

Have you spotted this trend?

Doing Trends!!!

The Council of State Government's (CSG) mission focus to identify trends and assist states in responding to these emerging patterns of change has been refined significantly and accelerated dramatically in recent months with the addition of headquarters policy staff, processes that invite and encourage more member involvement, and the development of new products.

The Process

Attendees at the CSG spring meeting in Coral Gables experienced enhanced member involvement in CSG's policy work. New task force subcommittees aligned with CSG's major national policy

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— Albert Harberson,
CSG's National Policy Director

areas met in person for the first time and were enthusiastically attended. The task forces themselves took part in surveys designed to guide future policy work, interactive discussions of the principal trends impacting state government, and examined new policy responses, projects and existing CSG programs like Suggested State Legislation and Innovations. (See www.csg.org for details.) All state officials can easily receive free access to all CSG products through STARS, our online database, by requesting a password at www.csg.org.

The Products

Effective delivery of timely, relevant, and useful information and services is the core of CSG's commitment to its members. Headquarters staff is currently

working to enhance existing CSG products – *State Government News* and other core publications – and to develop new ones. CSG's recent *TrendsAlert* on declining revenues from the tobacco Master Settlement Agreement provided critical information to state decision-makers during uncertain economic times and received national media attention. Soon, CSG will launch a new series titled "A State Official's Guide to..." in order to more comprehensively examine specific topics like Internet privacy, health literacy, homeland security and others.

The People

Policy staff capacity in the Lexington headquarters office has been increased by the addition of professionals with total experience that exceeds 70 years. Chad Foster, a policy analyst in our Public Safety and Justice Group, is guiding our homeland security work. Captain Foster is a graduate of the U.S. Military Academy at West Point and recently completed his service in the U.S. Army. Jeff Gibson and Yvette Hurt are now part of the Environmental Policy Group. Jeff's experience includes more than 15 years in environ-

mental consulting in Washington, D.C. and the Southeast. Yvette is a lawyer whose resume includes nearly 10 years at the Kentucky Natural Resources and Environmental Protection Cabinet. Dr. Carolyn Orr assumed responsibility for the Agriculture and Rural Policy Group on May 1. Dr. Orr taught agriculture at Berea College in Kentucky for over 20 years and has a wealth of project development experience with private foundations and the federal government. Susan Warfield, a recent addition to the Health Capacity Group, has worked for all three branches of state government, as well as in the private sector, on a variety of health and welfare issues since the mid-1980s. Additionally, new policy areas related to infrastructure and education are currently being added with new staff to follow.

These are just a few examples of how we're "doing trends" at CSG. We invite member involvement in our work as we strive to prepare states for tomorrow, today.

—By Albert Harberson, CSG's National Policy Director



New additions to the CSG Policy Staff include, from left: Yvette Hurt, Carolyn Orr, Jeff Gibson, Chad Foster and Susan Warfield.

Nursing shortages are bad for the nation's health

In recent years, hospitals, health systems and health care policymakers have recognized that there is a problem with the supply of nurses and other health care professionals in the United States. Although there is concern about pharmacists, geriatricians and rural providers, the shortage of nurses and nurse's aides is particularly acute. Due to a tight labor market, increased job opportunities for women, low wage growth and higher job dissatisfaction, many nurses exited the health workforce and fewer young people entered nursing in the 1990s. The nurse unemployment rate was less than 1 percent nationwide in 2000, according to a U.S. Government Accounting Office report.

While the slowdown in the economy may ease the crisis, some experts believe nursing shortages will continue for years. The number of people over age 65 is expected to double between 2000 and 2030, according to the U.S. Census Bureau. As people age, they use health care services more heavily and are more likely to be hospitalized and need nursing home care.

The largest demographic group in the nation – baby boomers – will begin retiring in 2010. This is a double whammy to the supply and demand for nurses. In 2000, 60 percent of registered nurses were over 40, according to the Colleagues in Caring project. Thus, the majority of nurses will be retiring just when demand for health care services is likely to increase due to an aging population. By 2020, the RN workforce will be the same size as in 2000, but that will be almost 20 per-



cent below projected RN workforce requirements.

The continued shortage of nurses could have a number of profound consequences on the health care system. Labor shortages lead to higher wages and greater workforce turnover. This, in turn, could lead to increased health care costs as well as disruptions in care, increased medical errors and decreased quality of care. A study by the U.S. Department of Health and Human Services last year found a positive relationship between both a greater number of nurses and a higher percentage of registered nurses, and a decrease in urinary tract infections, pneumonia, lengths of stay and other problems.

Without further inducements to younger generations to enter the nursing field, there is fear that demand soon will far exceed supply. In response to these concerns, state legislatures have introduced legislation that establishes advisory groups, authorizes statewide studies of the problem, provides assistance for nurse education and seeks to improve the working environment for nurses. Congress also has legislation pending that would provide scholarships and educational assistance to those entering nursing.

—By Trudi Matthews, Senior Health Policy Analyst, Health Policy Group for The Council of State Governments.



Electronic monitoring in nursing homes

According to The American Association of Homes and Services for the Aging, the National Center for Health Statistics and The American Health Care Association:

- There are approximately 1.6 million people living in nursing homes across America;
- The number of nursing home residents will increase to 2.6 million by 2010, and 3 million by 2020;
- Two of five Americans will need nursing home care sometime in their lives;
- The fastest growing segment of our population is people over age 85;
- One of four in that age group lives in a nursing home, and
- With the baby boom generation aging, nursing home populations will increase exponentially over the next 15 to 20 years.

Simply deciding to put a family member in a nursing home can be upsetting – ask anyone who’s done it. Ensuring they receive good care is a major concern. Enabling the family to electronically monitor their loved one in the home using video cameras is just one method proposed as a way to help accomplish this. Indeed, proponents of monitoring

view it as an extra measure of oversight that brings peace-of-mind and is relatively cheap to install and maintain. Opponents argue that such monitoring violates the privacy of residents and discourage qualified people from working in nursing homes because they don’t want to be subject to such scrutiny. Related issues include who makes the decision to install a camera, where the cameras are placed and the rights of roommates who may not want to be on-camera.

At least 11 states considered legislation in 2001 or 2002 to address electronically monitoring nursing home residents: Arkansas, Florida, Louisiana, Maryland, Massachusetts, Mississippi, North Carolina, New Jersey, Ohio, Pennsylvania and Texas. To date, it appears only Florida and Texas have enacted laws to consider or permit it in some format.

Florida enacted a provision in 2001 in an omnibus long-term care reform act (SB 1202) that requires the state agency for health care administration and the state office of the attorney general to study the use of electronic monitoring devices in nursing homes.

A Texas bill (SB 177) permits audio



or video monitoring of a resident’s room in a nursing home facility and provides the parameters for both the resident and the nursing home to follow in relation to monitoring. This law establishes authorized electronic monitoring to include monitoring that is done at the request of residents, and to exclude nonconsensual or covert monitoring.

In Texas, residents may request electronic monitoring in their rooms unless they lack the capacity to make such a request. In those cases, family members or legal guardians can make a request on their behalf. All requests for electronic monitoring must be made to the home on forms prescribed by the state Department of Human Services. Residents must get the consent of their roommate or roommates’ legal guardians before the monitoring can start. Institutions must make reasonable accommodations to install and maintain the equipment for authorized electronic monitoring but the residents must bear the costs of the installation and maintenance. Notices must be placed at the entrance to facilities and to rooms in facilities where electronic monitoring is occurring. Finally, the law permits videotapes and recordings of authorized electronic monitoring to be used as evidence in civil and criminal actions or administrative proceedings if those items meet certain criteria.

Texas SB 177 is highlighted in CSG’s 2002 Suggested State Legislation volume as “Nursing Facilities: Electronic Monitoring.”

—By Bill Voit, Senior Project Director for The Council of State Governments.



EPA proposes to regulate water intake

States and businesses are familiar with the Environmental Protection Agency (EPA) regulating water discharges at specific locations (point sources) and have long argued about the responsibility for effluent discharges from unregulated general agricultural operations (non-point sources). Under draft regulations recently issued by the EPA, facilities that draw on surface waters to operate water-cooling processes will have to comply with a new set of federal requirements.

What makes these draft regulations unique is that they apply to the intake of water and not water discharges. Geoffrey Grubbs, Director of the EPA's Office of Science and Technology, recently emphasized the importance of these regulations in protecting a wide array of fragile ecosystems. These regulations will, he maintains, reduce mortality and injury to fish or other aquatic

organisms that may be impinged (pinned) on screens or other intake structures, or entrained into cooling systems where they may be subject to thermal, physical and chemical stresses.

These regulations are being issued under Section 316(b) of the Clean Water Act, which requires the EPA to ensure that the location, design, construction and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts. These draft regulations were developed under the terms of an Amended Consent Decree in *Riverkeeper, Inc. v. Whitman*, U.S. District Court, Southern District of New York, No. 93-Civ.0314 (AGS).

There are some innovative compliance provisions in the proposed rule. Facilities could choose to demonstrate compliance through protecting wetlands or restoring a

nearby, degraded habitat as long as they could convince regulators that it would result in comparable environmental performance within a body of water. There are also provisions for states, with EPA approval, to set alternative requirements for facilities that achieve comparable environmental performance within a watershed.

The EPA estimates that this rule will affect approximately 550 facilities and cost \$182 million per year to implement, but would create benefits of \$700 million. The EPA asserts that this rule would not cause any electric generating facility to close and would not adversely affect energy supply, distribution or use. Comments on this proposed rule are due to the EPA by July 8, 2002.

—By Jeff Gibson, Manager,
Environmental Policy Group for The
Council of State Governments.

Public safety interoperability challenged by several issues

It is a common misconception that public safety responders (law enforcement, firefighters, emergency personnel, etc.) can communicate efficiently and effectively in times of crisis. Popular television shows and movies portray public safety personnel as seamlessly coordinated in their communication and response efforts. Reality can be quite different. While police departments can communicate with their firefighting and EMS partners, it is usually through communication centers, radio operators shuffling messages back and forth between agencies or agencies utilizing commercially available cellular services to plan and respond to critical incidents and tactical situations.

In the wake of 9/11, states and localities have made significant efforts to address the interoperability problem. While one not created by the terrorist attacks, the issue is one that has certainly been elevated in importance. During the 2002 Winter Olympic Games in Salt Lake City, Utah state officials utilized a new statewide public safety communication system known as UCAN (Utah Communications Agency Network).

Developed in anticipation of the games, Gov. Mike Leavitt called for its creation in 1993 and it came online in 1999. During the course of the 17-day Olympic games, the system handled some 8.5 million transmissions and, at its busiest, routed 580,000 transmissions in one 24-hour period, according to Steve Proctor, Executive Director of the UCAN. The system, designed for public safety officials across the state to provide immediate communications capability, was lauded by Salt Lake City officials as greatly benefiting the games. UCAN is also one example of a state solving a problem itself, with only 20 percent of the \$40 million price tag covered through federal grants.

Public safety agencies are challenged with a multitude of issues regarding interoperability:

- Technology – radio equipment is expensive and the new 3rd Generation wireless technology is out of reach for most local agencies, especially when one considers a modern “walkie-talkie” for officers/responders can cost up to \$2,000 each.

- Spectrum – radios must operate on specific and clear frequencies and there are a limited number of useable frequencies, most of which are used/reserved for other functions, such as television broadcasts or cellular phones (VHF, UHF, etc.).
- Standards – no uniform standard for public safety communications currently exists, rather a patchwork of systems, frequencies and protocols exist across the country, between agencies and between different jurisdictions within a state.
- Resources – money is a primary issue for interoperability. The current systems in place today around the country, although sometimes inadequate for modern public safety needs, would themselves cost some \$18 billion to replace, not to mention the enormous cost for new, modern, 3rd Generation systems.

—By John Mountjoy,
Chief Policy Analyst
for The Council of State Governments.