Help wanted in health care

Student recruitment, telehealth expansion and changes in scope of practices among strategies pursued by Midwest states

by Jon Davis (jdavis@csg.org)

I t seems a recipe for health care disat- 
er: Combine population growth with an aging population, add expanded health insurance coverage, and … hope for the best?

The growing need for health care work-
ers of all disciplines is well recognized. Midwest states have already moved to address the growing crisis with recruit- 
ment and retention strategies, as well as by redefining professionals’ scopes of work and expanding the use of new applications of technology such as telehealth.

The baseline problem is daunting. In its July/August 2016 edition of Capitol Ideas, the Council of State Governments’ bimonthly national magazine noted that Georgetown University’s Center on Education and the Workforce predicts that “demand for health care services will grow twice as fast as the national economy over the next decade.”

The Association of American Medical Colleges forecasts a national primary care physician shortage of between 15,000 and 35,000 by 2025.

And while there seems to be some good news regarding the number of nurses — the U.S. Health Resources and Services Administration projects strong growth in the supply of nurse practitioners through 2020 — the American Nurses Association says a combination of demographic factors and expanded access to health care “will create a renewed critical shortage for nurses.”

The workforce problem is most acute in many of the Midwest’s rural areas. In a 2012 policy paper, the Kansas-based National Rural Health Association forecast prolonged rural shortages of full-time physicians, reg- 
istered nurses, mental health professionals, pharmacists and dentists.

“The shortage does go all the way across the spectrum of health care professions,” says Dr. Raymond Christensen, associate dean for rural health and associate director of the Rural Physician Associate Program at the University of Minnesota Duluth. “For primary care, a renewed critical shortage is predicted by the Legislative Health Care Workforce Commission, released in December 2016, noted that while the statewide percentage of all occupations currently open is 3.6 percent, the rates are much higher in health care fields — 6 percent for physical therapists and nurse practitioners, 14 percent for internists and general physicians, and 18 percent for psychiatrists.

In a recent ongoing series of stories, the (Madison) Wisconsin State Journal cited data from the state Department of Workforce Development showing that by 2024, “analysts expect there will be nearly 52,000 more job openings than in 2014 in the health care and social assistance fields — more than twice as many as the next-largest sector.”

The biggest need will be for registered nurses (more than 5,000), physical therapeu-
tists (616) and doctors (376), the newspaper reported.

The State Journal also cited state and federal data showing “a need for other health care workers, including more than 4,600 certified nursing assistants and more than 2,000 home health aides. Those are 13 percent and 28 percent increases from 2014, compared with a 10 percent increase for nurses.”

And as South Dakota Sen. Deb Soholt noted in the May edition of Stateline Midwest, 43 percent of residents in her state live in a designated primary care shortage area; her state needs to increase its primary care workforce 27 percent by 2030 to meet

Anaging general population, an aging workforce of doctors, nurses and mental health professionals, and — thanks to the Affordable Care Act — expanded access to health care have combined to create a slow-

moving, but growing and unavoidable problem: a shortage of health care workers, especially in rural areas.
Criminal Justice & Public Safety

Illinois expands automatic expungement of juvenile records

A year after a report showed the extent to which the state’s expungement policies have failed juveniles with criminal records, Illinois lawmakers simplified the process for young people and also strengthened confidentiality protections.

HB 3817 was signed into law in August.

The bill’s intent is to remove barriers that keep individuals from accessing opportunities in employment, housing or education that often require a background check.

“The records are critically important things for anybody, but especially for somebody who has their whole life ahead of them,” says Rep. Elaine Nekritz, sponsor of the legislation.

Illinois already had laws to automatically expunge the records of juveniles for certain offenses, but an Illinois Juvenile Justice Commission report showed how infrequently this was occurring: For every 1,000 juveniles arrested, only three were being expunged.

HB 3817 expands automatic expungement to include the following:

- Arrest records that do not result in charges being filed, as long as one year has passed since the arrest occurred and the young person has had no subsequent court findings of guilt in the previous six months;
- Records of cases that are dismissed, that result in a finding of not delinquent, or that result in court-ordered supervision that is later completed;
- Records of a juvenile found guilty of a Class B or C misdemeanor, or a petty or business offense; and
- Records of a juvenile found guilty of a Class A misdemeanor or a nonviolent felony, as long as two years have passed since the case was closed, no cases are pending, and the juvenile hasn’t had any subsequent court findings of guilt.

Juveniles adjudicated of all other offenses are still required to petition the court to have their records expunged. (Some offenses, such as first-degree murder and certain sex crimes, are not eligible for expungement.)

The new law also addresses another concern raised in last year’s Illinois Juvenile Justice Commission report — the common practice of informally, and illegally, sharing juvenile records.

Prior to passage of HB 3817, the state had no penalties or legal remedies in place. But now, the willful dissemination of an expunged juvenile record is a Class C misdemeanor and is punishable by a fine of $1,000 per offense. Additionally, individuals whose expunged records are wrongfully disseminated have the ability to take legal action. According to the Juvenile Law Center, only three other Midwestern states (Iowa, Indiana and South Dakota) enforce similar penalties.

Midwest-Canada Relations

North Dakota gets legal win in cross-border water dispute

A cross-border legal dispute in the Midwest over water came closer to reaching a conclusion this summer when a U.S. district court lifted injunctions that had prevented North Dakota from completing its $200 million Northwest Area Water Supply project.

A lawsuit to stop the project was filed by the state of Missouri joined the suit against North Dakota.

Now, unless Manitoba decides to appeal the court’s decision, North Dakota will finish its plans to divert water from the Missouri River for use by the town of Minot and other communities in the northwest part of the state.

“We’ve had communities in violation of primary drinking water regulations, [with] declining aquifer levels and declining water quality,” says North Dakota Attorney General Wayne Stenehjem, explaining the need for the diversion.

Manitoba officials say they believe the quality of their water resources is threatened by plans to divert water, via a 45-mile pipeline, from the Missouri River Basin to the Hudson Bay Basin. Of particular concern is the interbasin transfer of non-native species and bacteria via the Souris River watershed, where water runs from northwest North Dakota into Manitoba.

A 2015 environmental impact study by the U.S. Bureau of Reclamation required a more stringent process for treating the diverted water, and a supplemental Environmental Impact Statement established a biota treatment protocol.

“All water will be treated to drinking water standards, and arguably beyond drinking water standards … before the water crosses the continental divide,” Stenehjem says. He adds that North Dakota is “very sensitive to the concerns of our Canadian neighbors.”

In its decision, the U.S. district court ruled that the plan met federal standards under the U.S. National Environmental Protection Act. Missouri’s concerns are based on the withdrawal of water from the Missouri River and its impact on downstream residents; however, the court refused to give that state standing to sue on behalf of its citizens.
Free community college training, more help for employers part of Indiana workforce initiative

Indiana is planning to invest more than $20 million over the next two years into two grant programs that prepare workers to fill existing and looming job vacancies.

Under the Next Level Jobs Initiative, the state will pay for workers to get trained at Indiana’s community colleges and help employers train their new hires.

The state currently has approximately 95,000 job openings, and by 2025, another 1 million are expected due to retirements and the creation of new positions.

Many of these will be jobs that require some level of education or training beyond high school.

According to the National Skills Coalition, by 2024, 55 percent of Indiana’s jobs will be considered “middle skill” — those requiring less than a four-year college degree but calling for some degree, certification or training beyond a high school diploma.

Two programs will serve as cornerstones of Indiana’s new initiative: the Workforce Ready Grant and the Department of Workforce Development’s Employer Training Grant Program.

Earlier this year, lawmakers approved the Workforce Ready Grant (HB 1008), which will provide free community college to adults to earn certificates in five high-growth, high-demand sectors: advanced manufacturing, building and construction, health and life sciences, information technology, and transportation and logistics. The certificate programs will be available through the campuses of the state’s two community colleges.

“Indiana employers are vocal that the lack of potential employees with the skills they need is a major inhibitor to growing their businesses,” says Rep. Todd Huston, the sponsor of HB 1008.

The $2 million annual grant is a “last-dollar program,” meaning it kicks in only after all other forms of federal and state aid have been exhausted.

The Employer Training Grant program targets the same five sectors as the Workforce Ready Grant, along with agriculture, and will help businesses cover the cost of training new employers. It will provide employers with $2,500 per worker up to a maximum of $25,000. (The state will spend $10 million on this pilot initiative in 2018 and 2019.)

According to the Georgetown Center on Education and the Workforce, certificates are the fastest-growing credential in postsecondary education. Indiana residents have been part of that growth, with a 32 percent increase in certificates awarded over the past five years.

“We are beginning to make progress on better using our resources to create a workforce system aligned to the needs of our economy and supporting individuals to learn the skills that are needed by employers,” Huston says. “This initiative is a positive first step.”

Agriculture & Natural Resources

In Ohio, future of wind power turns on rules for siting turbines

In the northwest part of Ohio that he represents, state Sen. Cliff Hite says, “wind is our shale,” an energy resource that has the potential to boost revenue on agricultural land and improve the region’s entire economy.

And the comparisons don’t stop there.

Just as the hydraulic fracturing boom has raised questions about siting and government regulations, so too has wind power.

Three years ago, responding to concerns about the impact of wind-turbine installations on adjacent landowners, the Ohio Legislature tripled the state’s setback requirements for turbines, a move that Hite and others say halted the development of wind energy.

Under the 2014 law, for any operation with generating capacity of 5 MW or more, Ohio now requires a 1,125-foot minimum setback from the base of the wind turbine (plus the length of its blade) to the edge of the property line. That marked a big change from the state’s previous standards — first, a requirement that the setback from the property line be 1.1 times the height of the turbine, which amounts to about 550 feet; second, that there be a 1,125-foot setback from the turbine to the nearest home (the 2014 law changed the requirement from home to property line).

As a result of this statutory change, wind-energy proponents say, Ohio now has the strictest siting rules in the country. In states such as Illinois and South Dakota, for example, a turbine must be set back at a distance from the property line that is 1.1 times its height. Under the Ohio law, it is approximately 2.3 times the height of the average turbine.

Hite says SB 188, which he introduced in September, is an attempt at a “compromise, protecting the property rights of those who disapprove of turbines but allowing those who want them to install them.” Under his proposal, wind farms with generating capacity of 5 megawatts or more would have to meet two setback standards: 1) The distance to the property line must be equal to 1.2 times the turbine’s height; and 2) a 1,225-foot setback to the nearest home (rather than the property line). In addition to these standards, the Ohio Power Siting Board would retain the authority to require more-stringent setbacks on a case-by-case basis.

For many of Hite’s constituents and those in other rural communities, wind power is seen as a way to diversify — to create another revenue stream that allows the next generation to continue on the same land resources.

But wind turbines also can impact nearby property and its owners, hence the need for siting laws that protect neighbors from nuisance or safety issues such as shadow flicker, ice throw and noise. Another concern is the effect on surrounding property values.

Who determines what the setback should be?

The answer varies from state to state. In Ohio, minimum standards are set by the Legislature. The Wisconsin Legislature, on the other hand, delegated that responsibility to the Public Service Commission.

That commission’s siting regulations were subsequently challenged in court because they did not consider the effects on adjacent property values. But in a 2015 ruling, the Wisconsin Supreme Court upheld the rules and the process used for setting them.

Unlike the state-level rules in place in Ohio and Wisconsin, siting authority is left to local governments in states such as Indiana, Kansas, Michigan and Nebraska. In Iowa, Minnesota and South Dakota, siting authority depends on the size of the project, with larger wind farms regulated by the states and smaller operations by local governments.

Brief written by Laura Tomaka, CSG Midwest staff liaison to the Midwestern Legislative Conference Economic Development Committee. She can be reached at ltomaka@csig.org. The committee’s co-chairs are Illinois Rep. Elgie Sims and Michigan Sen. Ken Horn; its vice chair is South Dakota Sen. Kevin Killer.

Brief written by Carolyn Dry, staff liaison to the Midwestern Legislative Conference Agriculture & Natural Resources Committee. She can be reached at c dry@csg.org. The committee’s co-chairs are Iowa Sen. Kevin Kinney and Minnesota Rep. Paul Anderson; its vice chair is Illinois Rep. Nonine Hammond.
Three big developments in education finance occurred in the Midwest over the past few months — a major state Supreme Court ruling in Kansas, a new school-funding formula in Illinois, and a change in the retirement plans for Michigan teachers. Here is a brief look at what happened in each state.

**Kansas funding system ruled unconstitutional**

In early October, the Kansas Supreme Court ruled that the state’s funding of K-12 education was unconstitutional on two grounds. First, the justices say, the state’s schools are not financed at a level that provides for an “adequate education”; second, school districts and their students do not have “reasonably equal access to substantially similar educational opportunity.”

This is the fifth court decision in a case that dates back to 2010. The most recent legislative attempt to improve the funding system was this year’s passage of SB 19, which raised state spending on schools and targeted more assistance for at-risk students. In its ruling, the Kansas Supreme Court said the legislation “arguably makes positive strides,” but still falls short of meeting equity and adequacy standards. Legislators were given until the end of April 2018 to present a funding fix to the court.

**Illinois lawmakers target funding equity**

Questions of adequacy and equity also have dogged Illinois legislators for years, but with the signing of SB 1941 in late August, the state has taken a historic step forward, advocates of school-funding reform say. According to Funding Illinois’ Future (a coalition of school districts and superintendents), the state has been the “worst in the nation” on funding equity. But under the new formula, almost all new state dollars will go to high-need schools, and an “adequacy target” will be established for every school district based on its demographic profile — the greater the needs of the district’s students, the higher the funding target set by the state. The new formula also accounts for differences in property-rich and poor districts, with the latter expected to contribute less to overall costs. To calculate the cost of providing a quality education, the state will consider 27 evidence-based practices that are tied to student achievement.

**New 401(k) plan in place for Michigan teachers**

Newly hired Michigan teachers and other school employees will move to a 401(k)-style retirement plan under legislation signed into law in July. SB 401 requires a 4 percent matching contribution from local school districts as well as a 3 percent match from the state (via its school aid fund), on top of a 3 percent contribution from the employee.

The new law masks the latest legislative effort in Michigan to shift public sector employees from defined-benefit plans to defined-contribution plans.

“It’s a system that has been sucking 36 to 40 percent of our local schools’ payroll just to pay the pension debt,” says Michigan House Speaker Tom Leonard, explaining the need for changes.

Under SB 401, individuals could still opt for a “hybrid” pension plan (part defined contribution, part defined benefit), with a 50-50 cost share between the employee and employer. This hybrid plan will be closed, though, if it is less than 85 percent funded for two consecutive years.

**Under ESSA, states still decide which schools make the grade**

Before state education officials sent off Minnesota’s plan for implementing the Every Student Succeeds Act to the federal government, Rep. Sondra Erickson wanted to make sure one important constituency got the chance to hear about it and weigh in.

That group was the state’s legislators, who four years earlier had revamped how Minnesota evaluates school performance.

The Legislature dubbed this new system the “World’s Best Workforce,” which focuses on getting students ready for success in the K-12 system (all third-graders reading at grade level, for example) and for life after high school. It measures the progress of each of the state’s schools in four main areas — standardized test scores, the closing of achievement gaps, college and career readiness, and graduation rates.

“What was important to me was that our system for federal accountability [under the ESSA] align with our existing state accountability system,” says Erickson, chair of the Minnesota House Education Innovation Policy Committee. “We don’t want to have teachers, parents and students conflicted.”

To that end, Erickson not only requested a legislative hearing on the ESSA in the 2017 omnibus education bill (HF 2), she included statutory language that the implementation plan be “consistent and aligned, to the extent practicable,” with World’s Best Workforce.

Erickson likes what she learned about the plan, saying it will provide for “continuity and consistency.”

A central tenet of the 2015 federal law was to give states more flexibility on education policy, and the ESSA has not supplanted changes made by states to their accountability systems. Instead, state ESSA plans mostly incorporate some of the new federal requirements (such as accounting for progress made by English language learners and including a measure of “school quality”) into their accountability systems.

Another goal of the ESSA is to evaluate schools on a wider range of indicators, rather than just how many of their students show levels of proficiency on standardized tests. Even prior to enactment of this federal law, many states had been moving in this direction, considering factors such as student academic growth, graduation rates, school climate and achievement gaps. Under the new federal law, states have considerable latitude on how to weigh the school-performance indicators.

Left to states, too, is how to classify and differentiate schools based on performance. Indiana and Ohio use an A-F grading system, a method preferred by some education-reform groups that say it’s the best way to provide transparency to parents and to stimulate change in low-performing schools.

In Michigan, the state has been using a top-to-bottom ranking system for its schools. That remains in place under the state’s accountability law, but its ESSA plans envision use of a “dashboard model” in order to provide “a more holistic, data-driven story of what is happening in our local schools.” (The dashboard does not rank or classify schools.)

Some Michigan legislators, though, want summative ratings in place in their state.

“We need one identifiable system for every district,” says Sen. Phil Pavlov, chair of the Senate Education Committee, adding that he prefers use of an A-F grading system.

**Table: How states classify schools in accountability systems**

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A disagreement in Minnesota over tax and budget issues this spring led to a surprising action — a line-item veto by Gov. Mark Dayton of the $1.30 million appropriation for the House and Senate. 

Ever since that move, the legislative and executive branches have been involved in a legal battle centering on constitutional questions about separation of powers. As of early October, the case had made it to the state Supreme Court, but without any final resolution.

“Every governor and legislature will look back on this case and examine the opinion,” says Steven Schier, a professor of political science at Carleton College. “It is likely to have a big impact on the future relationship between the [two] branches.”

Dayton’s line-item veto in May came after the Legislature had adjourned for the year, and because Minnesota legislators do not have the constitutional authority to call a special session, they had no immediate way of overriding his action. (Their first chance would be the 2018 session.)

But what the Legislature could do, and what it did, is take the governor to court. In July, a Minnesota District Court judge ruled that Dayton’s action violated the state’s separation-of-powers clause, by “effectively eliminating a co-equal branch of government” (the Legislature) via a line-item veto that stripped the House and Senate of funding between their regular scheduled sessions.

The governor appealed this ruling, and in August, the state Supreme Court heard oral arguments in the case. A brief filed with the court by the House and Senate said that with his line-item veto, “the governor understood this would put the Legislature out of business for the next two years unless it bent to his will.”

In September, the court issued an order (but not a final decision) in which it noted that the state Constitution, in “plain language,” gives the governor line-item veto authority. Still open, though, was the legal question of whether Dayton’s use of this constitutional power led to an unconstitutional result, Schier says.

In their order, the justices noted that the state Constitution requires three branches of government, and because of the political impasse, “Minnesotans may soon be deprived of their constitutional right to three independent branches.”

But the Supreme Court also raised concerns about the constitutionality of the judicial branch ordering the governor to fund the House and Senate. “There are conflicting constitutional issues,” Schier says, “and the Supreme Court may be hesitant to make a final decision.” The justices did direct the Legislature and governor to enter into mediation, but after a day and a half, talks broke down.

As of early October, the case remained in the hands of the Supreme Court, with justices asking both parties to file informal briefs about the many constitutional issues involved — for example, separation of powers, the power of the judiciary to order that the House and Senate be funded, and the right of the public to three functioning branches of government.

Whether the Legislature can “function,” too, goes to questions about whether it has sufficient funds to operate even with the line-item veto in place. Legislative leaders and the governor are at odds over how much money is available. The Supreme Court asked both sides to provide additional, informal briefs on available funding sources. A decision was expected sometime in October.
projected demand, while 45 percent of current-day practicing physicians are older than 50.

**The recruit-and-retain strategy**

Perhaps the most widespread recruitment/retention program is loan repayment, under which medical students who agree to provide services in a designated ‘health professional shortage area’ (usually rural) qualify for funds to help pay down their student debt. All Midwest states have at least one such program, Minnesota has none.

The Kansas State Loan Repayment Program offers up to $25,000 for physicians and dentists ($20,000 for other providers) in exchange for at least two years’ work at a site in a federally designated Health Professional Shortage Area, while the Kansas Bridge Plan offers up to $26,000 for physicians in Kansas residency programs who agree to practice full-time in a rural community for three continuous years upon completion of their residencies. Likewise, Nebraska’s Rural Health Student Loan Program awards medical, dental or psychology students up to $30,000 for up to four years (or $15,000 for two years to master’s level mental health students); students must agree to practice full-time in state-designated shortage areas for one year for each year the loan was awarded. They also must accept Medicaid patients.

Additionally, the National Health Service Corps provides “allied health professionals” (health care workers who are not physicians, dentists, nurses or pharmacists). A second grant program (also $500,000) also has been awarded. They also must accept Medicaid patients.

Indiana and South Dakota are participants while loan forgiveness programs are “reasonably effective,” Dr. Christensen says, the cap on medical residencies funded by Medicare — established by the U.S. Congress in 1997 — is a bottleneck in the current system.

Generally, the federal government funds residencies for direct costs such as salaries, benefits and teaching, as well as indirect costs associated with the assumed greater inefficiency of trainees. (Indirect cost coverage is determined by a formula set by U.S. Congress and the U.S. Centers for Medicare & Medicaid Services. States can add funding, too.) Wisconsin’s newly approved budget includes two measures advanced by the Wisconsin Rural Initiative, a group of state legislators promoting rural development, to improve access to care in underserved areas. One of the measures establishes a grant program for hospitals, health systems or schools that create education and training programs for individuals seeking careers as therapists, medical technicians or other “allied health professionals.” The second grant is for hospitals and health clinics that provide more training opportunities in advanced-practice nursing.

Minnesota this year considered establishing tax credits for medical practitioners (doctors who volunteer to train or supervise medical students), an idea that came from Tennessee. That idea didn’t advance this year, says Sen. Greg Clauson, who sat on the state’s Legislative Health Care Workforce Commission.

In its final report, that panel recommended expanding residency slots in rural areas, especially for mental health, geriatric care and psychiatry, along with expanding the use of telehealth, identifying underserved regions and increasing funding to the University of Minnesota Medical School, in part for physician workforce programs.

“We’re continuing to monitor those things to see how it’s going,” Clauson says.

Kansas this year approved SB 32, which added general and child psychiatry to the list of residencies covered by the state’s Medical Student Loan Act and eligible for the Kansas Medical Residency Bridging Program. As important as passage, the bill was also funded, says Rep. Susan Concannon, who serves as co-chair of the Midwestern Legislative Conference’s Health and Human Services Committee.

### Addressing health worker shortages in the Midwest: Recent state legislation and investments

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<th>State</th>
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<td><strong>South Dakota</strong></td>
<td>SB 33, introduced in January, called for a legislative study “concerning the shortage of health care providers in South Dakota.” As part of that study, lawmakers would examine numerous facets of the shortage: for example, the effectiveness of using scholarships, tuition reimbursement, and loan forgiveness programs; the capacity of higher education institutions to train health care providers; and funding sources by states to increase their supply of workers. SB 33 did not advance.</td>
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<td><strong>Minnesota</strong></td>
<td>HF 275, introduced in February, would have instructed the Iowa Department of Health to lead a coordinated effort to address the recruitment and retention of direct-care and other health professionals. The proposed bill (it did not advance in 2017) would have built on work already being done through the state’s Direct Care Workforce Initiative, the goal of which is to improve training opportunities and career pathways. Under HF 276, the department also would have led a study of ways to attract and retain health care workers.</td>
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<td><strong>Kansas</strong></td>
<td>SB 32, signed into law in March, adds general and child psychiatry to the list of residencies covered by Kansas’ Medical Student Loan Repayment Act and eligible for the Kansas Medical Residency Bridging Program. These state initiatives provide loan repayments to medical students who practice in the state. SB 32 also includes the University of Kansas Medical Center to provide three residences in general or child psychiatry with residency bridging loans. The idea for SB 32 came from a Kansas work group focused on improving rural health care.</td>
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<td><strong>South Dakota</strong></td>
<td>SB 541 would authorize a new type of mid-level professional, dental therapist (a role like that of physician assistants), to address a shortage of oral health care professionals in parts of Michigan. The legislation was introduced in September. Additionally, the state’s current budget includes capital funding for schools/universities to expand facilities that train health care workers, as well as funds to raise the pay of direct care workers ($35 per hour) in the state’s behavioral health system.</td>
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<td><strong>Wyoming</strong></td>
<td>HB 130’s new health and human services budget (SF 2 from the Legislature’s special session in 2017) creates a grant program to support educational programs that provide clinical training for the following health professionals: advanced-practice registered nurses, dental therapists, mental health professionals, pharmacists and physician assistants. More than $1 million is being appropriated over the next two years to expand the availability of clinical training in the state.</td>
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As part of the state budget that became law in July, Illinois lawmakers approved an annual increase of 48 cents for home health workers in the state’s Home Services Program, which provides services to individuals with severe disabilities. It was due to take effect 30 days after enactment of the budget. A class-action lawsuit was filed in September alleging the state had failed to make good on that raise.

As the result of a more than $120 million appropriation by the North Dakota Legislative Assembly in 2013 and 2015, a new School of Medicine & Health Sciences opened last fall on the campus of the University of North Dakota. With this new facility in place, the school’s graduating classes of students will rise by 25 percent, an increase that state leaders hope eases the current shortage of health care providers. According to the school’s Center for Rural Health, 46 percent of the primary-care physicians practicing in North Dakota completed their residencies in the state.

In its final report, that panel recommended expanding residency slots in rural areas, especially for mental health, geriatric care and psychiatry, along with expanding the use of telehealth, identifying underserved regions and increasing funding to the University of Minnesota Medical School, in part for physician workforce programs.

“We’re continuing to monitor those things to see how it’s going,” Clauson says.

Kansas this year approved SB 32, which added general and child psychiatry to the list of residencies covered by the state’s Medical Student Loan Act and eligible for the Kansas Medical Residency Bridging Program. As important as passage, the bill was also funded, says Rep. Susan Concannon, who serves as co-chair of the Midwestern Legislative Conference’s Health and Human Services Committee.
Kansas legislators are also working on a measure to allow nurse practitioners to have practices independent of supervision by physicians, but the votes aren’t there yet, Conn cannon adds.

That step already was taken in Nebraska in 2015, when LB 107 was signed into law. It allows licensed nurse practitioners to practice fully, without a written agreement with a doctor. Similar legislation (SB 61) was signed into law this year in South Dakota.

“It really helps to do with the primary care practitioner shortage,” since 44 percent of LPNs practice in rural areas, says Sen. Sue Crawford, who is vice chair of the MLCT’s Health and Human Services Committee.

Nebraska’s unicameral legislature in 2009 created the Behavioral Health Education Center of Nebraska (part of the University of Nebraska Medical Center) to recruit and retain students and professionals to address behavioral health shortages in rural counties, as part of its broad strategy to address rural health needs.

Now, however, Crawford says, “Our primary strategy is passing laws to improve the integration of care.” That includes the improvement and expansion of telehealth—the use of electronic information technology to support long-distance health care, patient/provider interaction and health administration.

“You’re maximizing what your current health professionals can do with technology,” Crawford adds.

Minnesota is at the cutting edge of telehealth legislation, according to the Advisory Board, a Washington, D.C.-based medical consultancy firm. In a blog post published in January identifying major legislative trends, the firm noted that Minnesota had

• passed parity laws requiring Medicaid and private insurers to pay the same for telehealth services
• expanded to 18 its list of providers authorized to use telehealth.

Wages low, needs high in home health

While most of these efforts focus on building up the supply of direct health care providers, jobs in service/support positions like home health workers go unfilled mainly because of low pay, says Paul Osterman, a professor at the Sloan School at the Massachusetts Institute of Technology, whose latest book, “Who Will Care for Us? Long-Term Care and the Long-Term Workforce,” addresses this topic.

“Loan forgiveness programs aren’t really relevant to a lot of these folks because the amount of training they get is negligible,” Osterman says, adding that with compensation generally around $10 an hour, “they might as well go to work in a department store. It’s an easier job.”

Normally, the market would correct that and wages would rise, but home health aides are reimbursed by Medicaid, and state legislatures control that, he says. There is room to raise workers’ pay—as states such as Illinois and Wisconsin have done in their new budgets—but not by just spending more money, Osterman says.

The key, he says, is to make workers more productive by increasing their training and the scope of work they’re allowed to do; that will lower overall costs by reducing the need for higher-priced specialists. Some of those savings can then be used for raises.

In 2016, New York legislators created the new job category of “advanced home health care aide”; the state’s Department of Health is now in the process of drafting regulations for it. These aides will work under a licensed registered nurse’s supervision to perform tasks such as “administering routine or pre-filled medications that are easy to give … as well as other tasks to be defined in regulations.”

According to PHI PolicyWorks, the new law will make jobs in home health care more attractive by filling two caregiving gaps—first, by giving home health aides a new opportunity for advancement; and second, by allowing them to perform tasks that currently can only typically be done by licensed personnel, family members or individuals in Medicaid’s Consumer Directed Personal Assistance Services program.

Osterman says the issues of home health workers’ pay and professional development don’t get much traction.

One reason: It’s often assumed that as a fallback provision, family members will care for patients.

“With baby boomers retiring, the ‘muddled through’ option is becoming less and less attractive,” Osterman adds. “We were told to prepare for the ‘silver tsunami’ but, human nature being what it is, we put it off and put it off and put it off.”

Physical, cultural distance complicates health worker shortage for Native American tribes

Problematic as the national and regional health care worker shortage is, it’s even more dire for Native American tribal governments.

The federal Indian Health Service, the agency responsible for providing federal health services to the tribes, is chronically understaffed, and a U.S. Government Accountability Office report issued in February added IHS to its “high-risk list,” saying it has “ineffectively administered” health care programs and noting that 39 of 41 previously issued recommendations for improvement—some of which dated to 2012—had not been implemented.

“People don’t really want to live here for a full year,” he says.

“People come from all over the place and they do fine,” Bordeaux says, adding that the problem is they don’t want to stay for two or three years because of the isolation of life on tribal land.

“It’s really tough here,” he says. “We have great deer hunting, pheasant hunting and that, but people don’t really want to live here for a full year.”

Better, he says, to invest in Medicaid expansion and find ways to deliver medical services to tribal lands—for example, flying doctors for 72-hour shifts.

Source: Paraprofessional Healthcare Institute

Median hourly wage for home health workers in the Midwest (2014)

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Source: Paraprofessional Healthcare Institute

Native American population in Midwest (2010)

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<tr>
<td>Wisconsin</td>
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Source: U.S. Census Bureau

If you have people in academia whom you can relate to, you’re more likely to go,” says Owen, director of the Center of American Indian and Minority Health at the University of Minnesota Duluth and a member of the Tlingit nation from southeast Alaska.

Owen and Genia say states should ask the tribes what they want from their health care systems, and take tribes’ cultural and traditional approaches into account when drafting bill language for grants.

But South Dakota Rep. Sean Bordeaux, a member of the Rosebud Sioux tribe (Sicangu Lakota) and director of the Institute of Tribal Lands at Sinte Gleska University, says he doesn’t completely buy the argument that tribes’ cultural differences from the general population (and from one another) are that big a barrier.

Participants in the Teach for America program are on the Rosebud reservation, for example, he says. “People come from all over the place and they do fine,” Bordeaux says, adding that the problem is they don’t want to stay for two or three years because of the isolation of life on tribal land.

“Two things that are going on,” he says. "We have great deer hunting, pheasant hunting and that, but people don’t really want to live here for a full year."
Leadership style focuses on importance of promoting civility, personal relationships as foundations for legislative success

by Tim Anderson (tanderson@cs.org)

In a recent interview with CSG Midwest, Leonard talked about his remaining priorities and by the end of next year, Leonard’s term-limited tenure in the Michigan House will end — “the quickest six years of my life,” he says.

Leonard talked about his remaining priorities during his first four years in office to one of the top leadership posts in Michigan state government. “I came to the Legislature certainly wanting to be as relevant as I could,” he says, “but it was never my top ambition or goal to be speaker.”

Now that he’s in the position, though, Leonard sees it as a unique chance to be part of what he views as the most rewarding part of being a legislator: “to tackle very big issues in a way that you know will have a real impact on everyday people.”

He cites historic changes to the state’s teacher-retirement system and a bipartisan House effort on transparency in government as two recent examples of addressing important, and controversial, policies head-on. Looking ahead, his legislative priorities include improving the state’s mental-health system and the fiscal outlook for local governments’ retirement systems.

One key to success in all of these policy areas, Leonard says, is the personal bonds made by legislators themselves. “That is something I’ve always valued, and in the Legislature, it’s not much different than working with others in a business or anywhere else,” he says. “Make yourself accessible and hold yourself accountable, and make sure you’re honest with everyone.”

“But then don’t lose sight of the little things you can do to build a relationship. The happy notes are one example of that, and during session, whenever I have the chance, I like to walk around the House floor to ask members how they’re doing and make sure they know I’m there to help.”

Leonard came to the Legislature with experience as a former local prosecutor and assistant state attorney general, and during his first few years in office, he led efforts to improve the rights of crime victims (for example, passage of a law ensuring that the families of a crime victim get full restitution if the victim has died) and to reform the state’s court system.

He became part of the House Republicans’ leadership team in 2015 (as speaker pro tempore), and by the end of next year, Leonard’s term-limited tenure in the Michigan House will end — “the quickest six years of my life,” he says.

In a recent interview with CSG Midwest, Leonard talked about his remaining priorities as speaker as well as his approach to promoting civility in government. Here are excerpts.

Q: You’ve talked about the importance of personal relationships and trust in the Legislature. What can you do as speaker to promote this?

A: I’ve tried to really focus on the importance of civility in our political system. We can disagree, but we have to do it in a respectful manner, so when the issue is done, we can come to the table, have a cup of coffee and determine what issue we can work on together next.

It starts from the top. I never make issues personal, I avoid name calling, and I just try to stick to the policy. That has worked very well. It’s allowed me to have a good relationship with my counterpart, [Michigan House Minority Leader] Sam Singh. He and I have had some issues we’ve been able to work on, such as legislation on transparency and our FOIA [Freedom of Information Act] laws. We’ve had other issues where we were worlds apart. But the fact that he and I have been respectful of each other has allowed our relationship to be very productive this term.

Q: You also helped pass a very high-profile bill this summer (SB 401) regarding the retirement system for Michigan teachers — moving to a defined-contribution type of plan. Why was that a priority?

A: The liability for the state of Michigan had gone from $250 million back in 1997 to $36 billion today. It’s a system that is sucking 36 to 40 percent of our local schools’ payroll just to pay the pension debt. We didn’t want to continue to pass along this debt onto the backs of our children and grand-children, and we finally stepped up and did something about it. It was a heavy lift, but it’s a real solution that we’ll see the fruits of years down the road.

Q: In terms of public policy priorities, you’ve talked about improving the state’s mental health system. How is the Legislature going about that work?

A: Mental health issues affect most every resident of this state. If they don’t suffer from a mental health issue, they’ve got either a close friend or a family member who does. As a state, too, we have a prison population that is costing our state $2 billion a year. A quarter of our prison population suffers from some type of mental illness.

Our first step was to put together a mental health task force — seven Republicans, seven Democrats. They traveled the state all summer on a listening tour. They’ve been talking to providers, they’ve been talking to local units of government, they’ve been talking to law enforcement, and, most importantly, they’ve been talking to families who have suffered directly from this issue. That task force is going to come back from the listening tour and then do the best it can to put together comprehensive, bipartisan legislation.

Q: You also prioritizing improvements to the long-term fiscal health of local governments. What are your concerns?

A: We’ve got several local governments that are upside down and underwater because of their pension and health care liabilities, so it’s something we need to work on to ensure that they’re solvent and in sound fiscal shape. Because if they’re not, then they’re not investing in infrastructure, they’re not investing in police and fire. These are the basic needs of citizens from their government.

Bio-sketch of Speaker Leonard
✓ Elected speaker in late 2016
✓ Member of Michigan House since 2013; previously served as speaker pro tempore
✓ Once was assistant state attorney general and local prosecutor in special crimes division for Genesee County
✓ Has a history and Spanish degree from the University of Michigan and a law degree from Michigan State University
✓ Lives in central Michigan’s DeWitt Township with wife, Jenell, and daughter Hannah

“Make yourself accessible and hold yourself accountable, and make sure you’re honest with everyone.”
A voice for millennials

Lawmakers strive to make state more responsive to needs of their generation, and get young people interested in public service

by Indiana Reps. Dan Forestal (h100@in.gov) and David Ober (h82@in.gov)

When we both became members of the Indiana House of Representatives in 2012, it seemed to us that we were polar opposites.

One of us is a lifelong Republican representing a primarily rural district in the northeast corner of Indiana. The other is a staunch Democrat who serves the heart of our state’s largest city, Indianapolis.

But both of us were driven to run for office through a commitment to public service instilled in us by our parents and other role models, as well as a desire to see that people of our age — the so-called millennials — take a more active role in government.

Over the past four years, we have moved into leadership positions within our respective caucuses. (Rep. Ober serves as the chairman of the House Utilities, Energy and Telecommunications Committee for the House Republicans, while Rep. Forestal is the assistant whip for the House Democrats and the caucus spokesman on transportation issues.)

Our work has demonstrated that there can be a place in government for younger people driven by a willingness to serve, as well as a desire to see the legislative process serve all people, not just the elite.

The question then became how to translate that interest to others, and that’s when we became involved in the Millennial Action Project’s Future Caucus Network. Earlier this year, the two of us — joined by some like-minded colleagues — announced the formation of the Indiana Future Caucus, making ours the 17th state to join the MAP network.

So our group has been formed. The question now becomes, how does the Indiana Future Caucus become an active player in future sessions of the Indiana General Assembly?

Legislatures in Midwest with a bipartisan State Future Caucus of the Millennial Action Project

First, while the tendency is to believe that our legislature is riddled with partisan politics, the simple fact is that the vast majority of issues before us are resolved in a strong bipartisan fashion. We do disagree, but many times there is common ground for agreement. The question is to find those issues that are of concern, then acting upon common solutions.

Second, legislative agendas are beginning to take on new challenges that reflect the changes we face within society itself. Just a few years ago, no one would have even thought that lawmakers would be considering the need for regulation of the types of services such as those offered by Uber or Airbnb, yet it has dominated recent sessions in legislatures across the country. As these types of services evolve, so will the need for constant re-evaluation of government’s role in determining how we protect the public’s best interests.

In Indiana, we have just embarked on a two-year study of our state’s laws covering the sale of alcohol. Some of the laws governing this area have been on the books for more than a century, yet legislators have come to the realization that doing nothing simply does not pass muster any more. We are compelled to act to reflect upon the times in which we live.

Business as usual simply will not work.

Finally, we are smack in the middle of a technological revolution that is completely changing the way that we interact with our constituents.

We are able to show young people that government isn’t an unthinking monolith that doesn’t care about the issues that concern them. Rather, there is a chance to have a voice in determining the policies that help guide your daily lives.

Through the Indiana Future Caucus, we can show that there is a chance to make a difference. By providing an example for people to follow, we can make it easier for them to take the plunge into public service for themselves.

Watch us. Let us show you it can work. From there, it is as simple as this: Join us in making a difference.

We are smack in the middle of a technological revolution that is completely changing the way that we interact with our constituents.

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of the Council of State Governments or the Midwestern Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.

Representation of millennials in Midwestern states’ adult populations and legislatures (2015)

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<th>State</th>
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<th>% of state legislators</th>
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<tr>
<td>Wisconsin</td>
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Source: “Who We Elect: The Demographics of State Legislatures” (National Conference of State Legislatures and the Pew Charitable Trusts)
Legislators focus on how to protect Great Lakes at two-day meeting

States, provinces play critical role in managing invaluable freshwater resource

Over two days in late September, legislators from across the Great Lakes basin met in Toronto to explore ideas for protecting a system that holds 20 percent of the world’s freshwater and provides drinking water to 40 million people.

Each of the basin’s 10 jurisdictions were represented at the Great Lakes Legislative Caucus Annual Meeting. In all, close to 70 people participated.

Led by Legislative Assembly Speaker Dave Levac (a member of the caucus’s Executive Committee), the province of Ontario served as hosts and helped kick off the meeting with an event at its historic, 124-year-old Legislative Building.

The next day, attendees took part in a legislative roundtable discussion, heard from experts on federal initiatives, learned about the science behind protecting the Great Lakes, and examined the risks associated with oil pipelines.

The meeting concluded with the consideration and passage of policy resolutions (see story to the right for details).

The goal of the Great Lakes Legislative Caucus is to protect and restore the lakes by strengthening the policy role of state and provincial legislators. In addition to holding an annual meeting for legislators, the caucus maintains a legislative tracker that monitors bills being considered in state capitols and Washington, D.C., and regularly holds policy meetings and training sessions for lawmakers.

The caucus will next meet Sept. 20-22, 2018, in Erie, Pa. For more information, contact Lisa Janairo at ljanaizo@csg.org or visit greatlakeslegislators.org.

Talking Great Lakes in Toronto


Ontario Speaker of the Legislative Assembly Dave Levac meets with New York Assemblyman Robin Schimminger.

Stacey Laforme, chief of the Mississaugas of the New Credit First Nation, shares his perspective on the importance of the Great Lakes and how to protect them.

Lawmakers adopt 4 resolutions on water protection

The objective of the Great Lakes Legislative Caucus is to weigh in on issues related to the lakes and other water resources. With that goal in mind, legislators adopted four policy resolutions at the caucus’s annual meeting.

• Fund the Great Lakes Restoration Initiative — This initiative provides federal dollars to control invasive species, clean up contaminated areas, protect native habitat and improve near-shore health. The resolution urges members of the U.S. Congress to fund the initiative at its current level of $300 million a year; President Donald Trump has proposed a complete elimination of funding.

• Modernize the Soo Locks — Noting the importance of the Soo Locks in Sault Ste. Marie to security and the Midwest’s overall economy (approximately 10,000 vessels pass through the locks every year carrying various commodities), members of the caucus call on the federal government to move ahead with infrastructure upgrades. Currently, only one of the locks (the Poe Lock) can accommodate large ships trying to move between Lake Superior and the rest of the Great Lakes system.

• Take action on “contaminants of emerging concern” — This resolution lists polybrominated diphenyl ethers (PBDEs), perfluorooctanoic acids (PFOS), pharmaceuticals, microplastics and 1,4-Dioxane as among the “contaminants of emerging concern” that threaten the “economic and ecological health of the Great Lakes-St. Lawrence River region.” This caucus resolution lays out a two-part government response: first, conduct more research into the risks posed by these contaminants; second, take action to mitigate these risks.

• Recognize environmental challenges posed by sulfide-ore copper mining — This resolution notes the importance of clean water in the tributaries to the Great Lakes and raises concerns about the impact of proposed sulfide-ore copper mining to water resources within the basin.
Illinois, Indiana and Wisconsin part of study on occupational licensing

**CSG, other national groups leading effort to improve state laws, regulations**

Three Midwestern states have been chosen by CSG and other national organizations to be part of a peer-learning consortium that focuses on ways to improve occupational licensing policy.

"Wisconsin is concerned that our current occupational licensing is inadequate to address public safety without inhibiting services, providers and entrepreneurs," says Wisconsin Rep. Joan Ballweg, vice chair of her state’s Assembly Committee on Regulatory Licensing Reform and past chair of The Council of State Governments’ nonpartisan Midwestern Legislative Conference.

"We appreciate CSG’s commitment to aid our efforts in a collaborative forum."

In addition to Wisconsin, Illinois and Indiana are part of the new 11-state consortium. Officials in these states will have the chance to learn about best practices in occupational licensing, as well as how to begin implementing policies that remove barriers to labor-market entry and improve portability and reciprocity.

CSG is partnering with the National Conference of State Legislatures and the National Governors Association Center for Best Practices on this initiative.

For each state in the consortium, CSG, NCSL and the NGA Center for Best Practices will provide targeted technical assistance and support development of a state-specific action plan.

CSG and its partners also will convene three multistate meetings where state teams can hear and learn from other states on occupational licensing successes and lessons. The first multistate consortium meeting will be held in December in Arizona.

In January, CSG, NCSL and NGA were awarded $7.5 million from the U.S. Department of Labor’s Employment and Training Administration to help states reduce barriers to the labor market and improve the portability and reciprocity of licenses across state lines. In addition to working with the consortium states, these three national partners will provide research on the current state of the national occupational licensing landscape.

"This collaborative effort among elected officials and state and national experts will produce the playbook for policymakers in every state to address some of the barriers that are hindering the full potential of the American workforce and American worker," says South Dakota state Sen. Deb Peters, the president of NCSL.

"States in the consortium will focus on some of the populations most burdened by occupational licensing, including skilled immigrants, people with criminal records, active-duty military, veterans and their spouses, and unemployed and dislocated workers."

Each state will work to identify areas of their occupational licensing policy that may be creating extra barriers to entry for these populations and will examine potential solutions to reduce related barriers.

**Early-registration discount available for CSG meeting**

Legislators and other state officials who register for this year’s CSG National Conference by Nov. 21 are eligible for a registration discount.

The meeting will be held Dec. 14-16 in Las Vegas. Registration can be completed at csg.org.

The Council of State Governments’ National Conference offers state leaders the unique opportunity to learn from national policy experts as well as exchange ideas from officials in all three branches of state government.

At this year’s event, policy academies (open to all attendees) will be held on state water policy and workforce opportunities for people with disabilities.

This year’s featured meeting speaker is award-winning presidential historian and best-selling author Michael Beschloss. Attendees also will have the chance to take part in sessions on

- the Every Student Succeeds Act,
- marijuana policy,
- states’ electric power grids,
- cybersecurity,
- occupational licensing,
- business incentives,
- interstate compacts,
- overseas voter participation,
- health care and
- transportation.
Wisconsin invests in school-based mental health initiatives

Wisconsin’s recently enacted state budget includes money for schools to improve students’ access to mental health services.

Gov. Scott Walker signed the budget bill (AB 64) into law in September. For the first time, Superintendent of Public Instruction Tony Evers says, the state will provide funds for mental health training and partnerships between schools and community providers.

The state-funded training will provide school personnel with evidence-based strategies for addressing mental health issues in young people. Schools also will get more money to hire additional social workers. Lastly, a new state grant program will be available for schools that work with local mental-health professionals to improve student access to mental health services. Combined, these three initiatives will cost a total of $57 million, The (Appleton) Post-Crescent reports.

According to the National Alliance on Mental Illness, 20 percent of children between the ages of 13 and 18 have a serious mental illness. That includes anxiety, mood and behavior disorders, all of which often go untreated. Four years ago, the Wisconsin Legislature created an Office of Children’s Mental Health that focuses on policies to improve the delivery of mental health services among young people.

In Illinois, many state legislators resigning or not seeking re-election

As of early October, 31 legislators in the 177-member Illinois General Assembly had either resigned since January or announced plans not to seek re-election.

That total (24 in the House, seven in the Senate) is much higher than it has been in past years, notes the political site Capitol Fax, which says a “toxic Statehouse atmosphere and ‘political exhaustion’ are likely prompting legislators to leave. Before passage of a new budget in July (which required legislators to override a veto by Gov. Bruce Rauner), Illinois had gone 736 days without a budget. Its ongoing fiscal challenges include an underfunded pension system and a backlog of unpaid bills.

Entering this year, Illinois had the lowest legislative turnover in the Midwest — only 17 percent of members were new to their positions in 2017. In contrast, new-member rates were as high as 42 percent in South Dakota, 36 percent in Kansas and 35 percent in Nebraska. Those percentages include incumbent legislators who switched chambers, a common occurrence in the term-limited South Dakota Legislature.

Along with South Dakota, three other Midwestern states have legislative term limits: Michigan, Nebraska and Ohio.

In Midwest, positive trends seen in rates of poverty, uninsured

Some notable trends in poverty, health insurance and household income in the Midwest were revealed in recently released U.S. Census Bureau data. For example:

- Illinois and Indiana were two of 16 U.S. states with a “statistically significant” drop in poverty between 2013 and 2016. The rate of people living in poverty fell to 11.5 percent in Illinois and 12.7 percent in Indiana.

- Minnesota has the second-lowest poverty rate in the nation, at 8.3 percent. Ohio is the only Midwestern state with a poverty rate that exceeds the U.S. average — 14.3 percent vs. 13.7 percent (using a three-year average between 2014 and 2016).

- Between 2015 and 2016, the Midwest lagged behind two other U.S. regions on a measure of income growth. In the South and West, median household incomes rose by 3.9 percent and 3.3 percent, respectively. Growth in the Midwest and East was not "statistically significant."

- The percentage of people without health insurance fell considerably across the Midwest between 2013 and 2016, with the steepest decline occurring in Illinois (12.7 percent to 6.3 percent). Minnesota has the lowest uninsured rate in the Midwest (4.1 percent).