

Introduced: 3/6/64
Referred: Health, Wel-
fare and Education

1 IN THE HOUSE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 403

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to construction and plan-
7 ning of community mental health centers and
8 facilities for the mentally retarded under
9 the Mental Retardation Facilities and Com-
10 munity Mental Health Centers Construction
11 Act of 1963 (P. L. 88-164)."

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

13 * Section 1. AS 18.20.010 is amended to read:

14 Sec. 18.20.010. PURPOSE. The purpose of secs. 10 -
15 130 of this chapter is to provide for the development, es-
16 tablishment and enforcement of standards for (1) the care
17 and treatment of individuals in hospitals, convalescent
18 homes, nursing homes and public health centers, community
19 mental health centers and facilities for the mentally re-
20 tarded and (2) the construction, maintenance and operation
21 of hospitals, which will promote safe and adequate treat-
22 ment of the individuals in hospitals.

23 * Sec. 2. AS 18.20.130(1) is amended to read:

24 (1) "hospital" means a place devoted primarily
25 to the maintenance and operation of facilities for the
26 diagnosis, treatment or care for not less than 24 hours in
27 a week of two or more non-related individuals suffering
28 from illness, disease, injury, or deformity, or a place
29 devoted primarily to providing for not less than 24 hours a

1 week of obstetrical or other medical or nursing care for two
2 or more nonrelated individuals and includes a convalescent
3 home, nursing home, [AND] a public health center, and as
4 defined in sec. 210 of this chapter a community mental health
5 center and a facility for the mentally retarded;

6 * Sec. 3. AS 18.20.140 is amended to read:

7 Sec. 18.20.140. PURPOSE. The purpose of Secs. 140 -
8 220 of this chapter is to make an inventory of existing
9 hospitals and medical facilities, community mental health
10 centers and facilities for the mentally retarded, to survey
11 the need for construction of hospitals and medical facilities,
12 community mental health centers and facilities for the men-
13 tally retarded, and to develop a program and plan of con-
14 struction for each.

15 * Sec. 4. AS 18.20 is amended by adding a new section to read:

16 Sec. 18.20.141. DEPARTMENT FUNCTIONS. The department
17 shall be the sole agency for the administration of the plan
18 as required by the federal act. The department shall
19 develop and administer any programs necessary for compliance
20 with the federal act.

21 * Sec. 5. AS 18.20.150 is amended to read:

22 Sec. 18.20.150. DUTIES OF DEPARTMENT. The department
23 shall

24 (1) For each of the following groups of facili-
25 ties: Group 1. Hospitals and medical facilities; Group 2.
26 Community mental health centers; Group 3. Facilities for
27 the mentally retarded;

28 (A) make a statewide inventory of existing
29 public, nonprofit and proprietary [HOSPITALS AND MEDICAL]

1 facilities; [, AND]

2 (B) survey the need for construction of
3 these [HOSPITALS AND MEDICAL] facilities; [AND,]

4 (C) on the basis of the inventory and survey,
5 develop a program for the construction of public and
6 other nonprofit [HOSPITALS AND MEDICAL] facilities
7 for each of these groups which will, in conjunction
8 with existing facilities, afford the necessary physi-
9 cal facilities for furnishing adequate [HOSPITAL AND
10 MEDICAL] facility services to all residents of the
11 state;

12 (2) prepare and submit to the surgeon general a
13 state plan, including the hospital and medical facilities,
14 community mental health centers and facilities for the men-
15 tally retarded construction program developed under (1) of
16 this section. The plan will [TO] provide for the establish-
17 ment, administration and operation of hospital and medical
18 facilities, community mental health centers and facilities
19 for the mentally retarded and construction activities in ac-
20 cordance with the requirements of the federal act and the
21 regulations promulgated under it; before the submission of
22 the plan to the surgeon general, the department shall give
23 adequate publicity to a general description of the pro-
24 visions proposed to be included, and hold a public hearing
25 where persons or organizations with a legitimate interest
26 in the plan may express their views. After approval of
27 the plan by the surgeon general, the department shall
28 publish a brief summary of the provisions in at least one
29 newspaper of general circulation in the state, and shall

1 make copies of the plan available upon request to interested
2 persons, and from time to time, but not less often than
3 annually, the commissioner shall review the construction
4 program and submit to the surgeon general any modifications
5 which he finds necessary [AND MAY SUBMIT TO THE SURGEON
6 GENERAL MODIFICATIONS WHICH HE MAY CONSIDER ADVISABLE] and
7 which are not inconsistent with the requirements of the
8 federal act;

9 (3) provide for adequate facilities to furnish
10 needed services for persons unable to pay for them in
11 accordance with regulations prescribed under the federal
12 act;

13 (4) submit any reports that the surgeon general
14 considers necessary for compliance with the federal acts;

15 (5) [(3)] do all things on behalf of the state
16 necessary to obtain benefits under the federal act.

17 * Sec. 6. AS 18.20.170 is amended to read:

18 Sec. 18.20.170. APPLICATION FOR CONSTRUCTION PROJECTS.
19 The state, a political subdivision of the state or a public
20 or other nonprofit agency [AUTHORIZED TO CONSTRUCT AND
21 OPERATE A HOSPITAL OR MEDICAL FACILITY] requesting federal
22 funds for a health [HOSPITAL OR MEDICAL] facility con-
23 struction project shall apply to the department. The
24 application shall conform to federal and state requirements.
25 [THE DEPARTMENT MAY NOT APPROVE AN APPLICATION FOR A DIAG-
26 NOSTIC OR TREATMENT CENTER UNLESS THE APPLICANT IS (1) THE
27 STATE, A POLITICAL SUBDIVISION, OR PUBLIC AGENCY, OR (2) A
28 CORPORATION OR ASSOCIATION WHICH OWNS AND OPERATES A NON-
29 PROFIT HOSPITAL.]

1 * Sec. 7. AS 18.20.210(2) is amended to read:

2 (2) "federal act" means Title VI of the Public
3 Health Service Act (42 U.S.C. 291 et seq.) concerning hos-
4 pitals and medical facilities and the Mental Retardation
5 Facilities and Community Mental Health Centers Construction
6 Act of 1963 (P. L. 88-164) concerning facilities for the
7 mentally retarded and community mental health centers, both
8 as now or hereafter amended;

9 * Sec. 8. AS 18.20.210(7) is amended to read:

10 (7) "Surgeon general" means the Surgeon General
11 of the Public Health Service or any other federal agency
12 designated to administer the federal act.

13 * Sec. 9. AS 18.20.210 is amended by adding new paragraphs
14 to read:

15 (8) "community mental health center" means a
16 facility providing services for the prevention or diagnosis
17 of mental illness, or care and treatment of mentally ill
18 patients, or rehabilitation of such persons, which services
19 are provided principally for persons residing in a particular
20 community or communities in or near which the facility is
21 situated;

22 (9) "facility for the mentally retarded" means a
23 facility specially designed for the diagnosis, treatment,
24 education, training, or custodial care of the mentally re-
25 tarded, including facilities for training specialists and
26 sheltered workshops for the mentally retarded, but only if
27 such workshops are part of facilities which provide or will
28 provide comprehensive services for the mentally retarded;

29 (10) "nonprofit facility for the mentally re-

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tarded" and "nonprofit community mental health center" mean, respectively, a facility for the mentally retarded and a community mental health center, which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term nonprofit private agency or organization means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations;