

State of Alaska
FY2021 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 it in the administration of its programs.

Core Services

- Assist DHSS to remain compliant with changes in state and federal laws.
- Assist DHSS with advice and representation in its public assistance programs (Medicaid, food stamps, public assistance, and heating assistance).
- Assist DHSS with advice and representation in its Senior and Disabilities Services programs (Medicaid waivers, personal care assistance programs, grants, general relief).
- Assist DHSS with advice and representation in its Behavioral Health programs [in-state and out-of-state residential treatment programs, including the Alaska Psychiatric Institute (API)].
- Assist 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.
- Assist DHSS with advice and representation in its Public Health programs, including compliance with the Health Insurance Portability and Accountability Act and breach investigations.
- Assist DHSS with advice and representation in its Certificate of Need program.
- Assist DHSS with advice and representation in its Adult Protective Services program.
- Assist DHSS with advice and representation in its grant administration.

Major Component Accomplishments in 2019

- Continued to provide legal services that directly protect 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 that resulted in suspensions and/or revocations of the facilities' licenses, requiring administrative review.
- Continued to advise DHSS on various Health Insurance Portability and Accountability Act breaches as well as state and federal confidentiality laws.
- Continued to advise DHSS on the implementation of Senate Bill (SB) 74 Medicaid Reform (CH 25 SLA 2016), including the implementation of the 1115 Waiver to transform the behavioral health system in Alaska, 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 — formally signed by the Governor on October 19, 2017 — by negotiating and drafting two funding agreements and confidentiality agreements and by working on implementation protocols.
- Worked daily 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. This 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 administrative hearings and superior court appeals. Since January 2019, the section collected over \$2.7 million through the Medicaid subrogation, estate and trust recovery claims. The section has recovered or had administrative decisions issued that identify the recovery of over \$3.2 million through the Medicaid audit process.
- 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 civil litigation matters, contested administrative hearings, and related public assistance program and licensing enforcement.
- Assisted DHSS in the development and adoption of regulations to implement changes 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.

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 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.
- The section anticipates a significant increase in the number and complexity of regulation projects designed to assist in creating additional efficiencies in the administration of all DHSS programs. These projects are expected to generate litigation as change to programs and funding streams are implemented in the coming fiscal year.
- Providing legal advice and support to DHSS on implementation of the 1115 Waiver.

Advise DHSS in the management and administration of API including:

- Working on contracts and other matters related to the hiring of an outside consultant/manager to assist in the day-to-day management of the facility.
- Handling major areas of litigation related to the hiring of an outside consultant/manager and uses related to the bed capacity at API. Both cases are ongoing.
- Continuing to work on Title 12 issues for persons who need forensic or restorative service when found to lack capacity to be charged criminally.
- Continuing to work on discharge planning for individuals who have been civilly committed. Due to the significant social, medical, mental health, or criminal history of some 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 that would otherwise be closed.

Significant Changes in Results to be Delivered in FY2021

Continue implementing Medicaid Reform (SB 74) 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>FY2020</u> <u>Management</u> <u>Plan</u>	<u>FY2021</u> <u>Governor</u>		
Full-time	21	21	Annual Salaries	1,930,441
Part-time	0	0	COLA	6,451
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	1,061,130
			<i>Less 3.38% Vacancy Factor</i>	(101,422)
			Lump Sum Premium Pay	0
Totals	21	21	Total Personal Services	2,896,600

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	0	0	2	0	2
Attorney IV	4	1	1	0	6
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	1	0	5
Totals	11	2	8	0	21

Component Detail All Funds
Department of Law

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

Non-Formula Component

	FY2019 Actuals	FY2020 Conference Committee	FY2020 Authorized	FY2020 Management Plan	FY2021 Governor	FY2020 Management Plan vs FY2021 Governor	
71000 Personal Services	2,771.1	2,777.8	2,777.8	2,887.8	2,896.6	8.8	0.3%
72000 Travel	16.3	71.9	71.9	21.9	21.9	0.0	0.0%
73000 Services	462.2	323.0	323.0	313.0	313.0	0.0	0.0%
74000 Commodities	38.9	39.6	39.6	39.6	39.6	0.0	0.0%
75000 Capital Outlay	6.0	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	3,294.5	3,212.3	3,212.3	3,262.3	3,271.1	8.8	0.3%
Fund Sources:							
1004 Gen Fund (UGF)	1,693.0	1,525.4	1,525.4	1,525.4	1,528.7	3.3	0.2%
1007 I/A Rcpts (Other)	1,501.3	1,586.8	1,586.8	1,636.8	1,642.3	5.5	0.3%
1037 GF/MH (UGF)	100.2	100.1	100.1	100.1	100.1	0.0	0.0%
Unrestricted General (UGF)	1,793.2	1,625.5	1,625.5	1,625.5	1,628.8	3.3	0.2%
Designated General (DGF)	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Other Funds	1,501.3	1,586.8	1,586.8	1,636.8	1,642.3	5.5	0.3%
Federal Funds	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Positions:							
Permanent Full Time	19	20	20	21	21	0	0.0%
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 FY2020 Conference Committee To FY2020 Authorized *****												
FY2020 Conference Committee												
	ConfCom	3,212.3	2,777.8	71.9	323.0	39.6	0.0	0.0	0.0	20	0	0
1004 Gen Fund		1,525.4										
1007 I/A Rcpts		1,586.8										
1037 GF/MH		100.1										
Subtotal		3,212.3	2,777.8	71.9	323.0	39.6	0.0	0.0	0.0	20	0	0
***** Changes From FY2020 Authorized To FY2020 Management Plan *****												
Transfer Attorney IV (03-0267) to Special Litigation 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 a full-time Attorney IV (03-0267), range 24, located in Juneau, from the Human Services section to the Special Litigation office to keep pace with the required level of legal expertise needed within the office. The remaining staff within the Human Services section are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
Transfer Attorney III (03-0162) from Opinions, Appeals and Ethics 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 a full-time Attorney III (03-0162), range 22, located in Juneau, from the Opinions, Appeals and Ethics office to the Human Services section to keep pace with the required level of legal expertise needed within the section. The remaining staff within the Opinions, Appeals and Ethics office are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
Transfer Paralegal II (03-0292) from Torts and Workers' Compensation to Address Workload Demands												
	Trin	50.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
1007 I/A Rcpts		50.0										
Transfer a full-time Paralegal II (03-0292), range 16, located in Juneau, from Torts and Workers' Compensation to Human Services to accommodate workload demands. The remaining staff in Torts and Workers' Compensation are sufficient to cover the anticipated workload.												
Align Authority with Anticipated Expenditures												
	LIT	0.0	60.0	-50.0	-10.0	0.0	0.0	0.0	0.0	0	0	0
Transfer authority from travel and services to cover anticipated personal services costs. The remaining travel and services authority is sufficient to cover anticipated expenditures.												
Subtotal		3,262.3	2,887.8	21.9	313.0	39.6	0.0	0.0	0.0	21	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 FY2020 Management Plan To FY2021 Governor *****												
FY2021 Salary and Health Insurance Increases												
	SalAdj	8.8	8.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		3.3										
1007 I/A Rcpts		5.5										
FY2021 GGU Salary Increases: \$6.3												
FY2021 increase to GGU Health Insurance from \$1530 to \$1555 per member per month: \$2.5												
Totals		3,271.1	2,896.6	21.9	313.0	39.6	0.0	0.0	0.0	21	0	0

Line Item Detail (1676)
Department of Law
Travel

Component: Human Services (2962)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
2000	Travel		16.3	21.9	21.9
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
2000 Travel Detail Totals			16.3	21.9	21.9
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.	10.2	10.5	10.5
2002	Out of State Employee Travel	Travel costs and expenses for out-of-state travel for conferences, training, etc.	2.8	5.4	5.4
2006	Other Travel Costs	Travel cost transfers.	3.3	6.0	6.0

Line Item Detail (1676)
Department of Law
Services

Component: Human Services (2962)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
3000	Services		462.2	313.0	313.0
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
3000 Services Detail Totals			462.2	313.0	313.0
3000	Education Services	Conferences, training and memberships.	0.7	1.1	1.1
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	16.3	18.0	18.0
3006	Delivery Services	Freight, courier, postage, and transportation of trial exhibit materials.	0.6	1.2	1.2
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	444.6	292.7	292.7

Line Item Detail (1676)
Department of Law
Commodities

Component: Human Services (2962)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
4000	Commodities		38.9	39.6	39.6
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
4000 Commodities Detail Totals			38.9	39.6	39.6
4000	Business	Reference materials and subscriptions, including statutes, software applications, non-capital desktop refresh, and miscellaneous office supplies.	6.3	0.0	0.0
4022	Commodity Transfer	Commodity cost transfers.	32.6	39.6	39.6

Line Item Detail (1676)
Department of Law
Capital Outlay

Component: Human Services (2962)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
5000	Capital Outlay		6.0	0.0	0.0
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
5000 Capital Outlay Detail Totals			6.0	0.0	0.0
5009	Capital Outlay Transfer	Capital cost transfers.	6.0	0.0	0.0

Revenue Detail (1681)
Department of Law

Component: Human Services (2962)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
5007 I/A Rcpts (1007 I/A Rcpts)			1,501.3	1,636.8	1,642.3
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.	771.9	836.8	842.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Alaska Pioneer Homes - legal services. Program code: CV03206566.	4.2	20.0	20.0
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.	333.8	345.0	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.	25.0	35.0	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: CV03206573.	225.0	225.0	225.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Involuntary (Non-API) Mental Commitments - legal services. Program code: CV03206574.	90.0	100.0	100.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Department-wide legal services to support HIPAA compliance. Program code: CV03206661.	51.4	75.0	75.3

Revenue Detail (1681)
Department of Law

Component: Human Services (2962)

Revenue Type (OMB Fund Code)	Component	Comment	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
Revenue Source					
6037 GF/MH (1037 GF/MH)			100.2	100.1	100.1
6123 General Fund Mental Health - Miscellaneous			100.2	100.1	100.1

Personal Services Expenditure Detail
Department of Law

Scenario: FY2021 Governor (16414)
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	26N / O	12.0		152,779	0	0	69,896	222,675	155,873
03-0005	Attorney V	FT	A	XE	Juneau	N05	25N	12.0		140,964	0	0	66,584	207,548	103,774
03-0015	Attorney IV	FT	A	XE	Juneau	N05	24K	12.0		119,160	0	0	59,391	178,551	142,841
03-0066	Attorney IV	FT	A	XE	Anchorage	N00	24L	12.0		117,168	0	0	58,711	175,879	17,588
03-0067	Law Office Assistant II	FT	A	SS	Juneau	605	13C / D	12.0		51,212	0	0	36,324	87,536	87,536
03-0077	Law Office Assistant I	FT	A	GP	Juneau	205	11J	12.0		48,816	655	0	35,466	84,937	84,937
03-0098	Paralegal II	FT	A	GP	Anchorage	200	16J	12.0		65,880	884	0	41,295	108,059	37,821
03-0103	Attorney IV	FT	A	XE	Anchorage	99	24N	12.0		122,748	0	0	60,617	183,365	0
03-0162	Attorney III	FT	A	XE	Juneau	N05	22C / D	12.0		90,208	0	0	49,501	139,709	27,942
03-0168	Law Office Assistant I	FT	A	GP	Anchorage	200	11F / G	12.0		43,305	581	0	33,583	77,469	77,469
03-0183	Attorney IV	FT	A	XE	Anchorage	99	24M	12.0		122,749	0	0	60,617	183,366	119,188
03-0204	Law Office Assistant I	FT	A	GP	Fairbanks	203	11F	6.0	*	22,271	299	0	17,003	39,573	0
03-0211	Law Office Assistant I	FT	A	GP	Anchorage	200	11C / D	12.0		39,614	531	0	32,322	72,467	0
03-0281	Law Office Assistant II	FT	A	SS	Anchorage	600	13C / D	12.0		48,376	0	0	35,356	83,732	41,866
03-0288	Paralegal II	FT	A	GP	Fairbanks	203	16J / K	12.0		69,782	936	0	42,628	113,346	0
03-0292	Paralegal II	FT	A	GP	Juneau	205	16A / B	12.0		55,344	743	0	37,696	93,783	0
03-0325	Attorney III	FT	A	XE	Juneau	N05	22F / J	12.0		99,198	0	0	52,572	151,770	98,651
03-0366	Attorney IV	FT	A	XE	Fairbanks	N03	24K / L	12.0		120,210	0	0	59,750	179,960	134,970
03-0386	Attorney IV	FT	A	XE	Anchorage	99	24N / O	12.0		129,905	0	0	63,062	192,967	0
03-0387	Paralegal II	FT	A	GP	Anchorage	200	16G	12.0		63,264	849	0	40,401	104,514	104,514
03-0399	Paralegal II	FT	A	GP	Anchorage	200	16M	12.0		72,504	973	0	43,558	117,035	0
03-0414	Attorney V	FT	A	XE	Anchorage	N00	25N / O	12.0		134,984	0	0	64,797	199,781	199,781
													Total Salary Costs:	1,930,441	
													Total COLA:	6,451	
													Total Premium Pay:	0	
													Total Benefits:	1,061,130	
													Total Pre-Vacancy:	2,998,022	
													Minus Vacancy Adjustment of 3.38%:	(101,422)	
													Total Post-Vacancy:	2,896,600	
													Plus Lump Sum Premium Pay:	0	
													Personal Services Line 100:	2,896,600	
		Total Positions	New	Deleted											
Full Time Positions:		21	0	0											
Part Time Positions:		0	0	0											
Non Permanent Positions:		0	0	0											
Positions in Component:		21	0	0											
Total Component Months:		258.0													

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

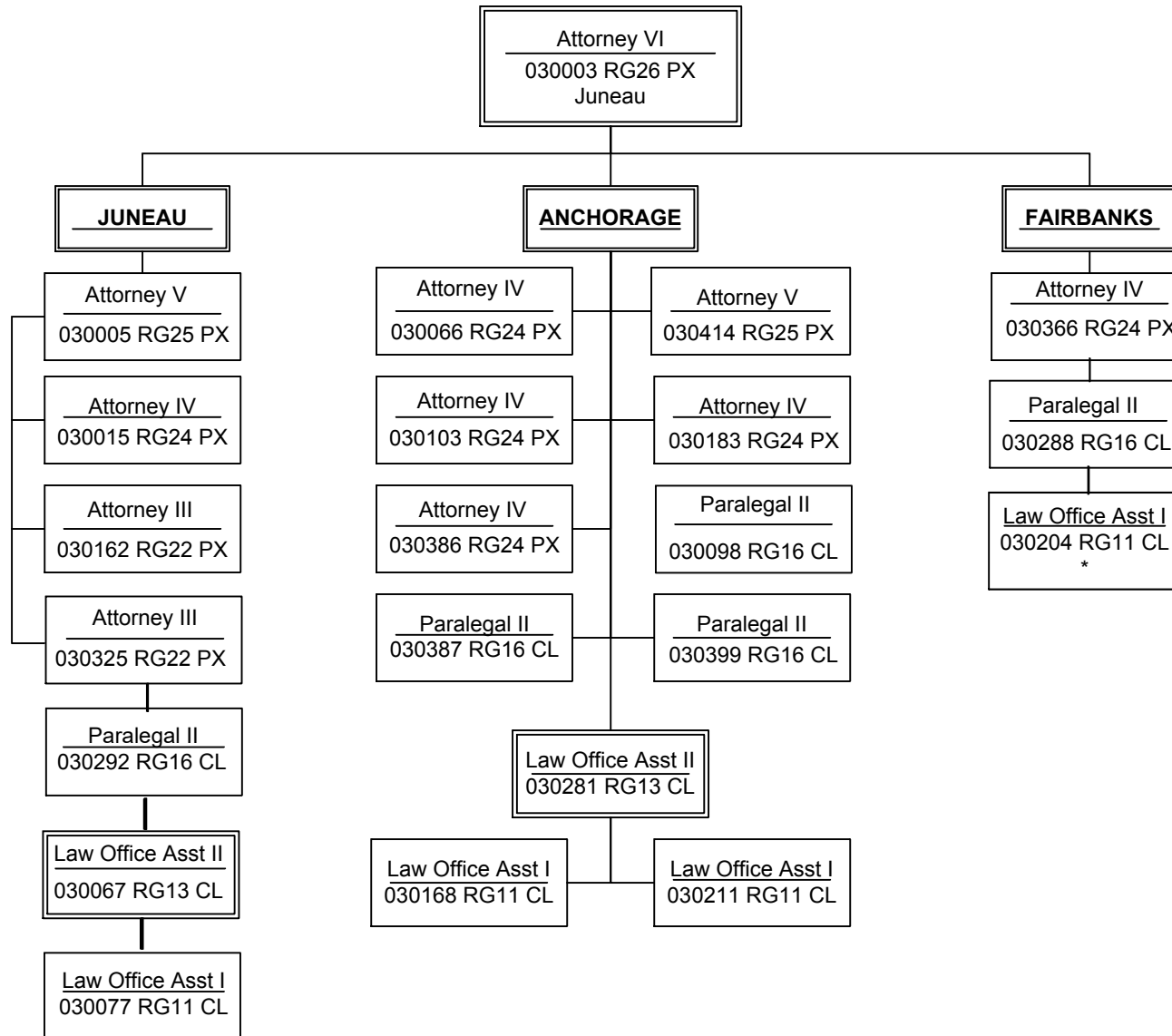
Scenario: FY2021 Governor (16414)
Component: Human Services (2962)
RDU: Civil Division (35)

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	1,336,546	1,291,331	44.58%
1007 Interagency Receipts	1,563,273	1,510,388	52.14%
1037 General Fund / Mental Health	98,203	94,881	3.28%
Total PCN Funding:	2,998,022	2,896,600	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.

CIVIL DIVISION

Human Services



Note: Positions marked with a single asterisk (*) are split. If the split position is counted in the component, two asterisks (**) appear.