

CSSB 97(FIN)

Amendment No. 1 by Senator(s) Pete Kelly:
AM NO 1 ADOPTED UNAN CONSENT

Page 3, following line 2:

Insert a new bill section to read:

"* **Sec. 2.** AS 47.30.910 is repealed and reenacted to read:

Sec. 47.30.910. Liability for expense of placement in a treatment facility. (a)

A patient, or the patient's legal representative acting in a representative capacity, or the patient's spouse, or the patient's parents if the patient is under 18 years of age, shall pay or contribute to the payment of the charges for the care, transportation, and treatment of the patient when hospitalized under AS 47.30.660 - 47.30.915. Charges assessed after an order for commitment for treatment is issued and charges assessed when a patient is hospitalized at a facility operated by the department, or under a contract for services with the department, may not exceed the actual cost of the care and treatment. The department may order payment by the patient or by the person responsible for payment for the patient's care and treatment under this subsection according to ability to provide for payment. The department may make necessary investigations to determine the ability to pay and may require sworn statements of income by the patient, the patient's legal representative acting in a representative capacity, or the patient's spouse or parent. In the exercise of the commissioner's discretion, the commissioner may impose full liability for the patient's actual cost of care and treatment on the patient, the patient's legal representative, the patient's spouse, or parent for refusal to supply a sworn statement of income. An order for payment must be issued by the department within six months after the date on which the charge was incurred. The order must remain in full force and effect unless modified by subsequent court or department order. Liability under this subsection shall be determined as follows: a patient hospitalized under AS 47.30.660 - 47.30.915, or the person responsible for payment of charges for the patient, may be required to pay according to ability to provide for payment, and in the manner and proportion that the department finds is not detrimental to the patient's rehabilitation. The department shall, at any time that it determines the action will serve the best interests of the state and the patient or the person responsible for payment, relieve the patient or the person responsible for payment from liability for charges for the care, transportation, and treatment of the patient.

(b) As used in (a) of this section, the term "actual cost of the care and treatment" means either the rate provided for by a contract entered into under AS 47.30.660 - 47.30.915, or, in the absence of a contract, a daily rate approved by the department.

(c) The department may charge, or accept from a person money or property, for the care or treatment of an inpatient or outpatient or for other purposes, even if the payment is not required by an order of the department, so long as the total payments received do not exceed the actual cost of care or treatment.

(d) All money paid by the patient or on the patient's behalf to the department under this section must be deposited in the general fund.

(e) If an order for payment is entered by the department under this section, and delinquency in the payment of any amount due the state under the order continues for a period of more than 30 days after the notification to the patient or the legal representative,

spouse, or parent of the patient by the department, the state may proceed to collect the amounts due by appropriate proceedings. An action to enforce the collection of payments may only be brought within three years after the date of notification of a delinquent payment.

(f) The orders of the department issued under this section may relate only to charges incurred after July 1, 2001."

Renumber the following bill sections accordingly.

Page 3, following line 8:

Insert a new bill section to read:

"* **Sec. 4.** AS 47.30.915(4) is repealed and reenacted to read:

(4) "designated treatment facility" means a hospital, clinic, institution, center, or other health care facility that has been designated by the department for the treatment or rehabilitation of mentally ill persons and for the receipt of these persons by court-ordered commitment, but does not include correctional institutions;"

Renumber the following bill sections accordingly.

Page 6, following line 23:

Insert a new bill section to read:

"* **Sec. 6.** AS 47.31.005, 47.31.010, 47.31.015, 47.31.020, 47.31.025, 47.31.030, 47.31.035, 47.31.900, and 47.31.990 are repealed."

Renumber the following bill sections accordingly.

Page 6, line 24:

Delete "This Act applies"

Insert "Sections 1, 3, and 5 of this Act apply"

Page 6, line 25, following "of":

Insert "secs. 1, 3, and 5 of"

Page 6, line 26:

Delete all material and insert:

"* **Sec. 8.** Except as provided in sec. 9 of this Act, this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 9.** Sections 2, 4, and 6 of this Act take effect July 1, 2001."

This amendment text is provisional. Please refer to the certified journal text.