

1 IN THE HOUSE

BY THE COMMITTEE ON RULES
BY REQUEST

2 HOUSE BILL NO. 186

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to declare the policy of the State
7 of Alaska with reference to afflicted child-
8 ren; to provide for the medical and surgical
9 treatment of children who are afflicted with
10 a curable malady or are pregnant, and whose
11 parents or guardians are unable to provide
12 proper treatment; to prescribe the function
13 of the courts and the division of health in
14 such cases; and to provide for, and regulate
15 the making of appropriations to carry out
16 the purposes of this Act."

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

18 Section 1. DECLARATION OF POLICY: ADMINISTRATION. It is
19 hereby declared to be the public policy of the state to provide
20 medical and surgical treatment for afflicted children as hereafter
21 defined. The authority for the administration of this Act is here-
22 by vested in the division of health of the Department of Health and
23 Welfare, hereinafter known as the division.

24 Sec. 2. DEFINITION. For the purposes of this Act, an af-
25 flicted child is hereby defined to be any child under 21 years of
26 age, married or unmarried, whose parents or guardians have resided
27 in this state for 1 year, who is afflicted with a physical defect
28 or illness which can be remedied, including acute fracture, or who
29 is pregnant.

1 Sec. 3. POWERS AND DUTIES OF DIVISION: DIRECTOR AND EMPLOYEES.
2 The division shall have power here conferred (1) to administer this
3 Act, as hereinafter provided, and to this end may employ suitable
4 personnel necessary for the carrying out of the provisions of this
5 Act; (2) to adopt, alter, amend and rescind rules and regulations
6 to carry out its provisions; (3) to administer a program of ser-
7 vice for the afflicted child as defined in section 2 of this Act;
8 (4) to make and enforce rules and regulations concerning employees
9 serving the division, the approval of hospitals and of treatment
10 and the handling of cases; the approval of convalescent homes,
11 boarding homes, caring for afflicted children as herein defined;
12 (5) to fix fees and institutional rates and to approve bills. The
13 said division may on its discretion accept from private agencies,
14 groups, associations, or individuals, funds or subscriptions to
15 provide through its appropriate agency or instrumentality in
16 developing, extending, and improving services for afflicted child-
17 ren and the administration thereof.

18 Sec. 4. BOOKS AND ACCOUNTS: REPORT TO GOVERNOR. The division
19 shall keep such books and accounts as it deems necessary to
20 adequately record and control its transactions in carrying out the
21 provisions of this Act, and furnish data necessary for policy
22 determination. The division shall make an annual report to the
23 governor and the Department of Administration showing the amount of
24 money received and expended and a detailed statement of its
25 activities for said period, and a copy of such report shall be fur-
26 nished each member of the legislature at its first session follow-
27 ing the filing of such report with the governor.

28 Sec. 5. APPLICATION FOR TREATMENT, INVESTIGATION AND REPORT:
29 DUTY OF JUDGE: ORDER. Whenever there shall be found in any
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1 judicial district an afflicted child as herein defined, whose con-
2 dition can be remedied and whose parents or guardians are unable
3 to provide proper care and treatment in whole or in part, appli-
4 cation for treatment shall be made to the representative of the
5 division or judge of that district having probate jurisdiction who
6 shall cause to be made an investigation into the physical and
7 mental condition of such child and the financial condition of the
8 family and the written certificate of the physician or surgeon with
9 reference to such child. It shall be the duty of such judge to
10 approve or reject such application, and if approved, he may pro-
11 vide for such care and treatment in the child's home, if possible,
12 at local expense. If such treatment cannot be provided, it shall
13 be his duty to enter an order directing that such child be con-
14 veyed by one who is approved by the division to a hospital in the
15 state selected by the attending physician, and which has been
16 approved and designated by the division for the care of afflicted
17 children as herein defined. Application for an order admitting an
18 afflicted child to an approved hospital as a state charge must be
19 made not later than 10 days from date of admission. Such order
20 shall carry the date of application, and the effective date of the
21 order which in no case can be earlier than 10 days prior to date
22 of the application. Application may be made by the father, mother,
23 guardian, next of kin, husband, or wife, any peace officer,
24 custodian, health officer or publicly employed physician or sur-
25 geon, and officer of the judicial district or city welfare com-
26 mission, or anyone else whom such judge in his discretion approves.

27 Sec. 6. RESPONSIBILITY OF DIVISION: TRANSFER OF CHILD. Upon
28 receipt of such order, it shall be the duty of the division prompt-
29 ly to determine the eligibility of the case as a state charge.

1 Upon the issuance of such order by such judge the division shall
2 become charged with the responsibility for the proper handling of
3 the case. The division may transfer such child to some other
4 hospital for treatment better adapted to its needs, or if the con-
5 dition of the child becomes such that it classifies as a crippled
6 child, the division shall transfer the child to a hospital approved
7 for the care of crippled children, the intent of this Act being
8 that it shall be the duty of the division to secure for each child
9 such care and treatment as the particular necessities of the case,
10 in the opinion of the division, may require.

11 Sec. 7. APPROVAL OF HOSPITALS. Any hospital which fulfills
12 the requirements as set forth in the rules and regulations of the
13 division in force pursuant to the provisions of this Act may be
14 approved for the care of the afflicted child as herein defined.

15 Sec. 8. AFFLICTED CHILDREN: ADMITTANCE TO HOSPITAL: REPORTS:
16 CONVALESCENT RATES. Approved hospitals receiving patients under
17 the provisions of this Act shall promptly report to the division
18 on blanks to be provided by the division for that purpose, the
19 date and hour of admission to and discharge from such hospital,
20 the name of the physician and/or the surgeon who is in attendance,
21 and such other information as the division may require. Notifica-
22 tion of the admittance of an afflicted child shall be made to the
23 division by the superintendent of the hospital within 14 days. A
24 discharge report, giving the date of the discharge, and such other
25 information as the division may require, must be filed within 30
26 days from date of discharge. No bill for the care of a child
27 shall be approved unless an entrance and discharge report has been
28 filed with the division. Each approved hospital shall report
29 progress to the division on the treatment of all afflicted children

1 remaining in such hospital in excess of 15 days in the manner re-
2 quired by the division: Provided, that when the progress report
3 submitted by the hospital does not indicate the need for further
4 acute care, the convalescent rates established by the division
5 shall prevail.

6 Sec. 9. HOSPITAL CARE AND TREATMENT: TRANSFER OF PATIENTS.

7 It shall be the duty of the superintendent of said hospital, upon
8 receiving such child, to provide such child with proper hospital
9 service, either in the in-patient or out-patient service of the
10 hospital. The staff of the hospital shall be responsible for the
11 prompt and proper medical or surgical treatment of the child except
12 where such child is under the care of a private physician or
13 surgeon. No child shall be sent to or received into said hospital
14 unless there is a reasonable chance for him to be benefited by the
15 proposed medical or surgical treatment, and as an aid to the
16 diagnosis, prognosis and treatment of such case, a complete history
17 of each case shall be furnished to the hospital and the division by
18 the examining physician upon request. Any child who shall be
19 diagnosed after admission as a crippled child or as suffering at
20 admission only from acute pulmonary tuberculosis, or only from any
21 other communicable disease, or only from an incurable mental ill-
22 ness or defect shall be retained in the hospital under this Act
23 only for such period as may be necessary to discharge him to his
24 home or to the jurisdiction of some other state Act for the care of
25 afflicted children. Appropriate rules and regulations may be
26 adopted to effectuate the transfer of patients pursuant to this
27 section.

28 Sec. 10. BOARDING HOMES: CONVALESCENT AND OUT-PATIENT SER-
29 VICE. An afflicted child who has been assigned to an approved

1 hospital whose treatment can be rendered through the out-patient
2 department of that hospital, may be assigned by the division to a
3 boarding or convalescent home approved by the state Department of
4 Health and Welfare, and supervised by that department, or any other
5 agency approved by the division, the cost of such convalescent or
6 boarding care and treatment to be billed to the state as provided
7 for in the rules and regulations and in accordance with the rates
8 and fees set by the division.

9 Sec. 11. EXPENSES OF DIVISION AND TREATMENT: APPROPRIATIONS.

10 Expenses of the division in carrying out the provisions of this
11 Act shall be paid pursuant to appropriations made by the legisla-
12 ture from time to time out of the general fund of the state.
13 Appropriations for the purposes of this Act made to pay the cost
14 of investigations and treatment and for the use of the division
15 shall be made to the division and shall be separate and apart from
16 appropriations to make effective the provisions of any other Act.

17 Sec. 12. COST OF INVESTIGATION: CLAIMS. The cost of the
18 economic and medical investigation by this Act shall be paid by
19 the state according to such schedule of fees and expenses as shall
20 be adopted by the division: Provided, that no person in the
21 employ of the state or any borough shall be allowed any compensa-
22 tion or traveling expense other than that provided by law. All
23 claims for compensation shall be itemized for each child and
24 rendered monthly under oath to the division. When such claims are
25 found to be correct and approved, they shall be paid out of the
26 general fund of the state, appropriated for that purpose.

27 Sec. 13. HOSPITAL ACCOUNTING: WARD COST: PROFESSIONAL FEES:
28 CHARGING FOR SERVICES: SCHEDULE OF FEES AND RATES. The superin-
29 tendent of the approved hospital shall keep a correct account of

1 all hospital, boarding or convalescent home services including all
2 ordinary care and such other necessities furnished to said child
3 in accordance with the hospital, convalescent or boarding homes'
4 rates as fixed by the division. The hospitals' financial records
5 shall be open to audit by any person designated by the division.
6 The division shall pay for the day of admission but not for the
7 day of discharge. Hospitals shall be paid their ward cost up to
8 but not in excess of per day for acute care, and ward
9 costs up to but not in excess of per day for convalescent
10 hospital and convalescent home care: Provided that no hospital
11 shall be paid more per patient day than is charged private patients
12 for war care: And provided further, that no hospital shall be
13 paid more per patient day than is charged for the ward care of
14 patients whose care is paid for out of borough funds. Cost as here-
15 in used shall be determined by the division in accordance with
16 official bulletin 210 hospital accounting and statistics of the
17 American Hospital Association. Professional fees shall not exceed
18 for a major operation, and in no case shall surgical and/
19 or medical fees exceed to any one doctor for any one
20 patient in a 12 month period. Said superintendent and physician
21 shall make and file with the division affidavits containing
22 itemized statements of such services rendered. No compensation
23 shall be charged or allowed to the admitting physician or any
24 hospital; or to any physician, surgeon or nurse who shall attend or
25 treat any such child at the hospital of the University of the
26 State of Alaska, other than the salary or compensation paid to such
27 person by that hospital; Provided, however, that said University
28 hospital may charge for the service of its resident staff if such
29 child has medical or surgical insurance coverage, said charge to be

1 against the medical service or insurance company providing that
2 service. Any physician or surgeon except residents treating any
3 such child at any hospital other than the hospital of the Univer-
4 sity of Alaska shall bill the division for compensation as fixed
5 by the division and paid by a separate warrant drawn to his order.
6 The division shall fix schedules of compensation to be paid to any
7 hospital, physician or surgeon for the clinical examination, treat-
8 ment and out-patient care of an afflicted child. The schedule of
9 fees and rates herein provided for shall be established and
10 published by the division at such time as the division may deem
11 necessary.

12 Sec. 14. AUDIT AND PAYMENT OF HOSPITAL EXPENSES AND DOCTOR
13 FEE: BILLING WITHIN 90 DAYS. Upon filing the affidavit with the
14 division, and following the approval by the division, it shall be
15 the duty of the Department of Administration to audit the same
16 according to the rates fixed by the division and to draw an order
17 on the treasurer of the State of Alaska for the amount of such
18 costs and forward same to the approved hospitals. The compensa-
19 tion as fixed and approved by the division shall be paid to the
20 physician or surgeon performing the services hereunder by a
21 separate warrant drawn to his order and forwarded to him at his
22 professional address, except at the hospital of the University of
23 the State of Alaska. The warrant of the Department of Administra-
24 tion for hospital services shall be made payable to the particular
25 hospital rendering services hereunder and delivered to it in pay-
26 ment of such services: Provided, that no crippled child or any
27 other child exempted by this Act shall be entitled to care to be
28 paid for by the state under this Act. Payment shall be refused on
29 any billing rendered 90 days or more after the discharge of the

1 patient from the hospital.

2 Sec. 15. AFFLICTED CHILDREN: COMMITMENT TO HOSPITAL: AGREE-
3 MENT TO REPAY BY HUSBAND, PARENTS OR GUARDIAN: PAID TO COMMISSIONER
4 OF REVENUE: ADJUSTMENTS. No child shall be committed to any hos-
5 pital for medical or surgical treatment under this Act until the
6 husband, parents or guardians of such child have entered into an
7 agreement with the State of Alaska that they will repay, if they
8 have been determined by the division and the judge having probate
9 jurisdiction to be financially able to do so, the State of Alaska
10 for the actual cost of such medical or surgical treatment on such
11 terms as shall meet the approval of the division and such judge.
12 Upon admission to an institution of such a child, the division
13 shall furnish the commissioner of revenue of the state such in-
14 formation as may be required to keep a correct account of all moneys
15 due the state from such husband, parents or guardian. Payment of
16 such costs by such husband, parents or guardians shall be made to
17 the commissioner of revenue, in accordance with the agreement, and
18 the commissioner of revenue shall duly credit the account, forward
19 the moneys received to the treasurer of the state, who shall credit
20 these payments to the fund for the cost of the care of afflicted
21 children under this Act. The commissioner of revenue, with the
22 written recommendation of the attorney general's department, is
23 hereby authorized and empowered, when deemed for the best interests
24 of the state, because of undue hardship to liable persons or other
25 meritorious reason, to adjust any amount due under any agreement to
26 reimburse the state, accept and receipt for any adjusted amount
27 which will be in lieu of actual expenditure incurred on the part
28 of the division. The judge may, where the child is found by him
29 to be emancipated, accept the signature of such child in lieu and

1 instead of the parent, guardian or husband, and in such cases as
2 the judge finds the child to be neglected, abandoned, or deserted,
3 or his parent or parents are subjects of public relief or social
4 security, so certify to the division in the order of admission.

5 Sec. 16. PAYMENT BY STATE NOT PAUPER AID. Such charges
6 as are paid by the state shall not be deemed to have been paid as
7 state or pauper aid, and no person shall be deemed a pauper in
8 consequence of his inability to pay for the care and treatment of
9 a child in an approved hospital under this Act.

10 Sec. 17. APPROPRIATION. The cost of carrying out the pro-
11 visions of this Act shall be paid for money appropriated to the
12 division for that purpose by the legislature. Appropriations under
13 this Act made for the use of the division and to reimburse the
14 general fund for expenditures hereunder shall be separate and
15 apart from appropriations under any other act.

16 Sec. 18. SAME: ALLOCATION TO JUDICIAL DISTRICTS: LIMITATIONS
17 OF STATE LIABILITY: EXCESSIVE HOSPITALIZATION.

18 (1) The appropriations made for any fiscal year for
19 medical treatment of afflicted children or for any other service
20 furnished under this Act, shall be allotted in accordance with
21 a schedule to be submitted by the division and recommended for
22 approval by the state Department of Administration on or before
23 the beginning of each fiscal year. Said schedule shall be based
24 upon the equitable allocation to judicial districts of the appro-
25 priation provided for the treatment of afflicted children which
26 allocation shall be based solely upon the resources and needs of
27 the respective judicial districts as determined by division.
28 Nothing in this section shall prevent a revision of such schedule
29 during the fiscal year when necessary to meet emergency conditions.

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1 It is the purpose of this section to so limit the liability of the
2 state that the state will not be required to spend funds beyond
3 the amount of each appropriation. This section shall be so con-
4 strued as to effect this purpose, and it shall be absolutely bind-
5 ing upon each official or body concerned in the administration of
6 the aforesaid appropriation.

7 (2) In the administration of the Afflicted Children's
8 Act, the division shall have the power to charge back to the judi-
9 cial district and to return to the judge or judges of each judicial
10 district bills for excessive or unnecessary hospitalization due to
11 neglect of judicial district authorities as in the discretion of
12 the division shall seem just and shall have authority to surcharge
13 any judicial district which has in the opinion of the division
14 unnecessarily used an amount in excess of its fair allocation of
15 funds.

16 Sec. 19. FUNDS RECEIVED FROM FEDERAL GOVERNMENT AND OTHER
17 SOURCES. The state treasurer shall (1) receive all funds granted
18 to the state by the federal government and/or other sources for
19 expenditures under the provisions of this Act; (2) act as custodian
20 of such funds; (3) keep them in a separate account; (4) and dis-
21 burse the funds upon certification by the division.

22 Sec. 20. ACT NOT COMPULSORY UPON PARENTS. No official or
23 agent, or representative, in carrying out the provisions of this
24 Act, shall enter any home or take charge of any child over the
25 objection of the parents, or either of them, or the person standing
26 in loco parentis or having other custody of such child, and nothing
27 in this Act shall be construed as limiting the power of a parent
28 or guardian or person standing in loco parentis to determine what
29 treatment or correction shall be provided for a child or the agency

1 or agencies to be employed for such purpose except by judicial
2 order.

3 Sec. 21. ACTS PROHIBITED, PENALTY. Any parent or guardian,
4 official of hospital, physician, employee of a judicial district
5 or state or any other person found guilty of wilfully making a
6 false statement or of wilfully giving, accepting, or concealing
7 false information for the purpose of securing aid under this Act
8 shall be guilty of a misdemeanor and shall be punished by a fine
9 of not more than \$500.00 or imprisonment for not more than 90 days.
10 Any official of any hospital or any physician who shall bill the
11 state under the provisions of this Act for the care of a patient
12 and also attempt to force any parent, relative, guardian, of such
13 patient or the patient to pay an additional sum for such care,
14 and who shall be found guilty thereof, shall be punished in the
15 same manner.

16 Sec. 22. SHORT TITLE. This Act may be known and cited as
17 the "Afflicted Children's Act."
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