

**SENATE BILL NO. 100**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATORS ELLIS, French

Introduced: 2/28/07

Referred: Health, Education and Social Services, State Affairs, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to substance abuse and mental health disorder prevention and**  
2 **treatment programs; and relating to long-term secure treatment programs for persons**  
3 **with substance abuse or co-occurring substance abuse and mental health disorders."**

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

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 FINDINGS AND INTENT. (a) The legislature finds that a substantial number of  
8 persons have co-occurring substance abuse and mental health disorders and that identification  
9 and integrated treatment of co-occurring disorders is critical to successful outcomes and  
10 recovery.

11 (b) It is the intent of the legislature to

12 (1) support the Department of Health and Social Services in its efforts to  
13 implement programs that accurately identify and provide appropriate treatment for persons  
14 with substance abuse or co-occurring substance abuse and mental health disorders;

1           (2) increase treatment availability to persons with substance abuse or co-  
2 occurring substance abuse and mental health disorders;

3           (3) improve treatment outcomes by expanding evidence-based, research-  
4 based, and consensus-based treatment practices and removing barriers that prevent  
5 implementation of those practices.

6       \* **Sec. 2.** AS 47.37.030 is amended to read:

7                       **Sec. 47.37.030. Powers of department.** The department may

8                       (1) plan, establish, and maintain programs for the prevention and  
9 treatment of alcoholism, drug abuse, and misuse of hazardous volatile materials and  
10 substances by inhalant abusers;

11                      (2) make contracts and award grants necessary or incidental to the  
12 performance of its duties and the execution of its powers, including contracts with the  
13 grants to public and private agencies, organizations, and individuals, to pay them for  
14 services rendered or furnished to alcoholics, intoxicated persons, drug abusers, or  
15 inhalant abusers; to the maximum extent possible, contracts and grants must be for a  
16 period of two years; contracts under this paragraph are governed by AS 36.30 (State  
17 Procurement Code);

18                      (3) solicit and accept for use a gift of money or property or a grant of  
19 money, services, or property from the federal government, the state, or a political  
20 subdivision of it or a private source, and do all things necessary to cooperate with the  
21 federal government or any of its agencies in making an application for a grant;

22                      (4) administer or supervise the administration of the provisions relating  
23 to alcoholics, intoxicated persons, drug abusers, and inhalant abusers of state plans  
24 submitted for federal funding under federal health, welfare, or treatment legislation;

25                      (5) coordinate its activities and cooperate with alcoholism, drug abuse,  
26 and inhalant abuse programs in this and other states, and make contracts and other  
27 joint or cooperative arrangements with state, local, or private agencies for the  
28 treatment of alcoholics, intoxicated persons, drugs abusers, and inhalant abusers, and  
29 for the common advancement of alcoholism, drug abuse, and inhalant abuse programs  
30 in this and other states;

31                      (6) keep records and engage in research and the gathering of relevant

1 statistics;

2 (7) do other acts necessary to implement the authority expressly  
3 granted to it;

4 (8) acquire, hold, or dispose of real property or any interest in it, and  
5 construct, lease, or otherwise provide treatment facilities for alcoholics, intoxicated  
6 persons, drug abusers, and inhalant abusers; however, the department shall encourage  
7 local initiative, involvement, and financial participation under grants-in-aid whenever  
8 possible in preference to the construction or operation of facilities directly by the  
9 department; contracting and construction under this paragraph are governed by  
10 AS 36.30 (State Procurement Code);

11 **(9) strengthen and enhance the process for identifying people who**  
12 **have co-occurring mental health and substance abuse disorders;**

13 **(10) establish a secure enhanced detoxification and treatment**  
14 **center for persons involuntarily detained because they are likely to inflict**  
15 **physical harm to self or others; in this paragraph, "enhanced" means the ability**  
16 **to treat co-occurring mental health and substance abuse disorders;**

17 **(11) develop and implement a substance abuse treatment system**  
18 **using evidence-based best practices or, if evidence-based best practices do not**  
19 **exist, research-based practices, that includes a procedure for adapting the**  
20 **practices to new situations and for collaboration with consumer-based programs;**  
21 **if research-based practices are not known or available, the department may**  
22 **include consensus-based or, if funds are available, promising practices; a practice**  
23 **must promote independence, recovery, employment, education, ongoing**  
24 **community-based treatment, housing, and other aspects of harm reduction.**

25 \* **Sec. 3.** AS 47.37.040 is amended to read:

26 **Sec. 47.37.040. Duties of department.** The department shall

27 (1) develop, encourage, and foster statewide, regional, and local plans  
28 and programs for the prevention of alcoholism and drug abuse and treatment of  
29 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with  
30 public and private agencies, organizations, and individuals, and provide technical  
31 assistance and consultation services for these purposes;

1                   (2) coordinate the efforts and enlist the assistance of all public and  
2 private agencies, organizations, and individuals interested in prevention of alcoholism,  
3 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug  
4 abusers, and inhalant abusers;

5                   (3) cooperate with the Department of Corrections in establishing and  
6 conducting programs to provide treatment for alcoholics, intoxicated persons, drug  
7 abusers, and inhalant abusers in or on parole from penal institutions;

8                   (4) cooperate with the Department of Education and Early  
9 Development, school boards, schools, police departments, courts, and other public and  
10 private agencies, organizations, and individuals in establishing programs for the  
11 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,  
12 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum  
13 materials for use at all levels of school education;

14                   (5) prepare, publish, evaluate, and disseminate educational material  
15 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous  
16 volatile substances;

17                   (6) develop and implement, as an integral part of treatment programs,  
18 an educational program for use in the treatment of alcoholics, intoxicated persons,  
19 drug abusers, and inhalant abusers that includes the dissemination of information  
20 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

21                   (7) organize and foster training programs for all persons engaged in  
22 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and  
23 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant  
24 abuse workers;

25                   (8) sponsor and encourage research into the causes and nature of  
26 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,  
27 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse  
28 for information relating to alcoholism, drug abuse, and inhalant abuse;

29                   (9) specify uniform methods for keeping statistical information by  
30 public and private agencies, organizations, and individuals, and collect and make  
31 available relevant statistical information, including number of persons treated,

1 frequency of admission and readmission, and frequency and duration of treatment;

2 (10) conduct program planning activities approved by the Advisory  
3 Board on Alcoholism and Drug Abuse;

4 (11) review all state health, welfare, and treatment plans to be  
5 submitted for federal funding, and advise the commissioner on provisions to be  
6 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant  
7 abusers;

8 (12) assist in the development of, and cooperate with, alcohol, drug  
9 abuse, and inhalant abuse education and treatment programs for employees of state  
10 and local governments and businesses and industries in the state;

11 (13) use the support and assistance of interested persons in the  
12 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to  
13 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo  
14 treatment;

15 (14) cooperate with the Department of Public Safety and the  
16 Department of Transportation and Public Facilities in establishing and conducting  
17 programs designed to deal with the problem of persons operating motor vehicles while  
18 under the influence of an alcoholic beverage, inhalant, or controlled substance, and  
19 develop and approve alcohol information courses required to be taken by drivers under  
20 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic  
21 laws;

22 (15) encourage hospitals and other appropriate health facilities to  
23 admit without discrimination alcoholics, intoxicated persons, drug abusers, and  
24 inhalant abusers and to provide them with adequate and appropriate treatment;

25 (16) encourage all health insurance programs to include alcoholism  
26 and drug abuse as a covered illness;

27 (17) prepare an annual report covering the activities of the department  
28 and notify the legislature that the report is available;

29 (18) develop and implement a training program on alcoholism and  
30 drug abuse for employees of state and municipal governments, and private institutions;

31 (19) develop curriculum materials on drug and alcohol abuse and the

1 misuse of hazardous volatile substances for use in grades kindergarten through 12, as  
 2 well as a course of instruction for teachers to be charged with presenting the  
 3 curriculum;

4 (20) develop and implement or designate, in cooperation with other  
 5 state or local agencies, a juvenile alcohol safety action program that provides alcohol  
 6 and substance abuse screening, referral, and monitoring of persons under 18 years of  
 7 age who have been referred to it by

8 (A) a court in connection with a charge or conviction of a  
 9 violation or misdemeanor related to the use of alcohol or a controlled  
 10 substance;

11 (B) the agency responsible for the administration of motor  
 12 vehicle laws in connection with a license action related to the use of alcohol or  
 13 a controlled substance; or

14 (C) department staff after a delinquency adjudication that is  
 15 related to the use of alcohol or a controlled substance;

16 (21) develop and implement, or designate, in cooperation with other  
 17 state or local agencies, an alcohol safety action program that provides alcohol and  
 18 substance abuse screening, referral, and monitoring services to persons who have been  
 19 referred by a court in connection with a charge or conviction of a misdemeanor  
 20 involving the use of a motor vehicle, aircraft, or watercraft and alcohol or a controlled  
 21 substance, referred by a court under AS 28.35.028, or referred by an agency of the  
 22 state with the responsibility for administering motor vehicle laws in connection with a  
 23 driver's license action involving the use of alcohol or a controlled substance;

24 **(22) whenever possible, apply evidence-based, research-based, and**  
 25 **consensus-based substance abuse and co-occurring substance abuse and mental**  
 26 **health disorders treatment practices and remove barriers that prevent the use of**  
 27 **those practices;**

28 **(23) collaborate with first responders, hospitals, schools, primary**  
 29 **care providers, developmental disability treatment providers, law enforcement,**  
 30 **corrections, attorneys, the Alaska Court System, community behavioral**  
 31 **treatment providers, Alaska Native organizations, and federally funded**

1        **programs in implementing programs for co-occurring substance abuse and**  
 2        **mental health disorders treatment.**

3        \* **Sec. 4.** AS 47.37.045 is amended by adding new subsections to read:

4                (f) In addition to the priority given under (d) of this section, the department  
 5        shall grant a priority to a proposed program or project under (c)(5) of this section if the  
 6        proposed program or project provides prompt substance abuse treatment for a pregnant  
 7        woman by advancing the woman on a waiting list for the program or project and by  
 8        streamlining paperwork for admission of the woman to the program.

9                (g) In addition to the priorities given under (d) and (f) of this section, the  
 10        department shall grant a priority to a proposed program or project under (c)(5) of this  
 11        section if the proposed program or project

12                        (1) creates alternatives to incarceration for nonviolent offenders;

13                        (2) provides rehabilitation services to prisoners who have substance  
 14        abuse problems;

15                        (3) measures and demonstrates a high rate of harm reduction for  
 16        participants;

17                        (4) is based on scientifically sound principles of prevention and  
 18        treatment;

19                        (5) provides job training or employment opportunities after completion  
 20        of substance abuse treatment;

21                        (6) provides youth treatment;

22                        (7) focuses on drug and alcohol abuse prevention;

23                        (8) addresses alcohol or substance abuse in targeted populations that  
 24        have statistically higher incidences of alcohol or substance abuse problems; or

25                        (9) addresses co-occurring mental health and substance abuse  
 26        disorders.

27                (h) The department may not fund a proposed program or project that has been  
 28        previously funded under this section unless the applicant provides satisfactory  
 29        evidence of success of the program or project.

30                (i) The department may not deny funding for a program under this section  
 31        solely on the basis that the program relies on faith-based strategies so long as the

1 strategies are effective for preventing or treating substance abuse.

2 \* **Sec. 5.** AS 47.37.120 is amended by adding a new subsection to read:

3 (b) The comprehensive program carried out under this section must include a  
4 strategy for expanding substance abuse treatment services and reducing waiting lists  
5 for eligible participants in a substance abuse prevention or treatment program and  
6 must include one or more of the factors listed under AS 47.37.045(g).

7 \* **Sec. 6.** AS 47.37.130(b) is amended to read:

8 (b) The program of the department must include

9 (1) emergency treatment provided by a facility affiliated with or part of  
10 the medical service of a general hospital;

11 (2) inpatient treatment;

12 (3) intermediate treatment;

13 (4) outpatient and follow-up treatment; [AND]

14 (5) standards for alcohol safety action programs; the standards may  
15 vary in their requirements and stringency according to the population, price level,  
16 remoteness, access to transportation, and availability of ancillary services of the area  
17 to be served; a program must meet the applicable standards before it is approved by  
18 the department as an alcohol safety action program; the standards required under this  
19 paragraph shall be established in a manner that provides protection of the health,  
20 safety, and well-being of clients of the affected programs and protection for the  
21 affected programs from exposure to malpractice and liability actions;

22 **(6) the priorities created under AS 47.37.045(f) and (g); and**

23 **(7) standards that are consistent with scientifically sound**  
24 **principles for measuring outcomes.**

25 \* **Sec. 7.** AS 47.37.140 is amended by adding a new subsection to read:

26 (g) The standards established for facilities under this section must be based on  
27 scientifically sound evidence and be consistent with the priorities created under  
28 AS 47.37.045(f) and (g).

29 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
30 read:

31 **PILOT PROJECT FOR THE TREATMENT OF PERSONS INCAPACITATED BY**

1 ALCOHOL OR DRUGS, INCLUDING PERSONS WITH CO-OCCURRING SUBSTANCE  
2 ABUSE AND MENTAL HEALTH DISORDERS. (a) A pilot project to integrate crisis  
3 response and involuntary treatment and effectively implement the provisions of AS 47.37.170  
4 - 47.37.270 for adults who are incapacitated by alcohol or drugs, including persons with co-  
5 occurring substance abuse and mental health disorders, is established within the Department  
6 of Health and Social Services.

7 (b) The commissioner of health and social services shall implement the pilot project  
8 established under this section by selecting and funding a program that

9 (1) is operated by a nonprofit or municipal agency with a regional and  
10 accessible support network that meets the requirements of this section;

11 (2) includes the establishment and operation of a secure detoxification and  
12 treatment center for at least 10 persons involuntarily committed under AS 47.37.190; the  
13 center must provide the right to adequate care and individualized treatment;

14 (3) provides sufficient staff and resources to

15 (A) ensure availability of an adequate number of trained crisis  
16 responders 24 hours a day, seven days a week;

17 (B) ensure the availability of adequate medical and legal support to  
18 petition for and meet the legal requirements for protective custody, detention, and  
19 involuntary commitment under AS 47.37.190 - 47.37.270; and

20 (C) employ clinicians or clinical staff who have been trained in and use  
21 integrated and comprehensive screening and assessment practices;

22 (4) provides intensive case management services for persons who

23 (A) have been incapacitated by alcohol or drugs, including persons  
24 who are diagnosed with co-occurring substance abuse and mental disorders; and

25 (B) have a history of repeated use of crisis intervention services;

26 (5) is directed toward reducing the need for crisis medical, substance abuse,  
27 and mental health services including emergency room admissions, hospitalizations,  
28 detoxification programs, inpatient psychiatric admissions, emergency medical services, and  
29 ambulance services;

30 (6) reduces the involvement of individuals in the criminal justice system  
31 including arrests, bookings, jail days, violations of conditions of bail or probation, and

1 reduces criminal justice costs including costs of police, corrections, prosecution, defense, and  
 2 the courts in cases involving substance abuse or in which substance abuse is a contributing  
 3 factor;

4 (7) where appropriate and available, coordinates client services with

5 (A) therapeutic courts;

6 (B) public assistance services;

7 (C) primary care providers;

8 (D) Department of Corrections personnel;

9 (E) federal program managers and agencies;

10 (F) churches and other faith-based organizations;

11 (G) community behavioral treatment providers;

12 (H) attorneys;

13 (I) the Alaska Court System;

14 (8) assesses and reports outcomes of the program, including documentation of  
 15 the reduced need for services as described under (5) and (6) of this subsection;

16 (9) agree to cooperate with the department to provide requested data and  
 17 information related to the program.

18 (c) The pilot project shall terminate not later than July 1, 2012, and include not more  
 19 than one year for planning and accumulation of baseline data, two years for implementation,  
 20 and two years for evaluation. The commissioner shall evaluate the pilot project and make a  
 21 preliminary report to the legislature by January 1, 2011, and a final report by September 30,  
 22 2012. The evaluation must include a description of outcomes, including

23 (1) the efficiency rate of evaluation and treatment within 72 hours after  
 24 detention;

25 (2) the cost-effectiveness of the project in comparison with other residential  
 26 treatment programs, emergency room visits, law enforcement and judicial involvement, and  
 27 other available resources for crisis intervention and treatment of persons who are  
 28 incapacitated by alcohol or drugs;

29 (3) a comparison of outcomes for the pilot program and other residential  
 30 treatment programs, emergency room visits, law enforcement and judicial involvement, and  
 31 other available resources for crisis intervention and treatment of persons who are

1 incapacitated by alcohol or drugs;

2 (4) a comparison of crisis response rates and outcomes of the pilot project and  
3 other crisis response programs operating in the same region;

4 (5) the effect of the pilot project on the treatment programs operating in the  
5 same region;

6 (6) the rate of vocational training and employment for program participants.

7 (d) At the conclusion of the pilot project under this section, the department shall  
8 propose legislation that would establish a comprehensive involuntary treatment act that  
9 includes a unified set of standards, rights, obligations, and procedures for adults and children  
10 who are either incapacitated by alcohol or drugs, mentally ill, or both.

11 (e) In this section,

12 (1) "incapacitated by alcohol or drugs" has the meaning given in  
13 AS 47.37.270;

14 (2) "secure detoxification and treatment center" means a residential facility  
15 that is either part of another facility or is a separate facility that provides intake, assessment,  
16 and treatment of persons incapacitated by alcohol or drugs, including persons with co-  
17 occurring substance abuse and mental health disorders, in a locked or otherwise protected and  
18 confidential setting.