

Introduced: 3/13/73
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE BILL NO. 358

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to community mental health services;
7 and providing for an effective date."

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

9 * Section 1. AS 47.30 is amended by adding new sections to read:

10 ARTICLE 5. COMMUNITY MENTAL HEALTH SERVICES.

11 Sec. 47.30.520. LEGISLATIVE PURPOSE. It is the purpose of the
12 legislature in enacting the Community Mental Health Services Act to
13 assist local communities in organizing and financing community mental
14 health services through locally administered and locally controlled
15 community mental health programs. It is further intended to better
16 utilize existing resources at both state and local levels in order
17 to:

- 18 (1) improve the effectiveness of necessary mental health
19 services;
- 20 (2) integrate state-operated and community mental health
21 programs into a unified mental health system;
- 22 (3) insure that mental health professions are represented
23 appropriately and utilized in community mental health programs;
- 24 (4) provide a means for participation by local communities
25 in the determination of the need for and the allocation of mental
26 health resources;
- 27 (5) establish a uniform ratio of local and state government
28 responsibility for financing mental health services;
- 29 (6) provide a means of allocating state mental health funds

1 according to community needs;

2 (7) encourage the full use of all existing public or private
3 agencies, facilities, personnel, and funds to accomplish these objec-
4 tives; and

5 (8) prevent unnecessary duplication of services and expendi-
6 tures.

7 Sec. 47.30.530. DUTIES OF DEPARTMENT. The department shall
8 administer the provisions of secs. 520 - 620 of this chapter and shall:

9 (1) receive and disburse state appropriations and funds in
10 accordance with the provisions of secs. 520 - 620 of this chapter;

11 (2) establish standards of education and experience for pro-
12 fessional, technical and administrative personnel employed in community
13 mental health services;

14 (3) establish the organization and operation of community
15 mental health services;

16 (4) require the maintenance of records of services, finances
17 and expenditures which shall be reported to the department in the manner
18 and at the times the department may require;

19 (5) review each local community plan and require each plan
20 to include an affirmative showing

21 (A) that the most effective and economic use will be
22 made of all available public and private resources in the community
23 including careful consideration of the most effective and economic
24 alternative forms and patterns of services;

25 (B) a five-year projection of needs, services and
26 resources; and

27 (C) adequate provisions for review and evaluation of
28 services provided in the local community;

29 (6) adopt regulations, after consultation with local

1 communities affected and in conjunction with a citizens advisory
2 council, which are necessary to carry out the purposes of secs. 520 -
3 620 of this chapter.

4 Sec. 47.30.540. ELIGIBLE LOCAL COMMUNITY ENTITIES. (a) A city
5 or borough government or other political subdivision of the state, a
6 nonprofit corporation, or a combination of these, is eligible to receive
7 funds and administer local programs under secs. 520 - 620 of this
8 chapter. In order to insure equitable access to funds and programs
9 through the state, the department shall determine appropriate geographi-
10 cal areas to be served by local programs in consultation with repre-
11 sentatives of the geographical areas in question.

12 (b) The entity designated in the local area as the organizational
13 unit to receive funds under secs. 520 - 620 of this chapter and to
14 administer the program shall insure a broad base of community support
15 as evidenced by a governing board reasonably representative of the
16 professional, civic and citizen groups in the community. No more than
17 two members, or 40 per cent of the membership, whichever is greater,
18 may be providers of services under the program. In order to receive
19 funds under secs. 520 - 620 of this chapter, a local community entity
20 shall agree to

21 (1) give priority to programs and services that have a
22 maximum impact on other tax funded programs;

23 (2) furnish services through a qualified staff meeting
24 reasonable standards of experience and training;

25 (3) develop a cost accounting system showing the true cost
26 of services rendered, collect fees for services according to a schedule
27 based on an analysis of reasonable ability to pay, and provide that
28 no person shall be refused services because of inability to pay for
29 those services;

1 (4) maintain adequate clinical and administrative records
2 and to furnish periodic reports to the department;

3 (5) furnish the department an annual report of the preceding
4 fiscal year, including an evaluation of the effectiveness of the
5 previous year's programs and their costs; and

6 (6) furnish the department each year a satisfactory annual
7 update of a long-range planning and budget statement that describes
8 program goals for the coming year, the steps and resources necessary to
9 implement the goals, the means by which these resources will be secured
10 and the procedures necessary to evaluate the program.

11 Sec. 47.30.550. COST-SHARING FORMULA; LIMITATIONS. (a) If the
12 department finds that it is necessary for the purposes of secs. 520 -
13 620 of this chapter, the department may enter into a contract with an
14 eligible community entity under which the department purchases community
15 mental health services from the entity in accordance with the community
16 entity's approved plan and secs. 520 - 620 of this chapter. The depart-
17 ment shall purchase the services by participating in 75 per cent of
18 the eligible costs of the services to be furnished under the plan sub-
19 ject to the availability of state funds to the department for implement-
20 ing secs. 520 - 620 of this chapter.

21 (b) The total amount of state funds to be expended by the depart-
22 ment for the purchase of services in any one area of the state in any
23 one year shall not exceed an amount equal to per person living in
24 the area to be served under the local program.

25 Sec. 47.30.560. FUNDS FOR LOCAL PROGRAMS. The contracts for
26 services provided for in secs. 520 - 620 of this chapter shall be
27 reviewed, revised if necessary, and approved at the expiration of each
28 contract year. A contract shall be approved if the department finds
29 that the community entity has complied with its plan, secs. 520 - 620

1 of this chapter, and any applicable regulations adopted by the depart-
2 ment. Expenditures for the purchase of services shall be made in
3 accordance with the approved contract, budgets and program projections.

4 Sec. 47.30.570. ELIGIBLE COSTS; MAINTENANCE OF LOCAL EFFORT.

5 The department shall adopt regulations specifying the types of services
6 and program costs eligible for state participation. These regulations
7 shall include:

8 (1) a provision excluding capital expenditures as eligible
9 costs; and

10 (2) a requirement that the community entity contractor or
11 applicant agrees as a condition of contract approval that it will not
12 supplant existing local fund support of community mental health ser-
13 vices with funds received under secs. 520 - 620 of this chapter and
14 that it will continue local funding support of community mental health
15 services, in any year in which it contracts with the department, at
16 a level that is at least equal to the local funding support in the
17 previous year.

18 Sec. 47.30.580. COMPREHENSIVE SERVICES. Plans and regulations
19 adopted under secs. 520 - 620 of this chapter shall allow local programs
20 sufficient administrative and program flexibility so that local com-
21 munity mental health programs may be joined with other programs such
22 as mental retardation programs, drug abuse programs, alcoholism programs
23 and comprehensive mental health services programs.

24 Sec. 47.30.590. CONFIDENTIAL NATURE OF RECORDS AND INFORMATION.

25 The department shall adopt regulations to safeguard the confidential
26 nature of records of and information about the recipients of services
27 provided under secs. 520 - 620 of this chapter. The regulations shall
28 require that local community entities develop and include in any plan
29 submitted for approval adequate provisions for safeguarding confidential

1 information. The department's regulations may provide for disclosure
2 of confidential information to mental health professionals providing
3 services to a recipient and to other appropriate service agencies.

4 Sec. 47.30.600. APPLICABILITY TO EXISTING PROGRAMS. No local
5 community entity existing on January 1, 1973 that received state funds
6 for a community mental health services program in the fiscal year
7 ending June 30, 1973 may receive less state support through the purchase
8 of services under secs. 520 - 620 of this chapter in the fiscal year
9 ending June 30, 1974 than it received in the preceding fiscal year.
10 In order to assure the continuity of state support of existing programs
11 the department may waive requirements of secs. 520 - 620 of this chap-
12 ter in approving contracts with existing entities for the fiscal year
13 ending June 30, 1974, only.

14 Sec. 47.30.610. DEFINITIONS. In secs. 520 - 620 of this chapter
15 "department" means the Department of Health and Social Services.

16 Sec. 47.30.620. SHORT TITLE. Sections 520 - 620 of this chapter
17 may be cited as the Community Mental Health Services Act.

18 * Sec. 2. This Act takes effect July 1, 1973.
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