

ALASKA LEGISLATIVE ACTION PACKET

PURPOSE: ADVOCATING CHANGE TO ALASKA LAWS TO BETTER PROTECT CHILDREN AND FAMILIES FROM FRAUD AND ABUSE.

Alaska offers two options for direct citizen legislative action. Alaskans can petition to change the law through indirect initiative and referendum. Initiatives are used to create laws and referendums are used to repeal laws. For our recommendations in Alaska, only the initiative process is necessary.

Indirect Initiative Process

1. Download (or request copy from HEAL by e-mailing info@heal-online.org with subject "Alaska Initiative Process Documents") Alaska's Public Information Packet on Initiatives available at <http://www.elections.alaska.gov/doc/forms/H34.pdf>
2. Follow guidelines for bill/initiative language and format. See <http://www.alaskacoastalmanagement.org/ACMP%20Initiative.pdf> for example or request a copy of the example by e-mailing info@heal-online.org with subject "Alaska Initiative Format".
3. Recruit three fellow registered Alaskan voters/constituents to serve as your Initiative Committee. This can include yourself.
4. Collect 100 signatures from registered voters in Alaska and submit the initiative, petition, and filing fee to Lt. Governor's Office per directions included in step 1.
5. At this point, the legislature will either introduce your legislation in the House or Senate or notify you that you must collect 10% of the number of total voters in last election's signatures (i.e. if 100,000 people voted in last election, you will need to collect 10,000 signatures) in order to put the initiative on the ballot for the next election.
6. If you plan to raise money for promotion of the initiative such as printing petitions, bumper stickers, television ads, newspaper ads, and the usual political fare, you will need to establish a Political Action Committee or get support from local organizations that may be able to assist with this aspect of the campaign. If you choose to create a Political Action Committee (i.e. People Supporting Initiative (initiative title or number)). For information on forming a PAC in Alaska, visit <http://doa.alaska.gov/apoc/faqs/fagpac.html>.

Alaska does permit online filing for PACs. You will find the information here:

http://doa.alaska.gov/apoc/forms_campaign.html.

CHILDREN AND YOUTH'S BILL OF RIGHTS

HEAL recommends that the following children and youth's bill of rights be enacted into law in all States:

1. No child shall be involuntarily placed in a secured, lockdown facility without due process of law. (US Constitution, 14th Amendment—law supported by Supreme Court Rulings in Bellotti v. Baird (1979) U.S. Supreme Court and Ingraham v. Wright (1977) U.S. Supreme Court)
2. No child shall be forced to act as Staff or perform the duties of an employee of any institution involuntarily. (US Constitution, 13th Amendment—law supported by Supreme Court Ruling in Tinker v. Des Moines Independent School District (1969) U.S. Supreme Court)
3. No child shall be forced to act as Staff or perform the duties of an employee of any institution without fair compensation (i.e. minimum wage). (US Constitution, 13th Amendment- law supported by Supreme Court Ruling in Tinker v. Des Moines Independent School District (1969) U.S. Supreme Court)

ALASKA

Statute of Limitations Suggested Revision(s)

Alaska provides one example of a State that includes kidnapping in the list of offenses that have no Statute of Limitations for prosecution. (Source: ALASKA STAT. § 12.10.010) Alaska's criminal statutes of limitation need no revision at this time.

HEAL recommends Alaska revise Alaska Code AS 09.10.070. to extend the Statute of Limitations for child victims to file suit upon reaching age of majority. HEAL recommends child victims be given 20 years from time of injury or 15 years upon reaching age of majority to file a tort claim against the tortfeasor.

Alternatives to the above extension of time to file a claim for injured minors include judicial system providing accessible and competent attorneys required to represent minors on a contingency basis with no fees due unless case is won and amount to be paid to attorney may not exceed 50% of the damages and 50% total must include all attorney fees and expenses.

Child Abuse Laws Suggested Revision(s)

HEAL recommends Alaska amend its child abuse statutory definitions to include the following:

Emotional Abuse
Citation: Ann. Stat. § 9:6-8.21 (New Jersey Statutory Definition)

Abused child or abused or neglected child means a child under age 18 years who is in an institution, and:

- Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being
-
- Who has been willfully isolated from ordinary social contact under circumstances that indicate emotional or social deprivation

The definitions and laws pertaining to child abuse and/or endangering the welfare of a child in Alaska are found at <http://www.state.ak.us/courts/forms/dv-150.pdf>. Please amend our State's laws to include the above definitions as applied under our Child Endangerment, Child Abuse, and Child Welfare laws.

Alaska's laws and definitions regarding Child Abandonment are satisfactory as understood from reviewing AS 47.10.013. Abandonment. (Source: <http://www.touchngo.com/lglcntr/akstats/Statutes/Title47/Chapter10/Section013.htm>)

Unlicensed Facilities Suggested Revision(s)

Unlicensed child-care facilities are allowed to operate provisionally for 30 days while applying for a license. (Source: http://dhss.alaska.gov/dpa/Documents/dpa/programs/ccare/files/Child_Care_Licensing-7AAC_57-2006.pdf)

Sec. 08.02.010. Professional designation requirements.

”(a) An acupuncturist licensed under AS 08.06, an audiologist or speech-language pathologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered nurse under AS 08.68, an optometrist

under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in [AS 08.64.380](#), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of noncompliance by that person's appropriate licensing board or, if the person is not regulated by a board, by the department. If, after a reasonable time, with opportunity for a hearing, the person's noncompliance continues, the board or department, as appropriate, may suspend or revoke the person's license or registration, or administer other disciplinary action which in its determination is appropriate.” (Source: <http://www.legis.state.ak.us/basis/folio.asp>)

The above shows procedures for dealing with individuals claiming professional qualifications and their individual professional licensure requirements. I also found the following:

“Sec. 47.37.140. Treatment facilities.

(a) The department shall establish standards for facilities, which standards may vary in their requirements and stringency according to the population, price level, remoteness, access to transportation, and availability of ancillary services of the area to be served, and shall fix the fees to be charged for the required inspections of those facilities. A facility shall meet the applicable standards before it is approved as a public or private treatment facility. The standards shall be enacted in a manner that will provide protection of the health, safety, and well-being of clients of the affected programs and protection for the affected programs from exposure to malpractice and liability actions.

(b) The department shall inspect, on a regular basis, approved public and private treatment facilities at reasonable times and in a reasonable manner.

(c) The department shall maintain a list of approved public and private treatment facilities.

(d) An approved public and private treatment facility shall file with the department, on request, data, statistics, schedules, and information which the department reasonably requires. An approved public or private treatment facility that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns of them, shall be removed from the list of approved treatment facilities.

(e) The department, after holding a hearing under the provisions of the Administrative Procedure Act ([AS 44.62](#)), may suspend, revoke, limit, restrict, or refuse to grant an approval for a treatment facility, for failure to meet its standards.” (Source: <http://www.legis.state.ak.us/basis/folio.asp>)

Based on my understanding unlicensed facilities are given 30 days to comply and then are forced to close. And, there is a system for revoking licensure for facilities not meeting established standards.

HEAL recommends that Alaska adopt the same code/law as Arkansas in regards to unlicensed facilities. Arkansas has the best law regarding unlicensed child care facilities.

Arkansas’ Ann. Code § 20-78-208. Unlicensed child care facility unlawful.

(a) It shall be unlawful for any person, partnership, group, corporation, organization, or association to operate or assist in the operation of a child care facility which has not been licensed by the Division of Child Care and Early Childhood Education.

(b) It shall be unlawful for any person to falsify an application for licensure, to knowingly circumvent the authority of the Child Care Facility Licensing Act, 20-78-201 et seq., to knowingly violate the orders issued by the division, or to advertise the provision of child care which is not licensed or approved or exempt by the division.

(c) A violation of this section shall be a Class C misdemeanor.

Educational Consultants/Referral Services Suggested Revision(s)

HEAL recommends that Alaska establish professional guidelines and professional licensure standards and certification requirements for any individual engaging in a business of making referrals to any mental health or educational institution.

In addition, HEAL recommends that Alaska ban the use of hired transport services to involuntarily transport children from their home to any location outside the State of Alaska. (HEAL is waiting on information regarding such a ban being effectively enforced or at least written into law and will provide an example/proposed model as soon as it is available.)

Teen/Youth Transport Services Suggested Revision(s)

HEAL recommends that Alaska establish professional guidelines and professional licensure standards and certification requirements for any individual or business engaging in involuntary transport of youth for mental health, behavioral health, medical care, and/or educational purposes. HEAL recommends that anyone engaged in such a business at minimum be required to be licensed Emergency Medical Technicians (EMTs) with ambulance driver certification with special licensing/certification requirements for transport services taking children across state lines. HEAL recommends that only law enforcement personnel engaged in transporting adjudicated youth who have been court-ordered to a secured treatment facility be permitted to transport youth across state lines for such purposes and that private placements of youth be outlawed as we recommend all youth be recognized as having the right to due process when enrollment/placement violates a minor's civil liberty interests.

Seclusion and Restraint Suggested Revision(s)

HEAL suggests Alaska amend State laws regarding seclusion and restraint of children to match Sen. Harkin's (D-IA) and Rep. Miller's (D-CA) Keeping All Students Safe Act of 2011 (S. 2020, H.R. 1381).

HEAL has never (as of February 7th, 2013) received a complaint regarding any facility operating in Alaska.

Reparative/Conversion Therapy Revision(s)

HEAL suggests that Alaska enact a law similar to California's law banning reparative/conversion therapy on children and youth. HEAL believes the methods involved in reparative/conversion therapy are inhumane and harmful whether or not they are used to change sexual/orientation behavior or any

legal behavior or beliefs that may not align with those of families or service providers seeking to use coercive thought reform/conversion therapy techniques to change behavior. See http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1172 for more information.

Facilities and Occupational and Professional Licensure Database Revision(s)

HEAL recommends that Alaska create an online searchable database including any and all programs offering 24-hour supervised care to children living outside the home whether the programs call themselves therapeutic boarding schools, boot camps, wilderness programs, residential treatment centers, specialty boarding schools, or the like. Arizona provides the most user-friendly searchable database on licensed facilities and the database includes inspection and complaint records. See <http://hsapps.azdhs.gov/ls/sod/SearchProv.aspx?type=BH>. HEAL recommends Alaska create a searchable database similar to that provided by the State of Arizona.

HEAL recommends that Alaska create an all-encompassing online searchable database of all individuals that hold occupational or professional licenses in Alaska that allows for one-stop online verification to determine if an individual claiming occupational or professional licensure is properly licensed and in good-standing with the state. Utah provides the most user-friendly searchable database on licensed individuals and the database includes disciplinary records/actions. See <https://secure.utah.gov/llv/search/index.html>. HEAL recommends Alaska create a searchable database similar to that provided by the State of Utah.

HEAL recommends that Alaska either include its educator/teacher license verification with the overall professional licensure verification recommended above or continue to maintain a separate searchable database to verify educator qualifications as found at <http://education.alaska.gov/TeacherCertification/CertificationsSearch.cfm>.

The above measures would help Alaska protect consumers from fraud and abuse by making such information easily accessible.

Contact HEAL for Assistance:

HEAL
126 SW 148th St.
Ste C100-422
Seattle, WA 98166-1984

Ph. (877)845-3232

Fx. (877)845-8465

Em. info@heal-online.org

Url. www.heal-online.org