety,
10 welfare, or rights of one or more older Alaskans. The ombudsman shall visit the
11 residents of long term care facilities in the state, the residents' representatives,
12 and others to identify, investigate, and resolve complaints covered by this
13 subsection. Subject to the confidentiality provisions of AS 47.62.030, the
14 ombudsman shall provide information to public agencies regarding the problems
15 of older Alaskans who reside in long term care facilities in the state [THE OLDER

1 ALASKAN].

2 * Sec. 2. AS 47.62.015(b) is amended to read:

3 (b) The ombudsman may identifv, investigate, and resolve complaints that
4 are [A COMPLAINT] made by or on behalf of older Alaskans related [AN OLDER
5 ALASKAN RELATING] to the long term care or residential circumstances of one or
6 more older Alaskans [THE OLDER ALASKAN]. Complaints under this subsection
7 may relate to any issue not covered under (a) of this section, including an [THE] older
8 Alaskan's landlord, senior citizen housing, a public assistance program, a public grant
9 program for services to older Alaskans, public utilities, health care facilities, and
10 health care providers.

11 * Sec. 3. AS 47.62.015 is amended by adding new subsections to read:

12 (d) The ombudsman shall analyze, comment on, and monitor the development
13 and implementation of federal, state, and local laws, rules, regulations, and policies
14 with respect to the health, safety, welfare, and rights of residents of long term care
15 facilities. The ombudsman may facilitate public comment on laws, rules, regulations,
16 policies, and actions that relate to the health, safety, welfare, and rights of the residents
17 of long term care facilities.

18 (e) The ombudsman shall promote the development of citizen organizations
19 interested in the health, safety, welfare, and rights of older Alaskans who reside in
20 long term care facilities in the state.

21 (f) The ombudsman shall provide technical support for the development of
22 resident councils and family councils whose members are interested in protecting the
23 well-being and rights of the residents of long term care facilities in the state.

24 (g) The ombudsman may schedule visits to long term care facilities to
25 exchange information regarding the health, safety, welfare, and rights of the residents.

26 (h) In addition to volunteers who may provide office assistance, the
27 ombudsman shall recruit volunteers who, after training under AS 47.62.020 and in
28 accordance with policies and procedures established by the ombudsman, may assist
29 the ombudsman by

30 (1) informing residents of long term care facilities, their
31 representatives, and others about the rights of the residents; and

1 (2) identifying, investigating, and resolving complaints described
2 under AS 47.62.015(a).

3 * Sec. 4. AS 47.62.025(a) is amended to read:

4 (a) A person may not deny access to a long term care facility or to an older
5 Alaskan by the ombudsman or an employee, volunteer, or other representative of the
6 office. A person may not deny immediate access to a long term care facility or to
7 an older Alaskan by the ombudsman or an employee, volunteer, or other
8 representative of the office between eight o'clock in the morning and eight o'clock
9 in the evening. A person may not deny immediate access to a long term care
10 facility or to an older Alaskan by the ombudsman or an employee, volunteer, or
11 other representative of the office between eight o'clock in the evening and eight
12 o'clock in the morning if the ombudsman or employee, volunteer, or other
13 representative of the office

14 (1) has scheduled a visit with the operator of the facility for a time
15 between eight o'clock in the evening and eight o'clock in the morning;

16 (2) states that the purpose for requesting access is to investigate a
17 complaint made by or on behalf of an older Alaskan who resides in the facility
18 and immediate access is necessary to protect the health, safety, welfare, or rights
19 of a resident of the facility; or

20 (3) states that an older Alaskan or the legal representative of an
21 older Alaskan has requested that a visit from the office occur between eight
22 o'clock in the evening and eight o'clock in the morning.

22-LS1591\P
Lauterbach
4/30/02

HOUSE CS FOR CS FOR SENATE BILL NO. 342()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the long term care ombudsman."

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

3 * Section 1. AS 47.62.015 is repealed and reenacted to read:

4 Sec. 47.62.015. Duties of the long term care ombudsman. (a) The long
5 term care ombudsman may, personally or through a representative of the office,

6 (1) identify, investigate, and resolve complaints that are made by or on
7 behalf of older Alaskans who reside in a long term care facility in the state if the
8 complaints relate to a decision, action, or failure to act by a provider or a
9 representative of a provider of long term care services, or by a public agency or social
10 services agency, that may adversely affect the health, safety, welfare, or rights of one
11 or more older Alaskans;

12 (2) visit the residents of long term care facilities in the state, the
13 residents' representatives, and others to identify, investigate, and resolve complaints
14 covered by (1) of this subsection;

15 (3) subject to the confidentiality provisions of AS 47.62.030, provide

1 information to public agencies regarding the problems of older Alaskans who reside in
2 long term care facilities in the state;

3 (4) identify, investigate, and resolve complaints that are made by or on
4 behalf of older Alaskans related to the long term care or residential circumstances of
5 one or more older Alaskans; complaints under this paragraph may relate to any issue
6 not covered under (1) of this subsection, including an older Alaskan's landlord, senior
7 citizen housing, a public assistance program, a public grant program for services to
8 older Alaskans, public utilities, health care facilities, and health care providers;

9 (5) analyze, comment on, and monitor the development and
10 implementation of federal, state, and local laws, rules, regulations, and policies with
11 respect to the health, safety, welfare, and rights of residents of long term care
12 facilities; the ombudsman may personally or through representatives of the office,
13 facilitate public comment on laws, rules, regulations, policies, and actions that relate
14 to the health, safety, welfare, and rights of the residents of long term care facilities;

15 (6) promote the development of citizen organizations interested in the
16 health, safety, welfare, and rights of older Alaskans who reside in long term care
17 facilities in the state;

18 (7) provide technical support for the development of resident councils
19 and family councils whose members are interested in protecting the well-being and
20 rights of the residents of long term care facilities in the state;

21 (8) schedule visits to long term care facilities to exchange information
22 regarding the health, safety, welfare, and rights of the residents;

23 (9) pursue administrative, legal, or other appropriate remedies on
24 behalf of an older Alaskan who resides in a long term care facility in the state.

25 (b) The ombudsman or an employee of the office may subpoena witnesses,
26 compel their attendance, require the production of evidence, administer oaths, and
27 examine any person under oath in connection with a complaint described under (a)(1)
28 of this section. The powers described in this subsection shall be enforced by the
29 superior court.

30 (c) In this section, "representative" means an employee or volunteer who is
31 trained and certified by the ombudsman under AS 47.62.020.

1 * Sec. 2. AS 47.62.025 is amended to read:

2 Sec. 47.62.025. Access to long term care facilities, older Alaskans, and
3 records. (a) A person may not deny access to a long term care facility or to an older
4 Alaskan by the ombudsman or an employee, volunteer, or other representative of the
5 office. A person may not deny immediate access to a long term care facility or to
6 an older Alaskan by the ombudsman or an employee, volunteer, or other
7 representative of the office between eight o'clock in the morning and eight o'clock
8 in the evening. A person may not deny immediate access to a long term care
9 facility or to an older Alaskan by the ombudsman or an employee, volunteer, or
10 other representative of the office between eight o'clock in the evening and eight
11 o'clock in the morning if the ombudsman or employee, volunteer, or other
12 representative of the office

13 (1) has scheduled a visit with the operator of the facility for a time
14 between eight o'clock in the evening and eight o'clock in the morning;

15 (2) states that the purpose for requesting access is to investigate a
16 complaint made by or on behalf of an older Alaskan who resides in the facility
17 and immediate access is necessary to protect the health, safety, welfare, or rights
18 of a resident of the facility; or

19 (3) states that an older Alaskan or the legal representative of an
20 older Alaskan has requested that a visit from the office occur between eight
21 o'clock in the evening and eight o'clock in the morning.

22 (b) Notwithstanding the provisions of AS 47.62.015(b) [AS 47.62.015(c)(1)],
23 the ombudsman may obtain medical or other records of an older Alaskan who resides
24 in a long term care facility in the state only with the consent of the older Alaskan or
25 the older Alaskan's legal guardian or, if the older Alaskan is unable or incompetent to
26 consent and does not have a legal guardian, only with a court order.

27

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ALASKA STATE LEGISLATURE



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SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

To: Representative Fred Dyson, CoChair
House Health Education and Social Services Committee

From: Senator Lyda Green, Chair 
Senate HESS Committee

Date: April 17, 2002

Subject: Hearing Request, Senate Bill 345

Senate Bill 345, "An Act relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date." has been referred to the Senate Finance Committee. This is my formal request that a hearing for SB 345 be held at the earliest opportunity.

A copy of the sponsor statement accompanies this request. If you have any questions please call Jerry at 3579.

Your cooperation is appreciated.

SENATOR LOREN LEMAN, VICE-CHAIR
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

ALASKA STATE LEGISLATURE



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SENATOR LYDA GREEN SENATE DISTRICT N

Sponsor Statement CS Senate Bill 345

Under the federal Individuals Disabilities Education Act (IDEA), school districts are required to provide rehabilitative services to qualifying students. Currently the federal government pays approximately 16% of the costs of services required by IDEA and the balance is paid out of the foundation formula with a mix of state and local funding. To the extent that these students qualify for Medicaid, federal law allows for schools to bill the state Medicaid program for many of these services. However, Alaska state law does not authorize school districts to be Medicaid providers. Senate Bill 345 authorizes the Alaska Department of Health and Social Services to promulgate the necessary regulations and to contract with school districts to reimburse the districts for rehabilitative services for students who qualify under the Medicaid program. Currently 42 other states fund school-based services through the Medicaid program.

Under the provisions of SB 345, the school district pays the state match for the Medicaid services it receives. The only state cost under this bill is the cost of promulgating the regulations and some small administrative costs. School districts benefit by receiving the federal matching dollars under the Medicaid program for services that they must provide, regardless of how they are funded. For each school district dollar expended for these covered services, the school district would receive approximately \$1.50 in additional federal dollars, which can help defray the costs of providing special education services.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 345
(s) Publish Date: 3/27/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: SCHOOL BASED MEDICAL ASSISTANCE FOR CHILDREN WITH DISABILITIES BRU: Medical Assistance
Component: Medicaid Services
Sponsor: SENATE (HES)
Requestor: SENATE (HES) Component Number: 2077

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	787.5	3,937.5	7,875.0	7,875.0	7,875.0	7,875.0
Miscellaneous						
TOTAL OPERATING	787.5	3,937.5	7,875.0	7,875.0	7,875.0	7,875.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	458.9	2,294.4	4,588.8	4,588.8	4,588.8	4,588.8
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1108 Stat Desig	328.6	1,643.1	3,286.2	3,286.2	3,286.2	3,286.2
TOTAL	787.5	3,937.5	7,875.0	7,875.0	7,875.0	7,875.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would enable school districts to bill Medicaid for services provided to Medicaid-eligible children in special education programs. Districts would reimburse the Department of Health and Social Services for the state match required. There would be no net increase in state general fund match for Medicaid (see related fiscal note for administrative costs).

See attached page for assumptions.

Prepared by: Jon Sherwood Phone 465-3355
Division: Medical Assistance Date/Time 03/05/2002
Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 03/06/2002
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SB 345 #2

ANALYSIS CONTINUATION

Assumptions:

Alaska school districts provide approximately \$45 million in special education support services annually.

Approximately 35 percent of children receiving special education services are eligible for Medicaid.

At full implementation, approximately 50 percent of special education support services provided to Medicaid eligible children will qualify for Medicaid reimbursement; the remainder will fall outside of Medicaid service definitions or will be provided by smaller districts who choose not to bill Medicaid.

Legislation will be fully implemented by FY 05. FY 03 Medicaid service expenditures will be 10 percent of FY 05 expenditures. FY 04 expenditures will be 50 percent of FY 05 expenditures.

Federal share of Medicaid Service expenditures will be 58.27 percent.

School districts will reimburse the Department for the state match (shown as statutory designated program receipts).

Cost of Services under full implementation:

FY 05 @ \$45,000.0 x 35% x 50% = \$7,875.0.

FY 06 @ \$45,000.0 x 35% x 50% = \$7,875.0.

FY 07 @ \$45,000.0 x 35% x 50% = \$7,875.0.

FY 08 @ \$45,000.0 x 35% x 50% = \$7,875.0.

Start-up years:

FY 03 @ 10% of FY 05 = \$ 787.5

FY 04 @ 50% of FY 05 = \$3,937.5

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 345
(S) Publish Date: 3/18/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: SCHOOL BASED MEDICAL ASSISTANCE FOR CHILDREN WITH DISABILITIES BRU: Medical Assistance Admin
Component: Health Purchasing Group
Sponsor: SENATE (HES)
Requestor: SENATE (HES) Component Number: 243

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	76.5	76.5	97.3	97.3	97.3	97.3
Travel	5.0	5.0	5.0	6.0	7.0	8.0
Contractual	56.5		6.5			
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	138.0	81.5	108.8	103.3	104.3	105.3

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

CHANGE IN REVENUES (0)						
---------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	85.9	40.7	54.4	51.6	52.1	52.6
1003 GF Match	52.1	40.8	54.4	51.7	52.2	52.7
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--do not abbreviate)						
TOTAL	138.0	81.5	108.8	103.3	104.3	105.3

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time			1	1	1	
Temporary						1

ANALYSIS: (Attach a separate page if necessary)

Administrative costs associated with this legislation include \$50.0 to modify the MMIS to allow school districts to submit claims. This would be a one-time, FY03 contractual cost, and is eligible for 75% federal funding. One full time, range 20 position in the Health Policy and Programs unit would be required to develop policy and support school district claiming efforts, beginning in FY 03. The position would require \$76.5 in personal services and \$5.0 in travel annually and \$6.5 in start-up contractual costs. Eventually, in FY 05, the volume of claims would require one half-time, range 10 accounting clerk position to track expenditures and recover the state match from school districts, as provided for in legislation. This position would require \$20.8 in personal services annually.

Prepared by: Jon Sherwood Phone 465-3355
Division: Medical Assistance Date/Time 03/05/2002
Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 03/06/2002
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Written Testimony- House HES Committee, 4/23/02**S.B. 345, "School Services for Disabled Students"**

I believe some of the assumptions, especially regarding estimation of funds to be gained from billing Medicaid for services delivered in schools is flawed. The bill would ask schools to determine eligible services and bill Medicaid. Per discussion in Senate HESS committee hearing by Mr. Bob Labbe, Director of Division of Medical Assistance, the division would process the bills like any from any hospital, clinic, or other medical provider. However, unlike other providers, each district would reimburse the state for it's state match of federal Medicaid dollars. [I think this is about a 47% match for Alaska.]

Analysis details upon which the S.B. 345 fiscal note is based are flawed. There appears to be an assumption that if 35% of Alaskan students receiving special services are eligible for Medicaid, then 50% of those services, especially those delivered in larger districts, would be recoverable. Many services provided in schools by therapists (and other potential reimbursable service providers) are educational in 'scope and focus' and would not be medically reimbursable from Medicaid. A friend sent me this quote from the technical assistance guide published in 1997 to help schools understand what could/could not be billed under the federal rules by the Centers for Medicare and Medicaid Services/CMS (formerly HCFA). It says:

"In addition, if medical evaluations or assessments are conducted to determine a child's health-related needs for purposes of the IEP/IFSP, payment for some or all of the costs may be available under Medicaid. However, if the evaluations or assessments are for educational purposes, Medicaid reimbursement is not available. Medicaid payment is only available for the part of the assessment that is medical in nature and provided by qualified Medicaid providers. In addition, reimbursement for non-medical services, such as special instruction, is not covered..."

The schools are still obligated to provide services in accordance with IDEA relative to eligibility, educational focus/outcomes, etc. There is no guarantee of reimbursement. Schools continue to hold the final responsibility for the provision of special education and related services even if they do bill Medicaid and other insurance providers. Others report that Congress has become concerned with the increase in the number of school district claims, and cases where all of the federal Medicaid matching funds ended up in State coffers. There has been perceived evidence of Medicaid fraud and abuse. As investigation follows, reimbursement of federal dollars and additional penalties may have to be paid.

Both dollar costs, and philosophical/ethical/procedural changes would be needed to move from a "school function" model of focus to "medical model" focus of service delivery. Schools will be put in the position of competing for funds with outpatient services at hospitals, medical clinics and private practices. If services currently received after school are no longer available (not billable twice) schools may have to provide more individual services and increase the time students are pulled from academic activities. As a school employed therapist, shifting from "time study" to "direct billing" for capture of Medicaid funds translates to lots more paper work (medical prescriptions, treatment plans in addition to IEPs, progress review studies, treatment documentation in 15 minute billable coding increments), with less time to work with kids (therefore increased staff needed); as well as the hoops to be approved Medicaid providers and are subject to an additional audit process. In service on requirements for providers will be needed/ongoing.

This bill is expressed as an "option" for districts, however therapists experienced with ILP Programs found their state dollar contributions cut by what they were "projected to be able to generate" through billing and tell us there may not be choice at all. There will be costs to districts. Will the potential income offset those costs? The federal playing field may be shifting toward tighter funding. Will we be left holding the bag of having a red up for a services shift and get less reimbursement? Alaska needs to be very careful to avoid problems and work from a more realistic view than what has been projected with big dollar signs in S.B. 345. Thank you for your attention to this issue.

Pauline Bennett-Hannon, OTE/CL

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 17, 2002

FURTHER REFERRALS: Finance

Date of Committee Action: 4.23.02

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SB 345

SENATE BILL NO. 345

SCHOOL SERVICES FOR DISABLED STUDENTS

"An Act relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date."

Recommends it be replaced with CS () [] Same Title [] New Title
For Senate Bills with new title: [] Technical Title [] New Title: HCR

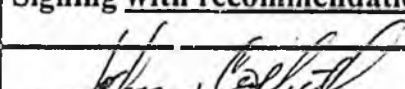

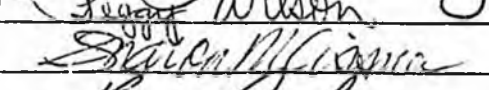
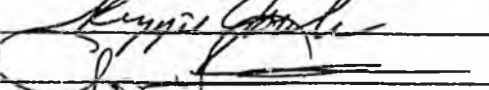
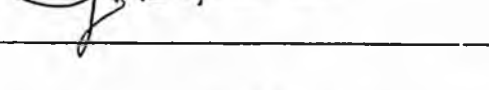
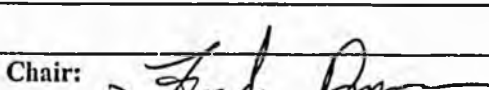
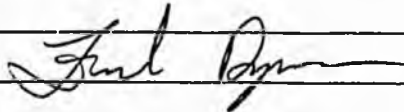
- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev. for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LAA
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

NEW FISCAL NOTES				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
HSS	1	X		
HSS	2	X		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Cochran			X	
	Johnson			X	
	Wilson	✓			
	CIS SNA	✓			
	Gault	✓			
	STUBB			X	
Chair: 	DYSON	✓			
Chair:					



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the (H) HES

Committee Name

Committee on S.B. 345 - Medicaid Billing Dated 4-23-02

Bill / Subject

by Schools

See attached page.

SIGNED:

Pauline L. Bennett-Lannon, OTR/L

Testifier

Concern of self and a number of other school therapists
Representing

1076 Willow Grouse Rd., Fairbanks, AK 99712

Address / Phone Number

*Written Testimony- House HES Committee, 4/23/02***S.B. 345, "School Services for Disabled Students"**

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FAIRBANKS LEGISLATIVE INFORMATION OFFICE
119 N. CUSHMAN ST. SUITE 101
FAIRBANKS, AK 99701

WRITTEN TESTIMONY TRANSMITTAL SHEET

TO:	HHESS, Rep. Fred Dyson, Chair	FROM:	Fran/Fbx LIO
COMPANY:		DATE:	4/23/2002
FAX NUMBER:	465-4587		
PHONE NUMBER:	465-3759	FAXED ON:	04/23/2002
RE:	Written Testimony: SB 345	TELECONFERENCED ON:	04-23-02

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Enclosed please find the originals of the written testimony for SB 345 heard during the HHESS teleconference.

PHONE: 452-4448

FAX: 456-3346

SCR

2



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Representative Fred Dyson, Chairman
House HESS Committee

FROM: Senator Jerry Ward

DATE: February 13, 2001

SUBJECT: Request for SCR 2 to be added to the HESS Calendar

Please add SCR 2 "A Senate Concurrent Resolution declaring March 2001 as Sobriety Awareness Month" to the calendar for a hearing. Included with this memo is the Sponsor Statement.



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

Sponsor Statement SCR 2

**“A Senate Concurrent Resolution declaring March 2001 as
Sobriety Awareness Month”**

Alcohol, drug and inhalant abuse has been identified as the single most destructive health problem in Alaska. Its devastating effects have been felt within every racial, ethnic and economic background.

Senate Concurrent Resolution (SCR) 2 reinforces the commitment Alaskans make to a clean and healthy life style.

SCR 2 will help to: a) Highlight and reinforce socially appropriate behaviors and choices that improve quality of life and health of individuals, families, and communities, b) Reduce the incidence of crimes related to alcohol, drugs and inhalants and c) Reduce the burden on government in having to expend valuable resources to pay for the perverse problems caused by alcohol, drugs and inhalants.

SCR 2 follows conventional wisdom to focus on sobriety as a solution being embraced by thousands of Alaskans.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-4940 • FAX (907) 465-3766
ANCHORAGE: 716 W. 4th AVE. • STE. 450 • ANCHORAGE, AK 99501 • (907) 269-0106 • FAX (907) 269-0109
KENAI: 145 MAIN STREET LOOP • KENAI, AK • 99611 • (907) 283-7996 • FAX (907) 283-3075

Chairman, Senate Transportation Committee • Chairman, Senate State Affairs Committee
Senator_Jerry_Ward@legis.state.ak.us



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

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SCR 2 follows conventional wisdom to focus on sobriety as a solution being embraced by thousands of Alaskans.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSCR 2(HES)
(S) Publish Date: 2/1/01

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title: Relating to declaring March 2001 as BRU: _____
Sobriety Awareness Month. Component: _____
Sponsor: Sen. Ward Component Number: _____
Requester: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMI Phone 465-3009

Senator: /s/ SENATOR GREEN Date 1/29/01
Committee Chair

Subject: SCR 02 Passes AK Senate, Referred to House of Representatives...House HESS Committee

Date: Mon, 19 Feb 2001 11:18:11 -0900

From: "(Tungwenuk) Gregory Nothstine" <sobriety@gci.net>

To: "Rep. Fred Dyson" <Representative_Fred_Dyson@legis.state.ak.us>

CC: "Rep. Peggy Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>,
"Rep. John Coghill" <Representative_John_Coghill@legis.state.ak.us>,
"Rep. Gary Stevens" <Representative_Gary_Stevens@legis.state.ak.us>,
"Rep. Sharon Cissna" <Representative_Sharon_Cissna@legis.state.ak.us>,
"Rep. Vic Kohring" <Representative_Vic_Kohring@legis.state.ak.us>,
"Rep. Reggie Joule" <Representative_Reggie_Joule@legis.state.ak.us>

Honorable Representative Dyson, Chair
House Health, Education & Social Services Committee

Senate Concurrent Resolution 02 - Proclaiming March 2001 as Sobriety Awareness Month, was passed by the Senate and referred to the House, Friday, February 9, 2001; read for the first time and referred to House HESS Committee.

Review of Alaska Legislature's "Bill Action and Status Information System (BASIS), i.e., at the following web address:
<http://www.legis.state.ak.us/basis/>. indicates the House HESS Committee is scheduled to meet Tuesday, February 20, 2001, at 3:00 p.m. and again on Wednesday, February 21, 2001 at 4:00 p.m.

I am in support of the expedient, judicious review and recommendation for passage of SCR 02 - Relating to declaring March 2001 as Sobriety Awareness Month.

Best Regards,

Tungwenuk (Gregory Nothstine)
<http://communities.msn.com/sobrietvalaska>