

if he had direct contact with clients, but we don't feel his job is relevant to the crimes.

"He does have security clearance that would allow him to access client information," Bottcher said. "We did not consider him to be a risk."

Some of the names on The Herald's list entered pretrial diversion programs in which prosecutors agreed to drop the cases after the charges were filed and the people completed a program of probation, counseling or specialized classes.

Among them: Bart Harrell, 40, who was hired as a patient-activities coordinator at the Chattahoochee mental hospital less than seven months after he was charged in 1989 with sexual battery on a person younger than 18 in Alabama, according to records and interviews.

NOT REQUIRED

Employees were not required to disclose arrests to the DCF before a policy change in 1994, said Walt Cook, the DCF's assistant director of human resources.

Harrell declined to speak about the case but said: "Those records are supposed to be sealed and expunged. You are about to ruin my life again over something that didn't happen 13 years ago."

Among others who were hired or kept their jobs after agreeing to pretrial intervention: Sabrina Barnes, 32, a child-protective investigator in Kissimmee. In 1996, police reports say, she smashed an ex-boyfriend's windshield and threw a brick through his window. Barnes was later convicted of violating a domestic violence injunction after another confrontation with the same man.

Susan Arnick Alston, 55, a family services counselor in Tampa. According to police, she beat up her 68-year-old mother in the front yard in 1993.

In both cases, DCF administrators say they were aware of the charges. "People make mistakes in their lives, and there's such a thing as rehabilitation," said Yvonne Vassel, a DCF spokeswoman in Barnes' district. "The process was followed, and she was truthful with her disclosures to the state." Alston, who licenses foster homes, was put on administrative duties until the completion of her court case. "Had she pleaded guilty or no contest, she would have been disqualified from her employment," said Shauna Donovan, spokeswoman for the agency's Tampa district. "But since the charges were dismissed, she was allowed to return to her normal duties."

In Miami, two employees resigned Friday amid The Herald investigation.

Calvin Eugene Dandy, 54, the \$45,000-per-year Miami director of rehabilitative services at the South Florida Evaluation and Treatment Center. He resigned after being confronted by district administrators about a 1999 arrest for buying cocaine that he failed to disclose.

All employees are required to disclose any arrests immediately, and employees in sensitive "caretaker" positions—those who spend more than 15 hours a week in direct contact with DCF clients—are reassigned until the criminal case is closed.

If employees in caretaker positions are convicted or plead no contest to most felonies and first-degree misdemeanors, they will be fired unless they apply for and are granted an exemption.

Lucian Bledsoe, the agency's human resources director in Miami, said Dandy failed to disclose his 1999 arrest, which came 14 months after the agency granted him an exemption for a similar charge from 1993. He was sentenced to probation in 1993. In 1999, the charges were dropped because lab reports on the drugs did not come back in time for a crucial court date, according to Miami-Dade state attorney's office records.

Dandy did not return repeated messages left at his home and office.

"The bottom line is he knew his responsibility to disclose that arrest, and he didn't do it," Bledsoe said.

Also resigning Friday: Mercedes Medina, 52, a \$28,000-a-year human-services analyst in Miami, failed to disclose a 1998 arrest for insurance fraud. She pleaded no contest to a string of staged auto accidents, court records show. "I was trying to help some people out," Medina told The Herald. "But it was so stupid. The stupidest thing I have ever done in my whole life." Medina acknowledged she never told the DCF about the insurance-fraud allegations or 1997 arrests for drunken driving. She said she didn't think it was required.

The Herald found two DCF employees in caretaker positions who have been charged and punished for child abuse, including Jennie Arnett Barkley, now 54, another supervisor who oversees mental patients at Chattahoochee. She pleaded no contest and served two years' probation on 1986 charges of grand theft and child abuse after she took her 15-year-old daughter on a shoplifting spree at Gayfer's, court records show. Barkley declined to be interviewed.

The Herald also found nine current employees who were charged and punished for defrauding the agency itself out of welfare money, including one woman who was hired in June while still on probation for the charge.

RECENT HIRE

Another recent DCF hire was 27-year-old Amy Curtis, who in May became a night supervisor at Tocachale in Gainesville, an institution of group homes for the developmentally disabled. Curtis was convicted in 1994 in a series of six burglaries at an apartment complex where her job as a maid gave her a pass key, court records show. She had twice been denied the job because of her past, but in May the agency relented, Tom Barnes, the DCF's district spokesman, said "there was a feeling she had moved from blaming her crimes on her circumstances. She was now taking responsibility." Barnes said such demanding jobs that pay so little sometimes force the agency to "strike a balance."

"We are very aware that the most vulnerable people in our community are trusted to people in circumstances where there is a potential for these kinds of backgrounds," he said. It's a constant battle to keep these positions filled."

Another institution with a concentration of employees with past criminal charges is the mental hospital at Chattahoochee.

The Herald found 46 hospital employees with felony charges in their backgrounds including aggravated battery, robbery, fraud, burglary, arson and trafficking in stolen property.

LONGTIME WORKER

Among them is Frank Dickens, 55, who for 36 years has supervised mental patients at the facility. In 1986, Dickens was charged with attempted first-degree murder and battery after his wife called police and told them he fired a shot at her head in a drunken rage. According to police reports, he shot at her with a pistol in the kitchen after she tried to stop him from whipping their son with a belt. Dickens pleaded no contest to shooting within a building and aggravated assault. He served 90 days in Gadsden County Jail and was placed on probation for five years. But he was not convicted because a judge agreed to withhold an adjudication of guilt. Dickens told The Herald the gun went off accidentally and that his wife fabricated most of her allegations. "Your wife can tell on you tomorrow, and the police could pick you up for it," he said.

Dickens was granted an exemption as a caretaker employee in 1997, spokesman Bottcher said, in large part because of his long career of service at Chattahoochee.

Dickens said his crimes are minor compared with what he has seen inside the walls of the mental hospital in his 36 years as an employee there.

"We've had women killed in that place, strangled. We've had people shot," Dickens said. "I've been beat up, threatened at knife point. It's a disaster up there, and You're asking me whether I should be working there?"

"Some of these people have committed the worst crimes you can imagine," Dickens said. "And they're worse than I am, because they've been convicted."

HONORING THE PERMIAN BASIN GIRL SCOUT COUNCIL

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. COMBEST. Mr. Speaker, I rise today to recognize and honor the girls and leaders of the Permian Basin Girl Scout Council in Texas for exemplary service in their communities. Working through the "90 Days of Service" project, these Girl Scouts joined with their Texan sisters to provide 356,737 hours of service throughout the state.

Juliet Low founded Girls Scouts of the USA in Savannah, Georgia in 1912. In honor of the 90th anniversary of the organization, many Girl Scout Councils participated in a 90 day long service project. The girls and leaders of the Permian Basin Girl Scout Council worked to improve the environment through adopting highways, cleaning up parks, desert lands and beaches, recycling, and working in a graffiti abatement program. They sought to aid the less fortunate through collections for Lions Clubs, food banks, humane societies, homeless programs, and children and baby organizations. These dedicated young women contributed to society by planting flowers, working with Habitat for Humanity, tutoring senior citizens in computer skills, making quilts for the needy, painting murals, rewiring lamps and providing flag ceremonies. Through hours of hard work, these girls celebrated their own special anniversary by giving others reasons to celebrate.

It is with great pleasure, Mr. Speaker, that I honor these dedicated young women for their selfless service to their communities. The Girl Scouts of the Permian Basin Girl Scout Council demonstrate the promise of America's youth. I wish to congratulate these girls for their hard work and dedication in serving fellow Americans.

ON INTRODUCING THE "REDUCING EDUCATION LOAN REPAYMENT ACT"

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. ISRAEL. Mr. Speaker, earlier this month, millions of American parents sent their children off to college. For many of them, however, the worry about how to pay for college

dampened their excitement. To case that burden for parents and students alike, I rise today to introduce legislation that will make the interest on college loans fully tax deductible, permanently, for every student.

Over the course of a lifetime, a college graduate can expect to earn \$1 million more than someone with a high school diploma alone. Yet, as higher education has become more necessary, it has become more expensive. A study released in May by the National Center for Public Policy and Higher Education shows that the price of tuition is now beyond the reach of many working families. Private colleges are just plain unaffordable, and public colleges are becoming less affordable each year. To pay these high costs, students and their parents increasingly take out larger and larger educational loans. The average college graduate with loans begins working with \$11,000–\$18,000 of debt.

I believe that education is the single most important investment we can make in our children's future. Our government believes that home ownership is an investment that the government should support, and it allows the interest on home interest loans to be tax deductible. Congress should extend the same kind of support to student loan interest.

CONGRATULATING COLORADO STATE UNIVERSITY FOOTBALL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to congratulate the Colorado State University football team for winning the 2002 Rocky Mountain Showdown. On August 31, in front of a crowd of 75,531 fans packed into Invesco Field at Mile High, the Rams defeated in-state rival University of Colorado 19–14.

This win is a result of great offensive play, with two touchdowns from running back Cecil Sapp and one from quarterback Bradlee Van Pelt. In addition, the Rams determined defense helped beat the University of Colorado by capturing four key turnovers.

Although Colorado State was a seven-and-a-half point underdog going into the game, by the end they proved themselves a team not to be underestimated. The Rams have won the Showdown rivalry three of the last four seasons and are compelled to challenge their 18–54–2 record against the University of Colorado football team. Dedicated and powerful, Colorado State players are headed by Coach Sunny Lubick's skillful leadership, which will continue to drive their dominance.

I commend the starting line up for a great game. Starting for the defense Peter Hogan LE, Brvan Save NT, Patrick Goodpaster DT, Andre Sommorsell RE, Jeff Flora, Drew Wood MLB, Eric Pauly OLB, Dexter Wynn LCB, Landon Jones FS, David Vickers SS, Rhett Nelson RCB. The starting offensive lineup: Bradlee Van Pelt QB, Cecil Sapp RB, Joey Cuppari WR, Chris Pittman WR, Joel Dreessen HB, Matt Bartz TE, Aaron Green OL, Morgan Pears WG, Mark Dreyer C, Albert Bimper SG, Erik Pears ST. Also, playing special teams: Joey Huber P, and Jeff Babcock PK.

In addition, I congratulate the other team members and coaches who contributed to the

CSU victory: Rahssan Sanders RB, Eric Hill WR, Adam Wade LB, Brandyn Hohs WR, Steve Tufte DB, Jason Hepp, Benny Mastropalo DB, Henri Childs RB, Miles Kockevar DB, Hayward Adam LB/S, J.J. Stepien WR, Doug Heald LB, Courtney Jones LB, Lavell Mann DL, Jamie Amicarelia OL, Michael Brisiel OL, Russell Sprague WR, Thomas Wallace DE, Brandon Alconcel TE, James Sondrup TE, Jonathon Simon DL, Chris Kiffin, Assistant Coaches John Benton, Mick Delaney, Tom Ehlers, Dan Hammerschmidt, Larry Kerr, Matt Lubick, Marvin Sanders, Brian Schneider, and Jesse Williams.

Congratulations to Colorado State for their victory. I wish them success throughout the remainder of the 2002 football season. Go Rams!

A CALL FOR ACTION: THE CENTERS FOR MEDICARE AND MEDICAID SERVICES NEEDS TO ADDRESS CRNA BILLING ISSUE IMMEDIATELY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to submit, for the CONGRESSIONAL RECORD, a letter to Mr. Thomas Scully, Administrator of the Centers for Medicare and Medicaid Services (CMS), requesting that he address a Certified Registered Nurse Anesthetist (CRNA) billing issue immediately. This Member is taking this unusual step for additional visibility in the hope that this serious problem will be fixed immediately.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 2002.

Mr. THOMAS SCULLY,
Hubert Humphrey Building,
Washington, D.C. 20201.

DEAR MR. SCULLY: On behalf of the Nebraska Hospital Association, Nebraska's 56 Critical Access Hospitals (CAH) and the communities they serve, I respectfully request that the Centers for Medicare and Medicaid Services (CMS) address a Certified Registered Nurse Anesthetist (CRNA) billing issue immediately.

As you are aware, most CAHs are eligible to bill for CRNA services on a "pass-through" basis. This means that they receive cost-based reimbursement for those CRNA services. To receive periodic payments for CRNA's services, the CMS has instructed Nebraska hospitals to bill these services, including professional services, on a UB-92 form rather than to the Medicare Part B carrier on a HCFA-1500. The hospitals have also been instructed to use the revenue code "964" to bill for the CRNA's professional services on the UB-92 form.

However, it is my understanding that the CMS non-outpatient prospective payment system code editor (OCE) will not allow CRNA claims to be processed (and as such cannot be paid) with revenue code 964. Consequently, Nebraska hospitals have not received their Medicare payments which have been due for more than a year. Many Nebraska hospitals are having their cash flow suspended by hundreds of thousands of dollars in some cases. Therefore, this is a significant issue to these hospitals.

We have been informed that the CMS will not be able to change the 964 edit until April

1, 2003. A system fix should be made now or at the next quarterly update rather than wait until April 1, 2003. A temporary "fix" has been used by other fiscal intermediaries through the use of revenue code 379 in lieu of 964, which is a generic "anesthesia" revenue code. This will at least allow the hospital claims to be paid. However, one or more fiscal intermediaries are concerned with compliance and fraud and abuse issues and will not allow hospitals to use revenue code 379 as a temporary fix.

In order for CMS to address this problem immediately, I am requesting that CMS issue a letter of instruction or a program memorandum to Nebraska and other fiscal intermediaries (whatever document may be issued in the least amount of time). This letter should be clear in its direction to fiscal intermediaries to use the revenue code 379 as a temporary fix in order to get the hospitals' claims processed without delay. I am aware that a draft program memorandum has been issued with regard to this matter. If the CMS could make that program memorandum final, then fiscal intermediaries could utilize revenue code 379.

In my opinion, the CMS also needs to designate an individual that fiscal intermediaries or hospital associations can contact regarding critical access hospital issues. This individual needs to understand how a CAH operates, as well as how policies changed by the CMS will affect other issues, particularly billing. The 964 revenue code is a good example of problems many CAHs are experiencing. I am certain that any critical access hospital in Nebraska would be glad to host this individual for a tour and orientation of how a CAH operates.

Again, I respectfully request that you address this CRNA billing issue immediately, as it seriously curtails the financial viability of rural hospitals. I look forward to your prompt response and for your information, I intend to place this letter in the CONGRESSIONAL RECORD.

Best wishes,

DOUG BEREUTER,
Member of Congress.

IN RECOGNITION OF TOUCHPOINT HEALTH PLAN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, today I'd like to recognize and honor, before this House, Touchpoint Health Plan for receiving an "Excellent" Accreditation Status by the National Committee for Quality Assurance (NCQA) for its commercial managed care organization.

Being named the "highest performing plan in the nation overall," Touchpoint established itself as one of the premier managed care plans in the country, setting four national benchmarks in the areas of Breast Cancer Screening, Beta Blocker Treatment After Heart Attack and two measures of diabetic care.

No plan in the nation has distinguished itself more consistently in terms of performance measures than Touchpoint. It has a proud history of providing superior care to folks in my northeastern Wisconsin district, receiving a Full Accreditation from NCQA three years ago—the highest level available.

According to NCQA, this accreditation places Touchpoint among "an elite group of