

# **State of Alaska FY2024 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 newly reorganized Department of Health (DOH) and Department of Family and Community Services (DFCS) to assist in the administration of its programs.

**Core Services**

- Assist DOH and DFCS to remain compliant with changes in state and federal laws.
- Assist DOH with advice and representation in its public assistance programs (Medicaid, food stamps, public assistance, and heating assistance).
- Assist DOH with advice and representation in its Senior and Disabilities Services programs (Medicaid waivers, personal care service programs, grants, general relief).
- Assist DOH with advice and representation in its Behavioral Health programs [implementation of the 1135 Waiver and in-state and out-of-state residential treatment programs].
- Assist DOH with advice and representation in its Public Health programs.
- Assist DOH and DFCS with compliance with the Health Insurance Portability and Accountability Act and breach investigations.
- Assist DOH with advice and representation in its Certificate of Need program.
- Assist DOH with advice and representation in its Adult Protective Services program.
- Assist DOH with advice and representation in its grant administration.
- Assist DOH and DFCS with tribal relations, including Tribal Health (DOH) and the Alaska Child Welfare Compact (DFCS).
- Represent the state in superior court proceedings seeking protective service for vulnerable individuals under AS 47.24 (adult protective services) and AS 47.30 (civil commitments).
- Assist DOH with advice and representation to protect the health, safety and welfare of vulnerable children and adults through licensing and regulatory compliance of 691 assisted living homes, 42 residential child care facilities and psychiatric centers, 1435 active foster homes, and 40 licensed day care facilities.
- Assist DFCS with advice and representation in its Mental Health programs [Alaska Psychiatric Institute (API) and Designated Treatment and Evaluation Facilities (DET)].
- Assist DFCS with advice and representation related to the Alaska Pioneer Homes.
- Assist DFCS with advice and representation in its mission to protect the health, safety and welfare of vulnerable children through licensing and regulatory compliance of active foster homes and through non-criminal issues with the Division of Juvenile Justice.

**Major Component Accomplishments in 2022**

- Advised the former DHSS on the reorganization into DOH and DFCS pursuant to EO 121.
- 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 (HIPAA) breaches as well as state and federal confidentiality laws.
- Worked with DOH and DFCS related to the passage of HB 172 and implementation of the crisis stabilization model in order to execute improvements of the acute mental health treatment model.
- Advised DOH and DFCS on legal and compliance issues related to the state and federal Public Health Emergencies and the upcoming ending of those emergencies.

- Continued to advise DOH 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 and confidentiality agreements and by working on implementation protocols.
- Worked daily with DOH 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 reduction, 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 DOH 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 has collected over two million dollars each calendar year through the Medicaid subrogation, estate and trust recovery claims, and the Medicaid audit process.
- Handled hundreds of hearings statewide related to guardianships, conservatorships and mental commitments (including contested evidentiary hearings, forced medication hearings and jury trials).
- Represented DOH and DFCS in civil litigation matters and contested administrative hearings related to programs administered by both departments.
- Assisted DOH and DFCS in the development and adoption of regulations to implement changes to generate general fund savings and efficiencies in various programs administered by each department.

### **Key Component Challenges**

- The global COVID-19 pandemic has presented a sudden and unique set of challenges for the section, requiring section attorneys to research and advise on legal issues never before faced in Alaska, often on a very expedited timeline.
- 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 the departments 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 DOH and DFCS programs. Additionally the reorganization into two different departments requires more regulatory work to implement changes. These projects are expected to generate litigation as changes 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:

- Continuing to work on Title 12 issues for persons who need forensic or restorative service when found to lack capacity to be charged criminally.

- Working on changes related to the passage of HB 172 and the implementation of the crisis stabilization and residential centers.
- 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 the community is very difficult, 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 FY2024**

Continued impacts from the COVID-19 pandemic, implementation of the Medicaid reforms from SB 74; continuing advice about service and 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

<b>Contact Information</b>
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Human Services Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2023</u> <u>Management</u> <u>Plan</u>	<u>FY2024</u> <u>Governor</u>		
Full-time	21	0	Annual Salaries	0
Part-time	0	0	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	0
			<i>Less 0.00% Vacancy Factor</i>	(0)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>21</b>	<b>0</b>	<b>Total Personal Services</b>	<b>0</b>

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
No personal services.					
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Component Detail All Funds**  
**Department of Law**

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

Non-Formula Component

	<b>FY2022 Actuals</b>	<b>FY2023 Conference Committee</b>	<b>FY2023 Authorized</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>	<b>FY2023 Management Plan vs FY2024 Governor</b>	
71000 Personal Services	2,482.1	3,055.6	3,459.5	3,387.4	0.0	-3,387.4	-100.0%
72000 Travel	7.3	21.9	21.9	19.0	0.0	-19.0	-100.0%
73000 Services	325.5	263.0	263.0	338.0	0.0	-338.0	-100.0%
74000 Commodities	20.8	39.6	39.6	39.6	0.0	-39.6	-100.0%
75000 Capital Outlay	0.0	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%
<b>Totals</b>	<b>2,835.7</b>	<b>3,380.1</b>	<b>3,784.0</b>	<b>3,784.0</b>	<b>0.0</b>	<b>-3,784.0</b>	<b>-100.0%</b>
<b>Fund Sources:</b>							
1004 Gen Fund (UGF)	1,466.0	1,609.5	2,013.4	2,013.4	0.0	-2,013.4	-100.0%
1007 I/A Rcpts (Other)	1,269.6	1,670.5	1,670.5	1,670.5	0.0	-1,670.5	-100.0%
1037 GF/MH (UGF)	100.1	100.1	100.1	100.1	0.0	-100.1	-100.0%
<b>Unrestricted General (UGF)</b>	<b>1,566.1</b>	<b>1,709.6</b>	<b>2,113.5</b>	<b>2,113.5</b>	<b>0.0</b>	<b>-2,113.5</b>	<b>-100.0%</b>
<b>Designated General (DGF)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Other Funds</b>	<b>1,269.6</b>	<b>1,670.5</b>	<b>1,670.5</b>	<b>1,670.5</b>	<b>0.0</b>	<b>-1,670.5</b>	<b>-100.0%</b>
<b>Federal Funds</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Positions:</b>							
Permanent Full Time	21	21	21	21	0	-21	-100.0%
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	
<b>***** Changes From FY2023 Conference Committee To FY2023 Authorized *****</b>												
<b>FY2023 Conference Committee</b>												
	ConfCom	3,380.1	3,055.6	21.9	263.0	39.6	0.0	0.0	0.0	21	0	0
1004 Gen Fund		1,609.5										
1007 I/A Rcpts		1,670.5										
1037 GF/MH		100.1										
<b>FY2023 Exempt 5% COLA</b>												
	SalAdj	98.0	98.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		98.0										
FY2023 Exempt 5% COLA: \$98.0												
<b>FY2023 15% Attorney and Administrative Law Judge COLA</b>												
	SalAdj	305.9	305.9	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		305.9										
FY2023 15% Attorney and Administrative Law Judge COLA: \$305.9												
<b>Subtotal</b>		<b>3,784.0</b>	<b>3,459.5</b>	<b>21.9</b>	<b>263.0</b>	<b>39.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>21</b>	<b>0</b>	<b>0</b>
<b>***** Changes From FY2023 Authorized To FY2023 Management Plan *****</b>												
<b>Transfer Authority from Personal Services and Travel for Anticipated Services Expenditures</b>												
	LIT	0.0	-72.1	-2.9	75.0	0.0	0.0	0.0	0.0	0	0	0
Transfer authority from the personal services and travel lines to the services line for anticipated costs. The remaining personal services and travel authority is anticipated to be sufficient to cover operating expenditures.												
<b>Subtotal</b>		<b>3,784.0</b>	<b>3,387.4</b>	<b>19.0</b>	<b>338.0</b>	<b>39.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>21</b>	<b>0</b>	<b>0</b>
<b>***** Changes From FY2023 Management Plan To FY2024 Governor *****</b>												
<b>Transfer 21 Personnel and Associated Costs to Protective Legal Services and Support for Restructuring Purposes</b>												
	Trout	-3,825.3	-3,428.7	-19.0	-338.0	-39.6	0.0	0.0	0.0	-21	0	0
1004 Gen Fund		-2,034.9										
1007 I/A Rcpts		-1,690.3										
1037 GF/MH		-100.1										
Transfer 11 attorney positions and 10 support staff positions to Protective Legal Services and Support from Human Services in order to leverage legal expertise and support in related areas of legal work under a streamlined organizational structure in the Civil Division.												
As part of a broader restructuring of the Civil Division within the Department of Law that will allow the department to operate with greater efficiency and efficacy,												

**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	
the 21 positions and associated activities are transferred to the new Protective Legal Services and Support component from the current Human Services component.												
<b>FY2024 AlaskaCare Health Insurance Increase - Exempt and Partially Exempt</b>												
	SalAdj	13.8	13.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		7.5										
1007 I/A Rcpts		6.3										
FY2024 AlaskaCare health insurance increase for exempt and partially exempt employees from \$1,685 to \$1,793 per member per month.: \$13.8												
<b>FY2024 PERS Rate Adjustment</b>												
	SalAdj	6.8	6.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		3.6										
1007 I/A Rcpts		3.2										
FY2024 PERS rate adjustment to 25.10%: \$6.8												
<b>FY2024 Salary and Health Insurance Increases</b>												
	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										
FY2024 Salary and Health Insurance Increases: \$20.7FY2024 GGU cost of living increase 2.5%: \$16.2												
FY2024 SU cost of living increase 1%: \$1.4												
FY2024 AlaskaCare insurance from \$1,685 to \$1,793 per member per month.: \$2.5												
FY2024 GGU health insurance increase from \$1,567.50 to \$1,573.50 per member per month.: \$0.6												
<b>Totals</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>



**Line Item Detail (1676)**  
**Department of Law**  
**Travel**

**Component:** Human Services (2962)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
2000	Travel		7.3	19.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
<b>2000 Travel Detail Totals</b>			<b>7.3</b>	<b>19.0</b>	<b>0.0</b>
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.	4.8	9.1	0.0
2002	Out of State Employee Travel	Travel costs and expenses for out-of-state travel for conferences, training, etc.	0.0	2.9	0.0
2006	Other Travel Costs	Travel cost transfers.	2.5	7.0	0.0

**Line Item Detail (1676)**  
**Department of Law**  
**Services**

**Component:** Human Services (2962)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
3000	Services		325.5	338.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
<b>3000 Services Detail Totals</b>			<b>325.5</b>	<b>338.0</b>	<b>0.0</b>
3000	Education Services	Conferences, training and memberships.	8.0	10.0	0.0
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	11.3	40.0	0.0
3006	Delivery Services	Freight, courier, postage, and transportation of trial exhibit materials.	4.3	5.0	0.0
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	301.9	283.0	0.0

**Line Item Detail (1676)**  
**Department of Law**  
**Commodities**

**Component:** Human Services (2962)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
4000	Commodities		20.8	39.6	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
<b>4000 Commodities Detail Totals</b>			<b>20.8</b>	<b>39.6</b>	<b>0.0</b>
4000	Business	Reference materials and subscriptions, including statutes, software applications, non-capital desktop refresh, and miscellaneous office supplies.	0.0	8.0	0.0
4022	Commodity Transfer	Commodity cost transfers.	20.8	31.6	0.0

**Revenue Detail (1681)**  
**Department of Law**

**Component:** Human Services (2962)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2022 Actuals	FY2023 Management Plan	FY2024 Governor
<b>5007 I/A Rcpts (1007 I/A Rcpts)</b>			<b>1,269.6</b>	<b>1,670.5</b>	<b>0.0</b>
5301 Inter-Agency Receipts		RSA Health and Social Services, Medical Assistance Administration - legal services provided to the Division of Health Care Services, State Medicaid Program. Program code: CV03206555.	0.0	104.7	0.0
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.	576.0	691.0	0.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Alaska Pioneer Homes - legal services. Program code: CV03206566.	2.8	34.0	0.0
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.	365.2	438.0	0.0
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.	0.7	2.0	0.0
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.	216.5	259.8	0.0
5301 Inter-Agency Receipts	H&SS - Department-wide	RSA Health and Social Services, Involuntary (Non-API) Mental	46.7	56.0	0.0

**Revenue Detail (1681)**  
**Department of Law**

**Component:** Human Services (2962)

<b>Revenue Type (OMB Fund Code)</b> <b>Revenue Source</b>	<b>Component</b>	<b>Comment</b>	<b>FY2022 Actuals</b>	<b>FY2023 Management Plan</b>	<b>FY2024 Governor</b>
5301 Inter-Agency Receipts	H&SS - Department-wide	Commitments - legal services. Program code: CV03206574. RSA Health and Social Services, Department-wide legal services to support HIPAA compliance.	30.7	45.0	0.0
5301 Inter-Agency Receipts	H&SS - Department-wide	Program code: CV03206661. RSA Health and Social Services, Health Care Services - legal services for the residential licensing Medicaid program. Program code: CVHUS06001.	31.0	40.0	0.0

**Personal Services Expenditure Detail**  
**Department of Law**

**Scenario:** FY2024 Governor (19867)  
**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.