

State of Alaska FY2020 Governor's Operating Budget

Department of Law Human Services Component Budget Summary

Component: Human Services

Contribution to Department's Mission

The Human Services section provides advice and representation to the Department of Health and Social Services (DHSS) to assist that department in the administration of its programs.

Core Services

- Assists DHSS to remain compliant with changes in state and federal laws.
- Assists DHSS with advice and representation in its public assistance programs (Medicaid, food stamps, public assistance, heating assistance).
- Assists DHSS with advice and representation in its Senior and Disabilities Services programs (Medicaid waivers, personal care assistance programs, grants, general relief).
- Assists DHSS with advice and representation in its Behavioral Health [in-state and out-of-state residential treatment programs, including the Alaska Psychiatric Institute (API)].
- Assists DHSS with advice and representation in its mission to protect the health, safety and welfare of vulnerable children and adults through licensing and regulatory compliance of 623 assisted living homes, 60 residential child care facilities, 7 residential psychiatric centers, 1800 active foster homes, and 650 licensed child day care facilities.
- Assists DHSS with advice and representation in its Public Health programs, including compliance with the Health Insurance Portability and Accountability Act and breach investigations.
- Assists DHSS with advice and representation in its Certificate of Need program.
- Assists DHSS with advice and representation in its Adult Protective Services program.
- Assists DHSS with advice and representation in its DHSS grant administration.

Major Component Accomplishments in 2018

- Continued to provide legal services that directly protected public health and safety by prosecuting licensing actions related to facilities for those in need. The section advised state agencies in numerous investigations related to those licensed facilities, many of which resulted in suspensions and/or revocations of the facilities' license, requiring administrative review.
- Continued to advise DHSS on various Health Insurance Portability and Accountability Act (HIPAA) breaches as well as state and federal confidentiality laws.
- Continued to advise DHSS regarding the implementation of SB 74 (Medicaid Reform), which is estimated to save the state millions of general fund dollars in the coming fiscal years.
- Continued to advise DHSS on implementing changes to tribal Medicaid to assist in offsetting state general fund expenditures.
- Continued work on the Alaska Child Welfare Compact, which was formally signed by the Governor on October 19, 2017, by negotiating and drafting two funding agreements, confidentiality agreements and working on implementation protocols.
- Attorneys worked on a daily basis with DHSS program staff on compliance issues, trainings and other methods to reduce future litigation and to ensure constitutionally sufficient decisions and service delivery of all public assistance programs, which also included representing state agencies in administrative hearings related to the termination or denial of Medicaid services or benefits.
- Continued to work collaboratively with the Medicaid Fraud Control Unit and the Medicaid Program Integrity Unit to stop Medicaid fraud.

- Assisted DHSS in recovering Medicaid money through subrogation, estate recovery, trust recovery, and Medicaid audits of providers. This work includes legal representation in the administrative hearing and superior court appeals. The section has recovered over \$2 million each year for Medicaid subrogation and estate and trust recovery claims.
- Handled hundreds of contested evidentiary hearings statewide related to guardianships, conservatorships and mental commitments (including dozens of forced medication hearings and several jury trials).
- Represented DHSS in numerous civil litigation matters, contested administrative hearings, or related public assistance program and licensing enforcement.
- Assisted DHSS in the development and adoption of numerous regulations to implement changes to the program to generate general fund savings and efficiencies in various programs administered by DHSS.
- Advised API in implementing various plans of correction to maintain licensure and certification.
- Represented DHSS in civil litigation related to the development and adoption of new regulations that were managed by the federal government related to autism services, placement of children in Residential Psychiatric Treatment Centers, and how OCS manages children who are in state custody and who also receive Social Security benefits.

Key Component Challenges

- Each fiscal year, the section handles an average of approximately 100 guardianship and conservatorship cases and over 200 mental commitment hearings statewide. The section advises on an equal number of cases that do not ever get to the petition or hearing stage. These cases involve some sort of court process, ranging from mediation/alternative dispute resolution to contested hearing and in some cases, jury trials.
- Attorney caseloads continue to increase each year, mainly because Alaska has one of the fastest growing aging populations in the nation.
- Discharge planning for individuals who have been civilly committed. Due to the significant social, medical, mental health, or criminal history of these persons, finding community placement that addresses health, safety and welfare of both the recipient and community is very difficult, if not impossible, which places demands on the section to provide continued legal representation in cases which would otherwise be closed.
- Due to budget contractions, the section anticipates a significant increase in the number and complexity of regulation projects designed to address budget reductions and to assist in creating additional efficiencies in the administration of all DHSS programs.

Significant Changes in Results to be Delivered in FY2020

Continue implementing SB 74 (Medicaid Reform) measures including increased tribal health claims, implementation of the 1115 Waiver for behavioral health reform and implementation of services of funding agreements under the State of Alaska Child Welfare Compact, and assisting API in maintaining licensure and certification.

Statutory and Regulatory Authority

AS 44.23.020

Contact Information

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Human Services Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2019</u> <u>Management</u> <u>Plan</u>	<u>FY2020</u> <u>Governor</u>		
Full-time	19	20	Annual Salaries	1,860,310
Part-time	0	0	COLA	16,387
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	1,015,618
			<i>Less 3.96% Vacancy Factor</i>	(114,515)
			Lump Sum Premium Pay	0
Totals	19	20	Total Personal Services	2,777,800

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	0	0	1	0	1
Attorney IV	4	1	2	0	7
Attorney V	1	0	1	0	2
Attorney VI	0	0	1	0	1
Law Office Assistant I	2	0	1	0	3
Law Office Assistant II	1	0	1	0	2
Paralegal II	3	1	0	0	4
Totals	11	2	7	0	20

Component Detail All Funds
Department of Law

Component: Human Services (2962)
RDU: Civil Division (35)

Non-Formula Component

	FY2018 Actuals	FY2019 Conference Committee	FY2019 Authorized	FY2019 Management Plan	FY2020 Governor	FY2019 Management Plan vs FY2020 Governor	
71000 Personal Services	2,776.0	2,610.9	2,610.9	2,610.9	2,777.8	166.9	6.4%
72000 Travel	12.0	77.9	77.9	77.9	77.9	0.0	0.0%
73000 Services	481.2	323.0	323.0	323.0	323.0	0.0	0.0%
74000 Commodities	41.0	39.6	39.6	39.6	39.6	0.0	0.0%
75000 Capital Outlay	3.2	0.0	0.0	0.0	0.0	0.0	0.0%
77000 Grants, Benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
78000 Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Totals	3,313.4	3,051.4	3,051.4	3,051.4	3,218.3	166.9	5.5%
Fund Sources:							
1004 Gen Fund (UGF)	1,659.1	1,372.3	1,372.3	1,372.3	1,528.3	156.0	11.4%
1007 I/A Rcpts (Other)	1,554.1	1,578.9	1,578.9	1,578.9	1,589.8	10.9	0.7%
1037 GF/MH (UGF)	100.2	100.2	100.2	100.2	100.2	0.0	0.0%
Unrestricted General (UGF)	1,759.3	1,472.5	1,472.5	1,472.5	1,628.5	156.0	10.6%
Designated General (DGF)	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Other Funds	1,554.1	1,578.9	1,578.9	1,578.9	1,589.8	10.9	0.7%
Federal Funds	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Positions:							
Permanent Full Time	19	19	19	19	20	1	5.3%
Permanent Part Time	0	0	0	0	0	0	0.0%
Non Permanent	0	0	0	0	0	0	0.0%

Change Record Detail - Multiple Scenarios with Descriptions
Department of Law

Component: Human Services (2962)
RDU: Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
***** Changes From FY2019 Conference Committee To FY2019 Authorized *****												
FY2019 Conference Committee												
	ConfCom	3,051.4	2,610.9	77.9	323.0	39.6	0.0	0.0	0.0	19	0	0
1004 Gen Fund		1,372.3										
1007 I/A Rcpts		1,578.9										
1037 GF/MH		100.2										
Subtotal		3,051.4	2,610.9	77.9	323.0	39.6	0.0	0.0	0.0	19	0	0
***** Changes From FY2019 Authorized To FY2019 Management Plan *****												
Transfer Law Office Assistant I (03-0125) to Child Protection to Address Workload Demands												
	Trout	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
Transfer Law Office Assistant I (03-0125) to Child Protection to accommodate the workload and office demands.												
Transfer Law Office Assistant II (03-0067) from Child Protection to Address Workload Demands												
	Trin	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
Transfer Law Office Assistant II (03-0067) from Child Protection to accommodate the workload and office demands.												
Transfer Attorney III (03-0371) to Commercial and Fair Business for Required Legal Expertise												
	Trout	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
Transfer Attorney III (03-0371) to the Commercial and Fair Business component to keep pace with the required level of legal expertise needed within the section. The position is located in Juneau.												
Department of Law attorney positions are partially exempt and flexibly-ranged positions. Attorneys I-VI are transferred in accordance with attorney salary placement, allowing positions to be sub-filled at lower levels. Positions are also transferred to accommodate promotions. Because of constant movement of positions to keep up with demand, funding is not always transferred with the position. Budget authority is evaluated and aligned between components as needed.												
Transfer Attorney IV (03-0267) from Commercial and Fair Business for Required Legal Expertise												
	Trin	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
Transfer Attorney IV (03-0267) from the Child Protection component to keep pace with the required level of legal expertise needed within the section. The position is located in Juneau.												
Department of Law attorney positions are partially exempt and flexibly-ranged positions. Attorneys I-VI are transferred in accordance with attorney salary placement, allowing positions to be sub-filled at lower levels. Positions are also transferred to accommodate promotions. Because of constant movement of positions to keep up with demand, funding is not always transferred with the position. Budget authority is evaluated and aligned between components as needed.												
Subtotal		3,051.4	2,610.9	77.9	323.0	39.6	0.0	0.0	0.0	19	0	0

Change Record Detail - Multiple Scenarios with Descriptions
Department of Law

Component: Human Services (2962)
RDU: Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
***** Changes From FY2019 Management Plan To FY2020 Governor *****												
Transfer from Child Protection to Comply with Vacancy Factor Guidelines												
	Trin	145.0	145.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		145.0										
Transfer budget authority from the Child Protection component to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												
Transfer Paralegal II (03-0288) from Torts and Workers' Compensation to Address Workload Demands												
	Trin	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
Transfer Paralegal II (03-0288) from Torts and Workers' Compensation to accommodate the workload and office demands.												
Reverse Supervisory Unit Furlough Contract Terms												
	SalAdj	0.3	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		0.2										
1007 I/A Rcpts		0.1										
The Alaska Public Employees Association (representing the supervisory unit) contractually required 15 hours of furlough for each permanent full-time employee in each year from July 1, 2016, to June 30, 2019. The furlough requirement was removed from the contract in FY2020.												
FY2020 Salary Adjustments - GGU, CEA, TEAME												
	SalAdj	20.7	20.7	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		10.4										
1007 I/A Rcpts		10.3										
FY2020 Salary Adjustments - GGU, CEA, TEAME: \$20.7												
FY2020 GGU HI from \$1432 to \$1530: \$7.4												
FY2020 GGU 3% COLA: \$13.3												
Reverse Alaska State Employees Association (GGU) 15 Hour Furlough												
	SalAdj	0.9	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		0.4										
1007 I/A Rcpts		0.5										
The Alaska State Employees Association (representing the general government unit) contractually required 15 hours of furlough for each permanent full-time employee in each year from July 1, 2016, to June 30, 2019. The furlough requirement was removed from the contract in FY2020.												
Totals		3,218.3	2,777.8	77.9	323.0	39.6	0.0	0.0	0.0	20	0	0

Personal Services Expenditure Detail
Department of Law

Scenario: FY2020 Governor (15610)
Component: Human Services (2962)
RDU: Civil Division (35)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range / Step	Comp Months	Split / Count	Annual Salaries	COLA	Premium Pay	Annual Benefits	Total Costs	UGF Amount
03-0003	Attorney VI	FT	A	XE	Juneau	99	26O / P	12.0		152,779	0	0	69,657	222,436	155,705
03-0005	Attorney V	FT	A	XE	Juneau	N05	25M / N	12.0		140,226	0	0	66,138	206,364	103,182
03-0015	Attorney IV	FT	A	XE	Juneau	N05	24J / K	12.0		117,282	0	0	58,750	176,032	140,826
03-0066	Attorney IV	FT	A	XE	Anchorage	N00	24K / L	12.0		115,173	0	0	58,029	173,202	17,320
03-0067	Law Office Assistant II	FT	A	SS	Juneau	605	13C / D	12.0		50,372	0	0	36,037	86,409	86,409
03-0077	Law Office Assistant I	FT	A	GP	Juneau	205	11G / J	12.0		46,368	1,866	0	34,330	82,564	82,564
03-0098	Paralegal II	FT	A	GP	Anchorage	200	16G / J	12.0		63,854	2,570	0	40,303	106,727	37,355
03-0103	Attorney IV	FT	A	XE	Anchorage	99	24N	12.0		126,737	0	0	61,980	188,717	0
03-0168	Law Office Assistant I	FT	A	GP	Anchorage	200	11E / F	12.0		40,764	1,641	0	32,415	74,820	74,820
03-0183	Attorney IV	FT	A	XE	Anchorage	99	24M	12.0		122,157	0	0	60,415	182,572	118,672
03-0204	Law Office Assistant I	FT	A	GP	Fairbanks	203	11G	6.0	*	22,314	898	0	16,868	40,080	0
03-0211	Law Office Assistant I	FT	A	GP	Anchorage	200	11B / C	12.0		37,894	1,525	0	31,435	70,854	0
03-0267	Attorney IV	FT	A	XE	Juneau	N05	24D / E	12.0		106,525	0	0	55,075	161,600	0
03-0281	Law Office Assistant II	FT	A	SS	Anchorage	600	13B / C	12.0		47,584	0	0	35,085	82,669	41,335
03-0288	Paralegal II	FT	A	GP	Fairbanks	203	16J	12.0		65,880	2,652	0	40,995	109,527	0
03-0325	Attorney III	FT	A	XE	Juneau	N05	22F	12.0		97,608	0	0	52,029	149,637	97,264
03-0366	Attorney IV	FT	A	XE	Fairbanks	N03	24K / L	12.0		117,050	0	0	58,671	175,721	131,791
03-0386	Attorney IV	FT	A	XE	Anchorage	99	24O / P	12.0		125,407	0	0	61,525	186,932	0
03-0387	Paralegal II	FT	A	GP	Anchorage	200	16F / G	12.0		61,246	2,465	0	39,412	103,123	103,123
03-0399	Paralegal II	FT	A	GP	Anchorage	200	16L / M	12.0		68,832	2,770	0	42,003	113,605	0
03-0414	Attorney V	FT	A	XE	Anchorage	99	25N	12.0		134,258	0	0	64,466	198,724	198,724

Total Positions				Total Salary Costs:	1,860,310
Full Time Positions:	20	New	0	Total COLA:	16,387
Part Time Positions:	0	Deleted	0	Total Premium Pay::	0
Non Permanent Positions:	0		0	Total Benefits:	1,015,618
Positions in Component:	20		0	Total Pre-Vacancy:	2,892,315
				Minus Vacancy Adjustment of 3.96%:	(114,515)
				Total Post-Vacancy:	2,777,800
				Plus Lump Sum Premium Pay:	0
				Personal Services Line 100:	2,777,800

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	1,292,271	1,241,106	44.68%
1007 Interagency Receipts	1,503,226	1,443,709	51.97%
1037 General Fund / Mental Health	96,818	92,984	3.35%
Total PCN Funding:	2,892,315	2,777,800	100.00%

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column. [No valid job title] appearing in the Job Class Title indicates that the PCN has an invalid class code or invalid range for the class code effective date of this scenario.

Personal Services Expenditure Detail
Department of Law

Scenario: FY2020 Governor (15610)
Component: Human Services (2962)
RDU: Civil Division (35)

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.
[No valid job title] appearing in the Job Class Title indicates that the PCN has an invalid class code or invalid range for the class code effective date of this scenario.

Line Item Detail (1676)
Department of Law
Travel

Component: Human Services (2962)

Line Number	Line Name		FY2018 Actuals	FY2019 Management Plan
2000	Travel		12.0	77.9
Object Class	Servicing Agency	Explanation	FY2018 Actuals	FY2019 Management Plan
2000 Travel Detail Totals			12.0	77.9
2000	In-State Employee Travel	Travel for attorneys to interview witnesses and attend court proceedings, as well as for necessary training for both attorneys and paraprofessionals. Includes travel for management purposes.	3.3	28.0
2002	Out of State Employee Travel	Travel costs and expenses for out-of-state travel for conferences, training, etc.	2.3	0.0
2006	Other Travel Costs	Travel cost transfers.	6.4	49.9

Line Item Detail (1676)
Department of Law
Services

Component: Human Services (2962)

Line Number	Line Name		FY2018 Actuals	FY2019 Management Plan
3000	Services		481.2	323.0
Object Class	Servicing Agency	Explanation	FY2018 Actuals	FY2019 Management Plan
3000 Services Detail Totals			481.2	323.0
3000	Education Services	Conferences, training and memberships.	0.7	1.1
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	8.3	5.6
3006	Delivery Services	Freight, courier, postage, and transportation of trial exhibit materials.	4.1	3.8
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	468.1	312.5

Line Item Detail (1676)

**Department of Law
Commodities**

Component: Human Services (2962)

Line Number	Line Name		FY2018 Actuals	FY2019 Management Plan
4000	Commodities		41.0	39.6
Object Class	Servicing Agency	Explanation	FY2018 Actuals	FY2019 Management Plan
4000 Commodities Detail Totals			41.0	39.6
4000	Business	Reference materials and subscriptions, including statutes, software applications, non-capital desktop refresh, and miscellaneous office supplies.	0.5	0.0
4022	Commodity Transfer	Commodity cost transfers.	40.5	39.6

Line Item Detail (1676)
Department of Law
Capital Outlay

Component: Human Services (2962)

Line Number	Line Name		FY2018 Actuals	FY2019 Management Plan
5000	Capital Outlay		3.2	0.0
Object Class	Servicing Agency	Explanation	FY2018 Actuals	FY2019 Management Plan
5000 Capital Outlay Detail Totals			3.2	0.0
5009	Capital Outlay Transfer	Capital cost transfers.	3.2	0.0

Revenue Detail (1681)
Department of Law

Component: Human Services (2962)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2018 Actuals	FY2019 Management Plan
5007 I/A Rcpts (1007 I/A Rcpts)			1,554.1	1,578.9
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Medical Assistance Administration - legal services provided to the Division of Health Care Services, State Medicaid Program. Program code: CV03206555.	804.0	805.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Alaska Pioneer Homes - legal services. Program code: CV03206566.	20.0	20.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Medical Assistance Administration - Alaska's participation in a joint state advisory service on federal welfare programs in Washington, D.C. provided on behalf of the Department of Health and Social Services. Program code: CV03206557.	7.0	7.9
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Medicaid Collections - legal services provided for the collection of Medicaid Liens, Provider Appeals and Special Needs Trust. Program code: CV03206569.	324.5	345.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Child Care Benefits - legal services provided for Child Care Licensing & Assistance. Program code: CV03206572.	32.6	35.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Alaska Psychiatric Institute - legal services to defend the hospital in litigation and coordinating expert testimony. Program code:	225.0	225.0

Revenue Detail (1681)
Department of Law

Component: Human Services (2962)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2018 Actuals	FY2019 Management Plan
5301 Inter-Agency Receipts	H&SS - Department-wide	CV03206573. RSA Health and Social Services, Involuntary (Non-API) Mental Commitments - legal services. Program code: CV03206574.	80.5	80.5
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Department-wide legal services to support HIPAA compliance. Program code: CV03206661.	60.5	60.5
6037 GF/MH (1037 GF/MH)			100.2	100.2
6123 General Fund Mental Health - Miscellaneous			100.2	100.2