

HOUSE BILL NO. 485

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MASEK

Introduced: 2/19/02

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the certificate of need program; establishing a temporary**
2 **moratorium on the issuance of certificates of need for additional acute care psychiatric**
3 **beds until July 1, 2003; establishing a working group to study and issue a report about**
4 **psychiatric care services; and providing for an effective date."**

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

6 *** Section 1.** AS 18.07.031(c) is amended to read:

7 (c) Notwithstanding (a) of this section, a person who is lawfully operating a
8 health care facility [THAT IS AN AMBULATORY SURGICAL FACILITY] at a site
9 may make an expenditure of any amount in order to relocate the services of that
10 facility to a new site in the same community without obtaining a certificate of need as
11 long as neither the bed capacity nor the number of categories of health services
12 provided at the new site is greater. However, notwithstanding the expenditure
13 threshold in (a) of this section, a person may not use the site from which the health
14 care facility relocated for another health care facility unless authorized under a

1 certificate of need issued by the department.

2 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **TEMPORARY MORATORIUM ON ACUTE CARE PSYCHIATRIC BEDS.**

5 Notwithstanding the provisions of AS 18.07, the Department of Health and Social Services
6 may not, until July 1, 2003, issue a certificate of need for construction of a health care facility
7 that includes acute care psychiatric beds and requires licensure under AS 18.20.020 as a
8 general acute care hospital, rural primary care hospital, critical access hospital, or specialized
9 hospital primarily engaged in the treatment of one specific type of illness or disability. The
10 restriction in this section applies to applications for a certificate of need for which a certificate
11 was not issued before the effective date of this section.

12 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **WORKING GROUP ON PSYCHIATRIC CARE SERVICES.** (a) There is

15 established a six-member working group to analyze issues regarding psychiatric care services
16 in the state. The members of the group are

17 (1) two individuals appointed by the governor who are providers of mental
18 health services in Alaska;

19 (2) two individuals appointed by the governor who are consumers or parents
20 or guardians of consumers of mental health services in Alaska;

21 (3) the commissioner of administration, or the commissioner's designee; and

22 (4) the commissioner of health and social services, or the commissioner's
23 designee.

24 (b) The working group established under this section may select a presiding officer
25 from among its members. For budgetary purposes, the working group is in the Office of the
26 Governor, and the Office of the Governor shall provide any staff, supplies, working space,
27 and other services or materials appropriate for the working group's purposes.

28 (c) The members of the working group appointed under (a)(1) and (2) of this section
29 are not entitled to compensation or to per diem or travel expenses for their time spent on
30 activities of the working group.

31 (d) After gathering information through the methods considered appropriate by the

1 group, the working group established under this section shall prepare a report that includes the
2 following:

3 (1) a description of the current status and costs of the state's system for
4 providing psychiatric care services;

5 (2) the projected number of state residents who will be needing psychiatric
6 care services through the years 2005, 2010, and 2020;

7 (3) the projected costs to the state, based on the projection of needs under (2)
8 of this subsection, if no changes are made to the state's present system of psychiatric care
9 services;

10 (4) an estimated number of state residents who are currently receiving care in
11 out-of-state psychiatric facilities who could be more appropriately served in the state
12 psychiatric facilities or in home and community-based care;

13 (5) an estimated number of state residents who are currently receiving care in
14 in-state psychiatric facilities who could be more appropriately served in home and
15 community-based care;

16 (6) a description of the alternative methods available to provide psychiatric
17 care services to state residents and the relative cost to the state for these methods;

18 (7) recommendations for principles that should be used to guide the
19 development of the state's psychiatric care system, including principles that should guide the
20 certificate-of-need process under AS 18.07.

21 (e) The working group shall deliver its report to the governor by the first day of the
22 First Regular Session of the Twenty-Third Alaska State Legislature, and the working group is
23 terminated on that day.

24 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).