

**CS FOR SENATE BILL NO. 157(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/10/03

Referred: Finance

Sponsor(s): SENATOR GREEN

REPRESENTATIVE Dahlstrom

**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 (c) When determining whether to authorize admission of a person under 21  
14 years of age to a psychiatric hospital facility or residential psychiatric treatment center,  
15 either located within the state or outside the state, the department shall include in its  
16 consideration the recommendations of a person selected by the Alaska Mental Health  
17 Board established by AS 47.30.661 who is selected for this duty by the board on the  
18 basis of being knowledgeable about the availability of beds in the state for inpatient  
19 psychiatric services for persons under 21 years of age. The board may not select an  
20 employee of the department for this duty.

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

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

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

30 (k) Notwithstanding other provisions of this section, the department may not  
31 pay for inpatient psychiatric services provided to a person under 21 years of age and

1 who is in the custody of the department if the services are provided in an out-of-state  
2 psychiatric hospital facility or an out-of-state residential psychiatric treatment center  
3 unless the department determines that

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

7 (2) the assistance is for residential psychiatric treatment center services  
8 that are consistent with the person's clinical diagnosis and appropriately address the  
9 person's needs and that these services are unavailable in the state.

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

19 (m) When determining whether to authorize admission of a person under 21  
20 years of age to a psychiatric hospital facility or residential psychiatric treatment center,  
21 either located within the state or outside the state, the department shall include in its  
22 consideration the recommendations of a person selected by the Alaska Mental Health  
23 Board established by AS 47.30.661 who is selected for this duty by the board on the  
24 basis of being knowledgeable about the availability of beds in the state for inpatient  
25 psychiatric services for persons under 21 years of age. The board may not select an  
26 employee of the department for this duty.