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3/26/19

CS FOR HOUSE BILL NO. 86( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FIELDS, Josephson, Tuck

A BILL

FOR AN ACT ENTITLED

"An Act relating to a state-owned inpatient mental health treatment hospital; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 36.30.300 is amended by adding a new subsection to read:

(f) No contract for the ownership or management of an inpatient mental health treatment hospital established under AS 47.30.660(c) may be made under this section.

*** Sec. 2.** AS 36.30.310 is amended by adding a new subsection to read:

(b) No contract for the ownership or management of an inpatient mental health treatment hospital established under AS 47.30.660(c) may be made under this section.

*** Sec. 3.** AS 47.30.660(b) is amended to read:

(b) The department, in fulfilling its duties under this section and through its division responsible for mental health, shall

(1) administer a comprehensive program of services for persons with mental disorders, for the prevention of mental illness, and for the care and treatment of

persons with mental disorders, including inpatient and outpatient care and treatment and the procurement of services of specialists or other persons on a contractual or other basis;

(2) take the actions and undertake the obligations that are necessary to participate in federal grants-in-aid programs and accept federal or other financial aid from whatever sources for the study, prevention, examination, care, and treatment of persons with mental disorders;

(3) administer AS 47.30.660 - 47.30.915;

(4) **except as provided in (c) of this section,** designate, operate, and maintain treatment facilities equipped and qualified to provide inpatient and outpatient care and treatment for persons with mental disorders;

(5) provide for the placement of patients with mental disorders in designated treatment facilities;

(6) enter into arrangements with governmental agencies for the care or treatment of persons with mental disorders in facilities of the governmental agencies in the state or in another state;

(7) **except as provided in (c) of this section,** enter into contracts with treatment facilities for the custody and care or treatment of persons with mental disorders; contracts under this paragraph are governed by AS 36.30 (State Procurement Code);

(8) enter into contracts, which incorporate safeguards consistent with AS 47.30.660 - 47.30.915 and the preservation of the civil rights of the patients with another state for the custody and care or treatment of patients previously committed from this state under 48 U.S.C. 46 et seq., and P.L. 84-830, 70 Stat. 709;

(9) prescribe the form of applications, records, reports, requests for release, and consents to medical or psychological treatment required by AS 47.30.660 - 47.30.915;

(10) require reports from the head of a treatment facility concerning the care of patients;

(11) visit each treatment facility at least annually to review methods of care or treatment for patients;

(12) investigate complaints made by a patient or an interested party on behalf of a patient;

(13) **except as provided in (c) of this section,** delegate upon mutual agreement to another officer or agency of it, or a political subdivision of the state, or a treatment facility designated, any of the duties and powers imposed **on** [UPON] it by AS 47.30.660 - 47.30.915;

(14) after consultation with the Alaska Mental Health Trust Authority, adopt regulations to implement the provisions of AS 47.30.660 - 47.30.915;

(15) provide technical assistance and training to providers of mental health services; and

(16) set standards under which each designated treatment facility shall provide programs to meet patients' medical, psychological, social, vocational, educational, and recreational needs.

*** Sec. 4.** AS 47.30.660 is amended by adding new subsections to read:

(c) Notwithstanding other provisions of law, the department shall manage an inpatient mental health treatment hospital in the state. The department may not delegate or contract for the ownership or management of the inpatient mental health treatment hospital.

(d) In (c) of this section, "inpatient mental health treatment hospital" means a secure state inpatient psychiatric facility that provides, under the direction of a physician, psychiatric diagnostic, evaluation, and treatment services to individuals suffering from mental illness.

*** Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 36.30.300(f), enacted by sec. 1 of this Act, AS 36.30.310, enacted by sec. 2 of this Act, AS 47.30.660(b), as amended by sec. 3 of this Act, and AS 47.30.660(c) and (d), enacted by sec. 4 of this Act, apply to contracts entered into, amended, extended, or renewed on or after the effective date of this Act.

*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. If this Act takes effect after February 1, 2019, this Act is

retroactive to February 1, 2019.

*** Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).