In aging Midwest, a greater focus on Alzheimer's policies

Recent state laws have created statewide task forces, provided aid to caregivers, and required new dementia-related training

by Laura Kliewer (lkliewer@csg.org)

n 2015, more than 1 million people in the 11-state Midwest were living with Alzheimer's disease — the sixth-leading cause of death among adults in the United States.

And minus a cure, this common form of dementia will touch and take even more lives in the decades ahead.

In most of the region's states, for example, the number of Alzheimer's cases is expected to increase by close to 20 percent or more between now and 2025 due to rises in the number of people 65 or older (see table). By the middle of this century, the number of Americans with the disease could triple.

The heavy toll that Alzheimer's takes on individuals and families is well known, but the disease also has high costs for state health care systems.

According to the Alzheimer's Association, the average Medicaid costs for a senior with this disease and other dementias are 19 times higher than those for other seniors.

"The impact on state budgets and state resources to assist people with the disease is going to be tremendous," says Randi Chapman, the association's state affairs director.

"It's an issue that states need to think about, comprehensively." That means addressing a host of policy challenges — for example, coordinating care and services, helping caregivers, and training law enforcement and health care providers.

But a first step for many states (usually as the result of legislation) has been to develop, and then regularly update, wide-ranging Alzheimer's plans.

"The real reason for the need for these plans is for the states to engage with community partners, with business partners, with legal partners and with the law-enforcement community to engage comprehensively and collaboratively to address what is a quintessential health issue of our time," Chapman says.

Alzheimer's plans in Midwest

Most states in this region have created Alzheimer's task forces and plans. In Illinois, for example, these plans are updated every three years (the first one was created nearly 30 years ago) to examine the impact of Alzheimer's and to recommend new state policies.

In Wisconsin, partly as the result of a state Supreme Court ruling and subsequent legislative proposals, the state has now embarked on a redesign of its system for providing dementia care.

This new strategy includes enhancing staff training at health care facilities, developing new statewide standards for dementia care, and improving data collection on the quality of care being delivered.

Nebraska's first-ever statewide Alzheimer's plan, meanwhile, is now in the works — the result of a task force on aging formed by the Unicameral Legislature in 2014 and a bill (LB 405) passed the following year.

The Cornhusker State's increased emphasis on aging policies and related diseases coincides with a major demographic shift occurring there: During this decade, the percentage of Nebraskans 65 and older (the time of life when most people are diagnosed with Alzheimer's)
Midwest-Canada Relations

Facing costly tariffs, U.S. puts end to long trade dispute by repealing origin labeling rule

Within days after a World Trade Organization decision in December authorizing substantial retaliatory tariffs on U.S. exports to Canada and Mexico, the long-stimpering trade dispute over country-of-origin labeling ended.

After several years of discussion that produced no solution, the U.S. Congress and the Department of Agriculture responded to the ruling by abolishing the labeling requirement.

Canada is the largest trading partner for every state in the region, so this will be a relief for many Midwestern livestock and other agricultural producers, who were likely to see their exports to Canada drop as the tariffs raised prices for their products.

County-of-origin labeling, or COOL, required that packaged meats include a label showing where the animal was born, raised and slaughtered. After a challenge by Canada and Mexico over the labeling requirement for beef and pork products, the WTO ruled in 2011 that COOL ran counter to U.S. trade obligations.

The U.S. made some changes to the COOL regulations, but subsequent challenges by Canada and Mexico were also upheld, and appeals by the U.S. were denied. In May 2015, the WTO issued its final ruling and began a process to determine the amount of retaliatory tariffs that Canada and Mexico would be able to apply. In December, the WTO’s Dispute Settlement Body authorized Canada to impose duties of $782 million (in U.S. dollars) annually on U.S. imports, and allowed Mexico to levy duties of $228 million. These amounts, while substantial, were less than both countries had sought for damages to their respective livestock industries and meat exports to the United States. Most of this impact was because U.S. buyers discounted the price of Canadian and Mexican beef to counter the costs of segregating the imports.

Canada previously had prepared a list of U.S. products on which retaliatory duties could be levied. In addition to live cattle and hogs and fresh and frozen meats, the list included pasta, cereal, bread, apples, cherries, wine and other products.

Some of these tariffs would have had a direct impact on Midwestern states. For example, duties on cherries and apples would impact Michigan, while tariffs on pasta would have affected North Dakota wheat growers.

Canada newly elected government announced that it would pursue retaliatory tariffs if the U.S. Congress did not repeal the labeling requirement.

The U.S. House of Representatives repealed COOL in June, and the Senate, which had been unable to reach agreement on repeal, approved the change in December.

On December 18, U.S. Secretary of Agriculture Tom Vilsack announced that “effective immediately, USDA is not enforcing COOL requirements for muscle and cut ground beef and pork outlined in the January 2009 and May 2013 final rules.” Vilsack added that USDA will work to quickly amend the COOL regulations to bring them into compliance with this order.

Great Lakes

New federal budget maintains funding for key programs that help protect Great Lakes

In the weeks following congressional passage of an omnibus spending bill for fiscal year 2016, Great Lakes advocates were hailing the federal legislation as a victory for protecting and restoring the world’s largest system of fresh surface water.

As has been the case in past budget cycles, future funding levels for the Great Lakes Restoration Initiative had been in doubt. President Obama, who helped create the GLRI during his first year as president, had called for a $50 million reduction in funding for FY 2016. The U.S. House of Representatives repealed COOL in June, and the Senate, which had been unable to reach agreement on repeal, approved the change in December.

But the final budget maintains funding at $300 million, and it also formally authorizes the initiative — a move that will put it on more solid footing during the annual budget-making process in Washington, D.C.

“The strong bipartisan support for Great Lakes restoration and protection was essential,” says Todd Amb, campaign director for the Healing Our Waters Coalition.

Earlier in the year, 44 state legislators (all members of the Great Lakes Legislative Caucus) signed on to a letter urging Congress to prevent cuts to the GLRI and to formally authorize it.

The initiative has focused on four main areas: protecting wetlands and other habitat, cleaning up “Areas of Concern,” preventing the introduction and spread of invasive species, and preventing nonpoint source pollution. In the initiative’s first six years, $2 billion has gone to support more than 2,000 Great Lakes-related projects.

The new budget bill includes funding for several other Great Lakes-related projects. For example:

• $1.39 billion for the Clean Water State Revolving Fund, which helps states and municipalities maintain infrastructures that protect water quality ($510 million of the $1.39 billion will go to the eight Great Lakes states, according to the Healing Our Waters Coalition);

• $1.2 billion for maintaining the nation’s ports, including those in the Great Lakes region, via revenue from the Harbor Maintenance Trust Fund (the Great Lakes Legislative Caucus passed a resolution on this funding issue in 2015); and

• $9.5 million for a program that, in part, provides grants to states to test water quality at beaches and to notify the public when conditions are unsafe.

The U.S. Army Corps of Engineers also now has the authority to accelerate a study of options for installing new barriers or other technologies that control the movement of Asian carp at the Brandon Road Lock and Dam (part of the Chicago Area Waterway System).

Under a separate measure, federal lawmakers established a nationwide ban on the manufacturing of personal care products that contain plastic microbeads. This prohibition takes effect next year and preempts previous state bans.
Legislative proposals seek to fix problem of teacher shortages

According to the U.S. Department of Education, a teacher shortage of some kind is happening in each of the 11 Midwestern states.

These shortages can take different forms — an inadequate supply of teachers by subject area or grade level, or in a certain geographic area — but they all can adversely impact student learning.

“It’s when a local school does not have highly effective individuals prepared to meet the needs of children,” Nadene Davidson, chair elect of the American Association of Colleges for Teacher Education, said during a December webinar hosted by the Midwestern Legislative Conference Education Committee.

“It is classrooms that are staffed with substitute teachers that do not have the skills, both from a specific discipline perspective or the pedagogical background, to support the learning of each child.”

Teacher shortages, as reported and defined by the U.S. Department of Education, can be statewide or confined to a specific school district. And the magnitude of the problem varies from state to state.

Illinois, for example, has two understaffed positions statewide: bilingual education teachers and learning behavior specialists. The city of Chicago’s public schools are in need of elementary-level teachers.

According to the U.S. Department of Education, Minnesota has the most extensive shortage in the Midwest, needing teachers in 27 subjects, including mathematics, reading and middle school science.

States are experimenting with several new policies and programs to expand and retain their pool of qualified K-12 instructors. Davidson said during the webinar, Iowa, for instance, is strengthening its mentorship and professional development programs. As a result of legislation passed two years ago, teachers in about one-third of Iowa’s school districts now have the chance to take on leadership roles, provide guidance to less-experienced teachers, and gain higher-paying positions.

Another option is to offer alternate pathways to the education profession. Last year, North Dakota began allowing school districts to hire “community experts” — individuals who are not licensed educators, but have professional expertise in a subject area. These community experts cannot be hired to teach core subjects at the elementary level.

South Dakota and Indiana, meanwhile, have recently formed special commissions to address the issue. South Dakota’s task force recommends:

• providing full reciprocity for teachers who are certified to teach in another state,
• appropriating $1 million a year for the expansion of current teacher mentorship programs, and
• increasing state funding for education by at least $75 million a year in order to raise average teacher salaries from $40,000 to $48,000.

According to the task force’s final report, South Dakota’s average teacher salary in 2013-14 was $40,023, the lowest figure in the nation. While not the sole cause of teacher shortages, the task force says, compensation is a major factor in the state’s low teacher-retention rates.

In 2014-15, the turnover rate for teachers in South Dakota’s K-12 public schools was 12 percent — up from 9 percent the year before.

In Indiana, the number of teacher licenses issued has dropped annually by more than 30 percent. Its commission recommends new mentoring programs for beginner teachers as well as more career pathways and professional development for all instructors. It also is proposing compensation reform: regular pay raises, for example, and more local control over teacher pay plans.

Health & Human Services

Trend to allow terminally ill patients access to experimental drugs reaches six states in region

A nationwide legislative push to give terminally ill patients easier access to experimental medications has succeeded in changing the laws of six Midwestern states over the past two years.

In this region, the trend began in late 2014 in Michigan, with bipartisan passage and the governor’s signing of SB 991 and HB 5649.

This past year, “right to try” laws were enacted in Illinois (HB 1335), Indiana (HB 1063), Minnesota (SF 100), North Dakota (SB 2259) and South Dakota (HB 1080).

Under these measures, doctors can prescribe certain pharmaceuticals and other medical products that have successfully gone through the first phase of a U.S. Food and Drug Administration-approved clinical trial, but have not yet been approved for general use.

The FDA already has in place a process for allowing patients access to these investigational medicines, under its “compassionate use program.”

According to the Regulatory Affairs Professional Society, close to 6,000 requests for experimental drugs were made between 2010 and 2014, and the FDA approved nearly all of them. The new state laws, however, reflect concerns that applying for the federal compassionate-use program is too cumbersome or time-consuming.

They provide a “right to try” certain experimental medications provided that a doctor has advised the use of them and that the patient has exhausted conventional treatments and provided “informed consent” acknowledging the potential risks.

Manufacturers are not required to offer the drug, and insurers do not have to cover the experimental treatments. In addition, the statutory language typically includes liability protections for drug manufacturers and shields health care providers from being sanctioned for prescribing the experimental medications.

Right-to-try bills received near-unanimous support in the six Midwestern state legislatures that approved them.

“What drew my attention to this legislation from the outset is the fact that elected officials from both sides of the political spectrum saw this issue the same way,” Illinois Sen. Michael Connelly wrote in the May 2015 edition of Stateline Midwest as the right-to-try bill made its way through the state General Assembly.

But in October, California Gov. Jerry Brown vetoed legislation in his state, citing recent changes by the FDA to simplify the process for requesting experimental medications under its compassionate-use program.

“Before authorizing an alternative state pathway, we should give this federal expedited process a chance to work,” he wrote in his veto message.

Opponents of these bills have also said they could do more harm than good — by prescribing drugs that have not gone through the full FDA testing process, raising false hopes and causing patients to overspend on unproven drugs.

Brief written by Tim Anderson, who can be reached at tanderson@csg.org. The co-chairs of the Midwestern Legislative Conference Health & Human Services Committee are Kansas Rep. Susan Concaum and Illinois Rep. Robyn Gabel.
For budget year ahead, states expecting only moderate growth

Two recent national studies on budget conditions show that state revenue and spending growth will slow a bit during the current fiscal year.

In its "Fiscal Survey of States," the National Association of State Budget Officers reports that spending will increase by 4.1 percent in fiscal year 2016. This figure is lower than historic year-over-year increases as well as the 4.6 percent rise in spending between FY 2014 and 2015. These moderate increases, though, do outpace changes in inflation.

"Most states continue on a path of steady, modest budget increases," the NASBO study concludes.

In the Midwest, one positive sign for several states is the amount of money in their rainy-day funds. According to the NASBO survey, Indiana, Iowa, Nebraska, North Dakota and South Dakota expect to have year-end balances in FY 2016 that equal 10 percent or more of total expenditures.

The second study, done by the Rockefeller Institute of Government, examines trends in state sales- and income-tax collections. In FY 2016 and 2017, states expect to collect more from these two key revenue sources. However, because of a weakening stock market, the increases will not be as great as they have been in recent budget cycles.

"The overall picture is of continued but sluggish growth in fiscal years 2016 and 2017 and continued fiscal challenges and uncertainties," the Rockefeller Institute study concludes.

Over the long term, too, an aging population will likely have an adverse effect on state revenue collections — for example, less money being spent and fewer people working with a smaller share of their income subject to taxes.

Projected changes in state revenue from personal income and sales taxes, FY 2015-2016

A s the new year began in Illinois, there was still seemingly no resolution in sight to a months-old problem: The state had no budget. But even without one in place, many parts of Illinois government continued to operate, as the result of a mix of judicial, legislative and executive actions.

"Government 'shutdown' is always in quotes because no government really shuts down," says Chris Mooney, director of the University of Illinois Institute on Government and Public Affairs.

"It's always a matter of to what degree — how much government activity is not being done." Illinois has been without a budget since July because of a stalemate between the Democrat-led legislature and Republican governor.

Still, according to the Illinois comptroller's office, 90 percent of state operations are being funded. For example, state employees get paid because of a court order; services for the disabled continue as the result of a consent decree, and other obligations, such as pension payments, are covered under "continuing appropriations" language in state statute.

Illinois legislators also have passed emergency spending bills to fund K-12 schools and local governments.

"All states feel disruption without a budget," says Brian Sigmitz, director of state fiscal studies at the National Association of State Budget Officers, "but the level of disruption varies from state to state."

Certain programs and services in Illinois, such as 911 centers and lottery prizes, are paid for out of special state funds, but others rely on appropriations from the general fund.

Prior to passage of an emergency spending bill in December, domestic violence shelters reported having to cut back operations or even close their doors completely due to a lack of state funding.

And as of early January, one of the larger unfunded areas of Illinois government was higher education: Public universities were still waiting on payments from the state, and Illinois' financial aid program had yet to receive appropriations. Schools such as Western Illinois University were considering major budget cuts and faculty layoffs.

Other affected groups include the state's contract vendors — those third-party businesses that provide various services on behalf of the state. Smaller "mom-and-pop" providers have been struggling to operate without state funding, Mooney says, while larger contract vendors have chosen to provide services (such as electricity and food for prisons) in exchange for an IOU, plus 12 percent interest.

The ongoing impasse in Illinois only adds to the state's current fiscal woes, which include an underfunded pension system, nearly $87 billion in unpaid bills as of the end of fiscal year 2015, and the expiration of a temporary tax increase.

"A budget is many things, but one of the things it is is a set of decisions about what the [state's] priorities are," Mooney says. "What should we spend more or less money on? How should we gather revenue?"

Without such a document to manage a complex organization such as state government, he adds, one of the potential risks is overspending.

Illinois' budget stalemate is one of the longest in recent memory, but fiscal standoffs and government shutdowns have occurred in states across the country at different times.

In 2011, Minnesota experienced a 20-day partial shutdown (the second in less than a decade) and received a court order to continue "critical state operations." Although this court order covered about 80 percent of spending in the state general fund, 19,000 employees still had to be temporarily laid off, according to the Minnesota Management & Budget Agency.

A handful of U.S. states have statutory procedures to follow if a budget isn't enacted by the beginning of a fiscal year, according to a recent 50-state study by the National Association of State Budget Officers. Wisconsin law, for instance, requires the state to continue appropriations at the same funding levels as the previous year until a new budget is enacted.

How states try to avert budget impasses — and deal with them when they occur

**State Budget**

In Wisconsin, if a budget is not enacted by the start of the new biennium, appropriations continue at the same level as the previous year's budget.

**Fall back to previous year's budget**

In Connecticut, if no budget exists when the new fiscal year begins, the governor has the authority to make appropriations by issuing executive orders.

**Intervention by state courts**

In 2011, a Minnesota judge ordered that "critical state operations" (accounting for 80 percent of spending in the general fund) will still be funded even though a new budget was not in place.

**Allow executive orders to be issued**

In 2005, Minnesota legislators passed a temporary spending bill to authorize appropriations at the previous fiscal year's base levels until a new budget could be passed.

**Pass temporary or emergency spending bills**

**Adopt a "base budget" early in session**

Within the first 10 days of Utah's legislative session, lawmakers vote on "base budget bills" to fund state agencies and schools; changes to the "base budget" can then be made prior to adjournment.

Article written by Katelyn Tye, a CSG Midwest policy analyst. She can be reached at ktye@csg.org. Capital Closeup focuses on institutional issues in state government. Previous articles are available at www.csgmidwest.org.
QUESTION OF THE MONTH

QUESTION: Do any states have programs in place to provide free tuition to students attending community college?

The idea of providing tuition-free community college got a major boost in early 2015, when President Barack Obama included it in his State of the Union speech.

The America’s College Promise Act was subsequently introduced this past summer in the U.S. House and U.S. Senate. If signed into law, the act would create a new state-federal partnership to waive student tuition and fees at community colleges, with the federal government providing $3 for every $1 invested by a state. As of late 2015, the legislation had not passed out of any congressional committees.

A handful of U.S. states, meanwhile, moved ahead with tuition-free plans of their own in 2015, including Minnesota with passage of SB 5. Under a new pilot initiative, which takes effect July 1, the state will begin providing last-dollar scholarships to students enrolled in high-demand occupational programs, as determined by the Minnesota Department of Employment and Economic Development.

A last-dollar scholarship covers any student tuition and fees not paid for by other federal and state grants. (In contrast, America’s College Promise Act would offer first-dollar scholarships.)

Under the Minnesota initiative, in-state residents with incomes of $90,000 or less will be eligible for assistance. Students in the program must also participate in free mentoring services. In September 2015, the White House highlighted the new Minnesota law as part of a national study examining state and local tuition-free programs and proposals. Along with Minnesota, the White House study notes, Oregon and Tennessee have launched statewide, last-dollar scholarship programs.

Oregon’s SB 81, signed into law in 2015, provides up to $10 million a year and is expected to provide assistance to up to 6,000 students; to remain eligible for free tuition, in-state Oregon residents must maintain a grade-point average of at least 2.5.

The Tennessee Promise program provides students with free tuition and fees for two years at a community college or a college of applied technology. Created in 2014 with the passage of HB 2491, the program got 58,000 applicants in its first year. Students must maintain a GPA of 2.0 to continue receiving Tennessee Promise scholarships.

In the Midwest, tuition-free proposals were introduced in at least three other state legislatures in 2015. Indiana’s SB 513 and Illinois’ SB 2146 are modeled after the Tennessee Promise program.

North Dakota’s HB 1452 would provide grants to students who maintain a GPA of 3.0 and who attend any accredited higher-education institution in the state. Under the proposal, the state would cover 65 percent of a student’s tuition during the 2016-17 school year. That percentage would gradually increase in future years of the program and would reach 100 percent by the 2023-24 school year.

At the local level, 13 different programs are now in place in the Midwest to provide free community college tuition (see map).

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Article written by Tim Anderson (tanderson@csg.org), CSG publications manager. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csg.org or 630.925.1922.
State programs keep more people with Alzheimer’s at home by helping caregivers

is expected to increase by more than 30 percent. Some parts of Nebraska are aging even faster, says Sen. Al Davis, who represents one of those areas — a large, sparsely populated district in the sparsely populated county.

“A lot of the places where the needs are [the greatest] are parts of the state where there aren’t many services,” says Davis, the sponsor of LB 405.

One objective of the new state plan (expected to be released sometime in 2016) is to address some of these gaps in services. Another goal, he adds, is to find ways for the state’s health care system to be less reliant on institutional care for people with Alzheimer’s.

“If at all possible, [we want] to keep people in their homes,” Davis says.

For the state, that can mean less-expensive care, for an individual with Alzheimer’s disease, that can mean an improved quality of life.

But for this shift to occur in Nebraska, as in other states, new policies are often required to enhance the availability of home health assistance, adult day care and other services.

More support for families, caregivers

About 70 percent of people with Alzheimer’s disease live at home with a family member or other caregiver.

“Alzheimer’s patients may be physically healthy,” North Dakota Sen. Dick Dever says, “but in need of around the clock care.”

For the loved one/caregiver, he adds, providing that type of intensive, long-term care can take a heavy toll.

About a decade ago, Dever served as the chair of an interim legislative committee in North Dakota that became the catalyst for new state policies that are now lending a hand to these family members and caregivers.

Lawmakers established the Dementia Care Service Program in 2009 (HB 1043), and one of its central goals is to help caregivers by providing them with individualized consultations, training and support. With a biennial legislative appropriation of $1.2 billion, the state contracts with the Alzheimer’s Association to provide these services. Almost 60 percent of those served are from rural areas.

Through the individualized care consultation, the needs of both the person with dementia and his or her caregiver are assessed.

This information is then used to provide resources, develop (or update) care plans, and, when necessary, refer the family for additional services.

Between January 2010 and June 2015, North Dakota’s Dementia Care Service Program served 3,441 caregivers and 1,723 individuals with dementia. For a vast majority of them (95 percent or more, according to a survey of the program), these consultations have improved participants’ understanding about dementia and support services. Caregivers also reported feeling less stressed.

“They have been positive,” Dever says. “Funding has continued in each biennium since the program’s inception.

“Most importantly, families have talked about the difference it has made for their loved ones and for their families.”

Statewide alert systems aid in search for missing, at-risk adults

One of the more common — and frightening — concerns for the family members of someone with dementia is “wandering”, a loved one losing his or her way from a care setting and, as a result, being put at risk of serious injury or death.

In response, many states have created Silver Alert programs (usually through state legislation). Though modeled after Amber Alerts for missing children, successful state programs recognize the differences between looking for a child who may have been kidnapped and a person with dementia who has “wandered,” says Randi Chapman, state affairs director for the Alzheimer’s Association.

“The search area is going to be smaller, the search team should start sooner, [and] law enforcement needs to be trained on how to look for people who have dementia,” she says.

As of August 2015, 42 states had established some type of alert system for missing adults with cognitive impairments.

“We wanted to make sure immediate help would be given once people are aware that a person [with Alzheimer’s or dementia] is no longer under their eye,” says Wisconsin Rep. Ken Skowronski, the sponsor of the bill (AB 710) creating Silver Alert in his state.

“We had to make a law in order to have our Justice Department put that notice out and cover the area immediately, in order to make sure there was almost no harm that would come, especially during the inclement winter.”

Under the original language of AB 710, Silver Alert only would have applied to missing persons 65 or older. But that wording was changed to include an “adult at risk.”

“We realized that people younger than age 65 could be afflicted with Alzheimer’s and dementia,” Skowronski says.

Wisconsin’s Silver Alert uses the state’s pre-existing Crime Alert Network to quickly broadcast information about missing at-risk adults; during the program’s first year, 49 Silver Alerts were issued, and all but five searches ended successfully.

In 2015, Illinois lawmakers strengthened their alert system (known as Silver Search) with passage of SB 1846.

“In practice, law enforcement officers were getting calls and not knowing what to do,” says Illinois Sen. Daniel Biss, the bill’s author.

The new law requires training for law enforcement personnel as well as written guidelines for how to handle missing-person cases that qualify for the Silver Search (it applies to anyone 21 or older believed to have Alzheimer’s disease or other dementia). A statewide awareness program and toolkit for law enforcement will be developed by July 1.
Along with individualized care consultations, the program has sponsored hundreds of dementia-related community and professional education classes.

In 2014, Michigan began funding an in-home care pilot program of its own that is modeled after North Dakota’s.

“The ultimate goal of this project is to help people get the resources they need at home, so they can get the best possible care and, at the same time, save the state money,” says Lindsay Brieske of the Michigan chapter of the Alzheimer’s Association.

As part of the pilot project (enacted with the passage of HB 1242 in 2014 and SB 133 in 2015), university researchers are studying its efficacy. For example, are these newly funded support services delaying the need for residential long-term care? If so, what are the potential cost savings?

According to Brieske, researchers are also evaluating whether the program helps reduce the frequency of 911 calls or unnecessary trips to the emergency room.

“These are things people rely on when they don’t have the tools they need to care for someone,” she says.

**Training for health care providers**

Staying at home may be the first and best option for many Alzheimer’s patients, but for others, some type of residential care is needed.

According to the Alzheimer’s Association, 64 percent of seniors in nursing homes have Alzheimer’s disease or a related dementia. Forty-two percent of seniors in assisted-living facilities and one-third of those in adult day-care facilities suffer from some form of dementia.

These statistics, Chapman says, underscore the importance of state legislators addressing the quality of care being delivered to Alzheimer’s patients.

One response has been to establish new or more-stringent requirements for professionals who work with Alzheimer’s patients and their loved ones.

“Are professional caregivers effectively trained in dementia care? Do they know how to communicate with someone who has the disease? Do they know how to communicate with the family? That is where states need to focus their energy, so that families have the resources and the choices they need to ensure that loved ones are receiving the best care possible as they go through this disease,” Chapman says.

According to a recent Justice in Aging report:

- Fewer than half of U.S. states require dementia-services training for nursing-home staff;
- Nineteen states require dementia-specific training for staff at adult day-care facilities; and
- Forty-four states require dementia training for the staff at assisted-living facilities (see map for the status of training requirement laws in the [11-state Midwest](https://www.justiceinaging.org/)).

In this region, Illinois is one of the few states that require dementia-services training at all three types of residential facilities. For example, staff at assisted-living facilities must receive instruction on:

- the nature of the disease,
- minimizing challenging behaviors,
- minimizing safety risks,
- communication techniques, and
- residents’ rights.

Starting this year in Minnesota, as the result of legislation passed two years ago (HF 2402), all staff members at assisted-living facilities are required to meet new dementia-specific training-hour requirements.

For direct-care workers and their supervisors at facilities with special programs or care units, eight hours of initial training and two hours of yearly instruction are now mandatory. For other personnel, four hours of initial training and two hours of yearly instruction is required.

Changes may soon be coming to Iowa as well. Last year, legislators established an Interagency Dementia Proficient Workforce Task Force (SF 505).

This group’s policy recommendations, released in December, include a requirement that all direct-care workers in the state get training on:

- how to keep dementia patients safe;
- understanding progression of the disease;
- learning behavioral symptoms and how to address them, and
- implementing a “person-centered” approach to patient care.

Under the Iowa task force’s proposal, each worker would receive a certificate of completion for this competency training. The certificate would be “portable” for workers who move from one setting to another.

At federal level, new laws and investments bolster Alzheimer’s policy

Since 2012, federal research and policies have been guided by the National Plan to Address Alzheimer’s Disease. The result of federal legislation signed into law one year earlier, this plan is updated annually and has maintained five primary goals:

- Prevent and effectively treat Alzheimer’s disease by 2025;
- Enhance care quality and efficiency;
- Expand supports for people with Alzheimer’s disease and their families;
- Enhance public awareness and engagement; and
- Improve data to track progress.

To reach these goals, the federal government relies on partnerships with state governments and provides grants to them to improve access to quality care and to strengthen public understanding about the disease.

In 2014, Congress passed the Alzheimer’s Accountability Act. It requires the National Institutes of Health to submit an annual Alzheimer’s research budget proposal to Congress each year. The budget proposal specifies the resources that scientists need to meet the goal of preventing and effectively treating Alzheimer’s. The omnibus budget for 2016 increased federal funding for Alzheimer’s research by $350 million, for a total of $986 million.

Minnesota is appropriating $1 million over the next two years to help fund Alzheimer’s research; Illinois and Michigan have used tax checkoff programs to raise money.

Information for this article was provided by the Alzheimer’s Association.
When he meets with newly elected legislators, one of the first items that Rep. Matt Lehman shows them is a picture of the 1899 Indiana House of Representatives.

“I ask them to name me one person in that picture,” he says, “which, of course, they can’t do.”

“I don’t want them to think of themselves as too great. This is their time and they should make use of it and be effective, but don’t lose sight of the institution, because it will go on long beyond them.”

Lehman has used that same perspective to guide his own work in the Indiana House, and it carries even more meaning this year as he takes on a new leadership position — that of majority floor leader.

Not so long ago, Lehman was a new legislator himself. An insurance agent from a rural part of northeast Indiana, he was first elected in 2008 after serving more than a decade in local government, including as president of the Adams County Council.

Lehman soon took on roles that fit naturally with his professional background. He became chair of the House Insurance Committee, for example, and successfully sponsored some of the state’s major insurance-related legislation.

But along the way, he also emerged as a leader within the Republican House caucus.

“I never set a goal to become a leader,” he says. “I put myself out there as an option when leadership positions became available, and I think I have earned the respect of my peers. I am willing to talk about issues and listen to all perspectives, and I think my colleagues found that I have the temperament and personality to serve in leadership.”

As he began his new position as majority floor leader, Lehman discussed his legislative career to date, his thoughts on leadership, and the policy priorities for his home state in the year ahead. Here are excerpts from the CSG Midwest interview.

Q: What do you see as some of the opportunities and challenges of your new leadership post?

A: As majority floor leader, I need to understand my peers better and know what makes them tick and why. Then I can help our caucus move toward getting our core goals done. With the large majority we have [Republicans enjoy super-majorities in the House and the Senate], we may be able to occasionally cut some people loose on a few issues and give them some freedom.

As for challenges, the majorities that my party has in the legislature, and with a governor of the same party, we are expected to get something done.

There is a time to be decisive, to be tough, and as a leader, you have to know when to stop the discussion and move the issue forward.

Q: You’ve talked about that photo you show to new legislators, a picture of that 1899 Indiana House of Representatives, as a way of emphasizing the importance of the institution over self. In general, how important do you think it is for the new legislators to pass on their knowledge, and as a leader, you have to know when to stop the discussion and move the issue forward.

A: I think a mentoring program is absolutely vital. Our caucus has an official mentoring program, and my mentor was particularly helpful in teaching me about procedural issues — how to navigate your bill, who to talk to and work with to get it passed, why things are done a certain way. I have since had several mentees, and I have passed that information on to them.

I also suggest that new legislators understand who they are and what their role is, and to become an expert in an area important to them. One way to gain respect is to become the resident expert on something. We are a part-time legislature, and in some ways, there is an expectation that people will bring some expertise with them.

Q: Above and beyond many of the insurance-related bills that you sponsored in the legislature, are there other measures that you are most proud of having helped get signed into law?

A: I am particularly proud of my role in re-energizing “Indiana Grown,” the state program that promotes products grown in Indiana. The program was created a number of years ago within the state’s Department of Agriculture, but it was more of a “desk drawer” program. Producers paid a small fee and received stickers to put on their products.

We passed legislation in 2014 (HEA 1039) to create and support the Indiana Grown Commission [a formal body to enhance the marketing and promotion of Indiana food and products]. So far, we have used a small amount of money to seed the effort, and I would like to see some additional funding for this effort.

We have seen some real success as the program grows. We are promoting in restaurants and farmers’ markets, and several supermarket chains now have sections dedicated to Indiana-grown products.

Q: Looking ahead to this year, what will be some of the big issues that the legislature will be trying to address?

A: We will take on the issue of road funding and how to make infrastructure funding sustainable. We have paid attention to infrastructure, but not to the extent necessary.

In the field of education, we are going to have to look at our state test, the ISTEP, which has been plagued by a number of problems. I think we may be testing too much, and are more likely to get tests that measure a student’s test-taking ability rather than what the student has learned. Indiana is also faced with teacher shortages, and we have to look at how to get more people to commit to teaching in our state.

We will also be looking at expanding civil rights protections for the LGBT community and others in our state.
In Kansas, pension fix required open minds, long-term outlook

Cash-balance plan, changes to contribution cap among reforms

by Kansas Sen. Mitch Holmes (Mitch.Holmes@senate.ks.gov)

Like a smoker who is “going to quit tomorrow,” or the well-intentioned dieter who will “start tomorrow,” politicians find it easy to allow more-urgent funding requests to take priority over the chronic need to fix a pension plan that is seriously out of balance. This is probably because the pension situation isn’t an immediate crisis — it is still 10, 20 or more years from becoming a major meltdown in most cases. For better or worse, most legislatures are preoccupied with taking care of this year’s problems. Pensions move like aircraft carriers, not personal watercraft. With any change, it takes a long time to feel the benefit. Hence, there is little “reward” for politicians who can turn around a slow-moving colossal. The volume of urgent requests presented to the appropriators, along with the lack of any short-term benefit resulting from changing pension courses, combine to make it easy to kick the can down the road.

Pension problems were years in making

Kansas was set up for failure when benefits were enhanced back in the early 1990s but funding was not increased accordingly. In fact, the employer’s contribution was statutorily capped (at a maximum increase of 0.1 percent over the previous year’s level) in the same bill that retroactively enhanced benefits. Benefits were enhanced by about 20 percent, and employees’ contribution levels remained constant at 4 percent of pay.

By the mid 1990s, the Kansas Legislature recognized the problem of the cap. It was doubled to 0.2 percent for a few years, then doubled again to 0.4 percent. When I entered the Kansas House in 2005, the cap had been 0.6 percent for several years. By 2007, Kansas had had significant sustained growth in revenues that surpassed projections for several years. But even with new money that was unanticipated, we still could not satisfy all the requests. The executive director for the Kansas Public Employees Retirement System was pleading from changing pension courses, combine to make it easy to kick the can down the road.

The attitude I observed year after year was, “Maybe we can add more next year...” Of course, 2008 brought that era of revenue growth to a stunning reversal that led to recession bills — as a result, there was no chance of adding more money to KPERS while cutting the budget.

In 2007, a special legislative committee attempted to fix the system. Under its plan, a new tier for future Kansas workers was created, with a higher employee contribution rate and a cost-of-living adjustment built into the formula. The actuaries stated that the policy and the math were in agreement. But at the last minute, an amendment was added to allow for early retirement, completely destroying the math. One important lesson learned from this is that the policy and the math must be in agreement. Feeling generous while ignoring mathematical reality does not make good, sustainable policy.

In 2011, a newly inaugurated Gov. Sam Brownback charged our Legislature with fixing an ailing pension system for the sake of our children and grandchildren. The speaker of the House formed a standing committee and asked if I’d like to lead the effort.

At the time, we went into the process assuming the solution would be to phase out the defined-benefit plan and start new employees on a defined-contribution plan (similar to a 401(k)).

Open minds, unexpected pension fix

The House committee quickly realized how little we knew about pensions. We spent the entire 2011 session just studying how the system works. We were assigned two meetings a week, but I called a third meeting on some weeks.

They will pay the price for our procrastination. Our minds were starting to change, and after a full session and a study commission, we saw that the pension situation was so far behind that there was no possible way to start paying the actuarially required contribution, we were so far behind that there was no possible way to pay the difference. So in addition to creating the new, cash-balance tier in KPERS, we began raising the cap incrementally starting in fiscal year 2012. The cap will disappear when it finally matches the actuarially required contribution level sometime before 2020.

Based on our experiences addressing the pension issue in Kansas, I’d like to offer this advice to other legislators or local policymakers with a pension system in trouble:

• Start now! If you put it off until next year, next year will never come. It may take the dedicated effort of one individual to start the ball rolling. The urgent requests that compete with a pension system simply don’t gain the depth of knowledge necessary to engineer a fix or redesign a system.

• Form a standing committee if one doesn’t exist, and get all members up to speed on how retirement plans work. Don’t rely on a special committee that only meets on the call of the chair, because members simply don’t gain the depth of knowledge necessary to engineer a fix or redesign a system.

• Have an open mind. Don’t lock yourself into a certain plan design until you know and understand other options. We thought we knew the answer at the beginning, but found a better solution for our particular situation by “leaving no stone unturned.”

Don’t let your pension fix become just another New Year’s resolution!

Sen. Mitch Holmes, a Republican, was elected to the Kansas Senate in 2012 after serving eight years in the House.

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 tanderon@csg.org.

Note: The total U.S. funded ratio is 72 percent, the same as in 2012.

| State’s funded ratio higher than in 2012, resulting in lower total pension debt | 61% |
| State’s ratio lower than in 2012, resulting in higher total pension debt | 100% |
| State’s ratio the same as in 2012 | 75% |

Source: Pew Charitable Trusts

Cash-balance plan, changes to contribution cap among reforms

Different systems, different fixes

Every pension system has unique circumstances, and the cash-balance option may not provide the same advantage to other Midwestern states’ systems as it did for Kansas.

The statutory cap had to be addressed, also. While it would have been nice to remove it altogether and start paying the actuarially required contribution, we were so far behind that there was no possible way to pay the difference. So in addition to creating the new, cash-balance tier in KPERS, we began raising the cap incrementally starting in fiscal year 2012. The cap will disappear when it finally matches the actuarially required contribution level sometime before 2020.

Midwestern states, 2013

61% 75% 100% 60% 81% 39% 65% 74%
In 2016, CSG will continue commitment to providing professional development, leadership and policy training

Five-day regional program helps build the skills of newer legislators

Applications are now available for a five-day program that builds the leadership and policy skills of state and provincial legislators from the Midwest.

The Bowhay Institute for Legislative Leadership Development, or BILLD, is for lawmakers in their first four years of service. Now in its 22nd year, BILLD has more than 700 graduates, many of whom have gone on to serve in key leadership positions in their respective states.

BILLD’s highly interactive curriculum includes a mix of sessions on public policy, professional development and leadership. A bipartisan committee of state legislators from the Midwest oversees the program and selects the BILLD Fellows. This year’s BILLD applications are available at www.csgmidwest.org. For more information, contact CSG Midwest senior program manager Laura Tomaka at 630.925.1922 or ltomaka@csg.org.

Key dates for BILLD program in 2016

- deadline to apply is April 6
- BILLD Steering Committee will meet April 30
- program will be held Aug. 12-16 in Madison, Wis.

CSG Midwest’s Under the Dome brings programming to state capitols

CSG Midwest’s Under the Dome initiative reflects an ongoing commitment of the Midwestern Legislative Conference to bring in-state training to its members: the region’s state legislators. (CSG Midwest provides staffing services to the MLC.)

With help and guidance from legislative leadership in individual states, Under the Dome delivers customized training to lawmakers inside their state capitols — for example, briefings covering important policy areas and workshops focused on professional development and consensus building.

Recent Under the Dome programming has covered topics such as ethics training, budgets, entrepreneurship policy, Great Lakes protection, Medicaid and public health, and legislative civility. For information, please contact CSG director Mike McCabe at 630.925.1922 or mmcabe@csg.org.

Key dates for Toll program in 2016

- competitive application process; deadline to apply is April 15
- program will be held Aug. 26-31 in Lexington, Ky.

Nebraska senator to lead CSG as its chair for next year

Nebraska Sen. Beau McCoy is now leading The Council of State Governments as its national chair.

The nonpartisan, region-based organization’s leadership team includes a mix of state legislators and governors.

Along with Sen. McCoy, CSG’s national officers for 2016 are Delaware Gov. Jack Markell, president; Nevada Sen. Kelvin Atkinson, chair-elect; Kentucky Senate President Robert Stivers, vice chair; and New York Sen. Carl Marzzolini, immediate past chair.

CSG’s services and activities include leadership development, assistance with interstate compacts, federal advocacy on behalf of states, and interstate policy training and research.

In 2014, McCoy served as chair of the Midwestern Legislative Conference, a regional association of all legislators from 11 states and four Canadian provinces. (The provinces are affiliate members.) CSG Midwest provides staff support for this regional group.

McCoy has been a member of the Nebraska unicameral legislature since 2009. He joined the rotation of CSG national officers after being nominated by the Midwestern Legislative Conference Executive Committee.

CSG’s mission and values

- “champion excellence in state government for the common good”
- pursue the priorities of member states
- be nonpartisan and inclusive
- engage leaders from all three branches of government
- have a regional focus, national presence and global reach
- be a respected and trusted source for best practices and policy expertise
- convene leader-to-leader interactions and foster leadership development
- facilitate interstate solutions
- advocate for states in the nation’s federal system of government
- adhere to the highest ethical standards
- respect diversity and act with civility
- partner and collaborate with others
Newly adopted policy resolutions adopted in December by The Council of State Governments Executive Committee will help guide the work of CSG, including the organization’s activities on behalf of states in Washington, D.C.

Here is a summary of the resolutions, which can be viewed in full at knowledgecenter.csg.org.

**Affirm states’ sales-tax authority**

This resolution voices support of proposals in the U.S. Congress that would allow states to enforce their existing sales and use tax laws.

Right now, states’ ability to collect taxes from out-of-state, e-commerce transactions has been limited by a 1992 U.S. Supreme Court decision. But the nation’s highest court has also said that “Congress is free to decide whether, when and to what extent the states may burden interstate mail-order concerns with a duty to collect taxes.”

**Collaborate on cyber-security**

Noting that cyber-attacks have become a major threat to the U.S. economy and national security, the CSG Executive Committee is calling for more collaboration between the federal and state and local governments.

To prevent and respond to cyber-attacks, the resolution notes, all levels of government must have a better understanding of their roles and responsibilities and improve how they share information.

**Do more to build ‘21st century skills’**

This resolution urges the federal government to partner with states on new policies and programs that provide for an adequately trained workforce with “21st century skills.”

**Crack down on human trafficking**

All 50 states have passed laws to stop human trafficking, but this CSG resolution calls for better coordination between state and federal agencies to fight this crime.

**Enhance outreach to veterans**

This resolution calls for new outreach efforts that improve military veterans’ access to support programs, services and benefits.

**Explore ways to strengthen electric grid**

The increased interest and use of small-scale, on-site distributed generation systems raises important policy questions for state elected officials. Should states encourage the deployment of these small-scale systems? What is the impact of these systems on the electric grid and electric rates? This resolution encourages CSG and its policy staff to support new education initiatives to inform state leaders about the future of the electric grid.
A recent decision in Michigan to eliminate straight-ticket voting leaves the Midwest with only two states that offer this option on ballots.

At one time, states commonly allowed individuals to vote for all partisan candidates through a single selection — their choice of party. But according to Ballotpedia, this began to change in the 1960s and 1970s. Before the passage of SB 13 in Michigan, Wisconsin had been the last state in this region to end straight-ticket voting, in 2011.

Indiana and Iowa continue to provide this option to voters.

In 2014, 37 percent of Iowans voted a straight-party ticket in the general election, according to The Des Moines Register. In that state, as well as Indiana, bills have been introduced to eliminate the option. Proponents of this change say election choices should be based on the people running rather than their party affiliation. They also say straight-party voting can lead to voters not casting ballots in nonpartisan local races.

Kansas Secretary of State Kris Kobach, though, has called for the straight-ticket voting option in his state, The Wichita Eagle reported last year. His reason: More votes would then be cast in down-ballot races.

For the fourth year in a row, a U.S. high school graduation rate increased, and many states in the Midwest helped lead the way.

Iowa (90.5 percent) and Nebraska (89.7 percent) have the highest rates in the nation, new federal data show. With the exception of Michigan, Minnesota and Ohio, states in this region had higher graduation rates than the national average of 82.3 percent. States have been using a common metric to measure graduation rates since 2010.

Despite the progress nationwide, large gaps in educational attainment remain among different groups of students. For example, graduation rates for black and Hispanic students are 72.5 percent and 76.3 percent, respectively. That compares to 87.2 percent for white students. The graduation rate for students with disabilities is 63.1 percent.

To reduce these gaps and improve overall graduation rates, the GradNation campaign (a consortium of education policy and research groups) recommends: the eradication of zero-tolerance discipline policies; an expanded use of early-warning indicators; more equity in school funding; and limits on “exit options” that prematurely take students with disabilities off track from graduating on time with a standard diploma.

In response to concerns raised by family members about the care and safety of their loved ones in nursing homes, Illinois has become one of the first U.S. states to allow the use of cameras in resident rooms.

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