

SENATE BILL NO. 157

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR GREEN

Introduced: 3/26/03

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to inpatient psychiatric services for persons who are under 21 years of**
2 **age and are either eligible for medical assistance or are in the custody of the Department**
3 **of Health and Social Services."**

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

5 * **Section 1.** AS 47.07 is amended by adding a new section to read:

6 **Sec. 47.07.032. Inpatient psychiatric services for persons under 21 years**
7 **of age.** (a) Notwithstanding AS 47.07.030, the department may not grant assistance
8 under this chapter for inpatient psychiatric services to a person under 21 years of age
9 who is in an out-of-state psychiatric hospital facility or an out-of-state residential
10 psychiatric treatment center unless the department determines that

11 (1) the assistance is for psychiatric hospital services that are consistent
12 with the person's clinical diagnosis and appropriately address the person's needs and
13 that these services are unavailable in the state; or

14 (2) the assistance is for residential psychiatric treatment center services

1 that are consistent with the person's clinical diagnosis and appropriately address the
2 person's needs and that these services are unavailable in the state.

3 (b) The department shall, on a monthly basis, evaluate what types of services
4 are available in the state for inpatient psychiatric care for persons under 21 years of
5 age. If inpatient psychiatric services that are consistent with the person's clinical
6 diagnosis and that appropriately address the person's needs become available at a
7 location in the state for a person under 21 years of age who is receiving the services
8 under this chapter at a location outside the state, the department shall, as a condition of
9 continued eligibility for coverage of the services under this chapter, require the person
10 to be transferred to the in-state facility unless the department determines that the
11 transfer would be detrimental to the person's health, established therapeutic
12 relationship, or clinical need.

13 * **Sec. 2.** AS 47.14.100(a) is amended to read:

14 (a) Subject to (e), (f), and (i) - (l) [(e), (f), (i), AND (j)] of this section, the
15 department shall arrange for the care of every child committed to its custody by
16 placing the child in a foster home or in the care of an agency or institution providing
17 care for children inside or outside the state. The department may place a child in a
18 suitable family home, with or without compensation, and may place a child released to
19 it, in writing verified by the parent, or guardian or other person having legal custody,
20 for adoptive purposes, in a home for adoption in accordance with existing law.

21 * **Sec. 3.** AS 47.14.100 is amended by adding new subsections to read:

22 (k) Notwithstanding other provisions of this section, the department may not
23 pay for inpatient psychiatric services provided to a person under 21 years of age and
24 who is in the custody of the department if the services are provided in an out-of-state
25 psychiatric hospital facility or an out-of-state residential psychiatric treatment center
26 unless the department determines that

27 (1) the assistance is for psychiatric hospital services that are consistent
28 with the person's clinical diagnosis and appropriately address the person's needs and
29 that these services are unavailable in the state; or

30 (2) the assistance is for residential psychiatric treatment center services
31 that are consistent with the person's clinical diagnosis and appropriately address the

1 person's needs and that these services are unavailable in the state.

2 (l) The department shall, on a monthly basis, evaluate what types of services
3 are available in the state for inpatient psychiatric care for persons under 21 years of
4 age. If inpatient psychiatric services that are consistent with the person's clinical
5 diagnosis and that appropriately address the person's needs become available at a
6 location in the state for a person under 21 years of age who is receiving the services
7 under this section at a location outside the state, the department shall, as a condition of
8 continued payment by the state for the services, require the person to be transferred to
9 the in-state facility unless the department determines that the transfer would be
10 detrimental to the person's health, established therapeutic relationship, or clinical need.