

HOUSE BILL NO. 175

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SPOHNHOLZ

Introduced: 5/15/19

Referred: Health & Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Alaska Mental Health Board; establishing the**
2 **Alaska Psychiatric Institute Oversight Board; relating to state psychiatric hospital**
3 **records; and providing for an effective date."**

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 LEGISLATIVE INTENT. It is the intent of the legislature that the state accept its
8 responsibility to ensure and uphold the human and civil rights of persons in need of
9 psychiatric care, to be implemented by the Alaska Psychiatric Institute Oversight Board, and
10 that, in conducting its oversight responsibilities, the board adhere to the principles of
11 transparency, accessibility, and community engagement.

12 * **Sec. 2.** AS 47.30.666 is amended to read:

13 **Sec. 47.30.666. Duties of the board.** The board is the state planning and
14 coordinating body for the purpose of federal and state laws relating to mental health

1 services for persons with mental disorders identified in AS 47.30.056(b)(1). On behalf
 2 of those persons, the board shall

3 (1) prepare and maintain a comprehensive plan of treatment and
 4 rehabilitation services;

5 (2) propose an annual implementation plan consistent with the
 6 comprehensive plan and with due regard for the findings from evaluation of existing
 7 programs;

8 (3) provide a public forum for the discussion of issues related to the
 9 mental health services for which the board has planning and coordinating
 10 responsibility;

11 (4) advocate the needs of persons with mental disorders before the
 12 governor, executive agencies, the legislature, and the public;

13 (5) advise the legislature, the governor, the Alaska Mental Health Trust
 14 Authority, and other state agencies in matters affecting persons with mental disorders,
 15 including, but not limited to,

16 (A) development of necessary services for diagnosis, treatment,
 17 and rehabilitation;

18 (B) evaluation of the effectiveness of programs in the state for
 19 diagnosis, treatment, and rehabilitation;

20 (C) legal processes that affect screening, diagnosis, treatment,
 21 and rehabilitation;

22 (6) provide to the Alaska Mental Health Trust Authority for its review
 23 and consideration recommendations concerning the integrated comprehensive mental
 24 health program for those persons who are described in AS 47.30.056(b)(1) and the use
 25 of money in the mental health trust settlement income account in a manner consistent
 26 with regulations adopted under AS 47.30.031; [AND]

27 (7) submit periodic reports regarding its planning, evaluation,
 28 advocacy, and other activities; and

29 **(8) nominate individuals who reflect the economic and geographic**
 30 **diversity of the state to serve as voting members of the Alaska Psychiatric**
 31 **Institute Oversight Board established under AS 47.30.920.**

1 * **Sec. 3.** AS 47.30 is amended by adding new sections to read:

2 **Article 11A. Alaska Psychiatric Institute Oversight Board.**

3 **Sec. 47.30.920. Alaska Psychiatric Institute Oversight Board established.**

4 The Alaska Psychiatric Institute Oversight Board is established in the department for
5 the purpose of providing management and oversight of the state psychiatric hospital.

6 **Sec. 47.30.925. Board members.** (a) The board consists of seven voting
7 members and five nonvoting members.

8 (b) The seven voting members are appointed by the governor and confirmed
9 by a majority of the members of the legislature in joint session. A voting member may
10 not be an officer or employee of the state or have a financial interest, individually or as
11 a fiduciary, in the state psychiatric hospital. The governor shall fill a vacancy in the
12 voting membership of the board after the governor has considered a list of nominees
13 submitted by the Alaska Mental Health Board established under AS 47.30.661. The
14 governor shall make the appointment within 45 days after the list of nominees is
15 submitted. The voting members consist of

16 (1) two members who

17 (A) advocate for or provide representation to individuals with
18 mental illness; or

19 (B) practice disability law in the state;

20 (2) two members who are health care professionals or licensed mental
21 health professionals with experience working with individuals with mental illness;

22 (3) one member who is a consumer of mental health services or a
23 former patient of the state psychiatric hospital;

24 (4) one member who represents the tribal health community in the
25 state and has expertise in mental or behavioral health; and

26 (5) one member who is a family member of a consumer of mental
27 health services.

28 (c) The five nonvoting members consist of

29 (1) one member of the senate appointed by the president of the senate;

30 (2) one member of the house of representatives appointed by the
31 speaker of the house of representatives;

1 (3) the commissioner or the commissioner's designee; and
 2 (4) two members appointed by the voting members of the board as
 3 follows

4 (A) one member of the Alaska Mental Health Board
 5 established under AS 47.30.661; and

6 (B) one member who is a medical professional and an exempt
 7 or partially exempt employee of the state psychiatric hospital.

8 (d) The voting members shall elect a chair and vice-chair from among the
 9 voting members of the board every two years.

10 (e) The department shall provide technical and administrative support to the
 11 board, including meeting space, supplies, equipment, and secretarial services.

12 **Sec. 47.30.926. Term of office.** Board members appointed by the governor
 13 under AS 47.30.925(b) and by the voting members of the board under
 14 AS 47.30.925(c)(4) serve staggered four-year terms and may be reappointed. A board
 15 member appointed to fill a vacancy holds office for the balance of the term for which
 16 the member's predecessor on the board was appointed.

17 **Sec. 47.30.927. Removal.** The governor may remove board members
 18 appointed under AS 47.30.925(b) only for cause. The board may suggest to the
 19 governor the removal of a board member.

20 **Sec. 47.30.928. Quorum.** (a) A majority of the voting members of the board
 21 constitutes a quorum for the transaction of business and the exercise of the powers and
 22 duties of the board. Action may be taken and a motion or resolution may be adopted
 23 upon an affirmative vote of a majority of the voting members.

24 (b) The board may meet and transact business by electronic media. An action
 25 taken at a meeting held by electronic media under this subsection has the same legal
 26 effect as an action taken at a meeting held in person.

27 **Sec. 47.30.929. Compensation of board members.** Board members serve
 28 without compensation, but are entitled to per diem and travel allowances authorized
 29 for boards and commissions under AS 39.20.180.

30 **Sec. 47.30.930. Meetings.** The board shall meet at least once every three
 31 months. The commissioner shall attend at least two board meetings each year. A

meeting of the board shall occur at the call of the chair or upon the written request of a majority of the voting members of the board. The board shall provide public notice of a meeting of the board at least 10 calendar days before the meeting. The board shall post the public notice on the Alaska Online Public Notice System and on the Internet website of the state psychiatric hospital. If the board determines that it is technologically and economically feasible, the board shall provide a live audio and video broadcast of each board meeting held under this subsection.

Sec. 47.30.935. Powers of the board. The board may

- (1) cooperate with a public or private board, organization, or agency engaged in work or activities similar to the work or activities of the board;
- (2) incur expenses incidental to the performance of its duties;
- (3) appear before a board, commission, department, or other agency of municipal, state, or federal government;
- (4) establish advisory committees to assist and provide recommendations to the board in the performance of the board's functions; an advisory committee consists of two voting members of the board appointed by the chair of the board and not more than three additional members appointed by a majority of the voting members of the board; an additional member of the advisory committee may not be a voting member of the board but may be a nonvoting member of the board or a member of the public at large with expertise relevant to the purpose of the advisory committee; an additional member serves without compensation but is entitled to per diem and travel allowances authorized for boards and commissions under AS 39.20.180;
- (5) adopt regulations to implement and carry out the purposes of AS 47.30.920 - 47.30.949;
- (6) perform other tasks as requested by the department.

Sec. 47.30.940. Duties of the board. The board shall

- (1) make recommendations to the chief executive officer of the state psychiatric hospital, the division, and the commissioner relating to
 - (A) goals for the state psychiatric hospital;
 - (B) facilities, maintenance, staffing, programs, services, and

1 policies of the state psychiatric hospital;

2 (C) coordination of services, programs, and policies between
3 the state psychiatric hospital and community mental health care programs and
4 facilities, including recommendations relating to admission, discharge, and
5 aftercare;

6 (D) contracts for the use of facilities of the state psychiatric
7 hospital for other programs, services, and agencies;

8 (2) monitor compliance with standards for patients' rights and
9 grievance processes;

10 (3) assist in evaluating the achievement of the board's goals;

11 (4) review budget requests relating to the state psychiatric hospital;

12 (5) make recommendations to the chief executive officer of the state
13 psychiatric hospital, the division, the commissioner, and the legislature relating to

14 (A) the annual budget for the state psychiatric hospital;

15 (B) federal and state laws concerning, and administrative rules,
16 policies, procedures, and protocols related to, the safety, security, and care of
17 patients of the state psychiatric hospital;

18 (C) performance measures related to the safety, security, and
19 care of patients;

20 (D) goals for improving the safety, security, and care of
21 patients of the state psychiatric hospital and improvements that are in progress;

22 (E) legislation related to the state psychiatric hospital and
23 behavioral health services in the state;

24 (F) contracting and procurement related to the management and
25 administration of the state psychiatric hospital;

26 (6) assist in educating the community about the role of the state
27 psychiatric hospital in meeting the needs of individuals with mental illness;

28 (7) assist in identifying and obtaining alternative funding sources for
29 programs of the state psychiatric hospital;

30 (8) establish a process for and assist in the hiring and dismissal of the
31 chief executive officer of the state psychiatric hospital; the process must

1 (A) require the commissioner to select the chief executive
2 officer from a list of nominees submitted by the board; and

3 (B) provide that the board may recommend to the
4 commissioner the dismissal of the chief executive officer;

5 (9) establish policies for patient care that are consistent with the
6 principles of trauma-informed care;

7 (10) initiate, oversee, and approve, in coordination with the chief
8 procurement officer, contracts and procurements relating to the state psychiatric
9 hospital that exceed \$100,000;

10 (11) on or before September 1 of each year, prepare and deliver an
11 electronic report reviewing the activities of the previous fiscal year to the chief
12 executive officer of the state psychiatric hospital, the division, the commissioner, the
13 senate secretary, and the chief clerk of the house of representatives and notify the
14 legislature the report is available; the report must include

15 (A) an evaluation of the extent to which the state psychiatric
16 hospital is meeting the needs of its patients;

17 (B) an evaluation of the extent to which the state psychiatric
18 hospital is effectively participating in the behavioral health continuum of care,
19 including the use of methods consistent with trauma-informed care and
20 evidence-based practices;

21 (C) recommendations for legislation relating to the state
22 psychiatric hospital;

23 (D) budget recommendations for the state psychiatric hospital;

24 (E) workforce development needs for behavioral health
25 services; and

26 (F) a summary of the activities conducted by the board;

27 (12) at least once every three years, perform an overview of federal
28 and state laws relating to, and administrative rules, policies, procedures, and protocols
29 of, the state psychiatric hospital;

30 (13) adopt, amend, or repeal policies related to internal matters of the
31 board.

1 **Sec. 47.30.945. Board access to state psychiatric hospital records;**
 2 **confidentiality.** (a) Upon receiving a request from the board, the chief executive
 3 officer of the state psychiatric hospital shall provide to the board documents, records,
 4 and other information in the possession of the state psychiatric hospital reasonably
 5 related to the exercise of the powers and functions of the board or performance of the
 6 duties of the board.

7 (b) A document, record, or other information the chief executive officer of the
 8 state psychiatric hospital provides to the board under this section that is confidential
 9 before the document, record, or other information is provided to the board remains
 10 confidential and is not a public record under AS 40.25.110 - 40.25.140 or subject to
 11 inspection or copying under AS 40.25.110 - 40.25.125. A board member to whom a
 12 confidential record is presented shall maintain the confidentiality of the record.

13 **Sec. 47.30.949. Definitions.** In AS 47.30.920 - 47.30.949,

14 (1) "board" means the Alaska Psychiatric Institute Oversight Board
 15 established under 47.30.920;

16 (2) "commissioner" means the commissioner of health and social
 17 services;

18 (3) "department" means the Department of Health and Social Services;

19 (4) "division" means the division in the Department of Health and
 20 Social Services that is responsible for behavioral health;

21 (5) "state psychiatric hospital" means the Alaska Psychiatric Institute
 22 located in Anchorage, Alaska;

23 (6) "trauma-informed care" means a program, organization, or system
 24 that realizes the widespread effects of trauma, understands potential paths for
 25 recovery, recognizes the signs and symptoms of trauma in clients, families, staff, and
 26 others involved with a program, organization, or system, responds by fully integrating
 27 knowledge about trauma into policies, procedures, and practices, and seeks to actively
 28 resist retraumatization.

29 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 TRANSITIONAL PROVISIONS: ALASKA PSYCHIATRIC INSTITUTE

1 OVERSIGHT BOARD; STAGGERED TERMS. (a) Notwithstanding AS 39.05.055,
2 AS 47.30.925(b), and 47.30.926, the governor shall, not later than 45 days after receiving a
3 list of nominees from the Alaska Mental Health Board established under AS 47.30.661,
4 appoint the initial voting members of the Alaska Psychiatric Institute Oversight Board to
5 staggered terms as follows:

6 (1) two members shall be appointed to serve four years;

7 (2) two members shall be appointed to serve three years;

8 (3) two members shall be appointed to serve two years;

9 (4) one member shall be appointed to serve one year.

10 (b) Notwithstanding AS 39.05.055, AS 47.30.925(c)(4), and 47.30.926, the voting
11 members of the Alaska Psychiatric Institute Oversight Board shall appoint the initial
12 nonvoting members of the board under AS 47.30.925(c)(4) to staggered terms as follows:

13 (1) one member shall be appointed to serve four years;

14 (2) one member shall be appointed to serve three years.

15 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).