

Original sponsor: Health, Education
and Social Services Committee by Request
of the Interim Committee on Health Care,
Social Services and Mental Health
Delivery Systems

Offered: 4/8/74
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to liability for expenses of
7 hospitalization of mental patients."

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

9 * Section 1. AS 47.30.270(a) is amended to read:

10 (a) A patient, or his legal representative acting in a represen-
11 tative capacity, or his [SPOUSE,] parents if the patient is under the
12 age of 18, [ADULT CHILDREN, IN THAT ORDER] shall pay or contribute to
13 the payment of the charges for the care or treatment of the patient
14 when hospitalized under secs. 10 - 340 of this chapter, in the manner
15 and proportion which the department finds is not detrimental to the
16 patient's rehabilitation and which is within their ability to pay. The
17 charges may not exceed the actual cost of the care or treatment as
18 determined by the department. Notwithstanding the amount of the charge
19 determined to be due, parents may not be required to pay more than
20 \$100 a month for each child. The order of the department relating to
21 the payment of charges by parents [PERSONS OTHER THAN THE PATIENT, OR
22 HIS LEGAL REPRESENTATIVE,] shall be prospective in effect and shall
23 relate only to charges to be incurred after the order, except that if
24 the parent [RESPONSIBLE PERSON] intentionally conceals his ability to
25 pay, he shall be ordered to pay to the extent of his ability the charges
26 accruing during the period of the concealment. The order of the depart-
27 ment relating to the payment of charges by the patient or his legal
28 representative shall be issued within six months of the date on which
29 the charge was incurred. The department may make necessary investiga-

1 tions to determine the ability to pay, and may require sworn state-
2 ments of income by the parents [RESPONSIBLE PERSONS]. The order shall
3 remain in full force and effect unless modified by subsequent court or
4 department orders.

5 * Sec. 2. AS 47.30.270(d) is amended to read:

6 (d) The amount of liability for care and treatment which is
7 ordered by the department to be paid and which is not paid for by the
8 patient or by his legal representative acting in a representative
9 capacity [SOMEONE IN HIS BEHALF] constitutes a lien in favor of this
10 state against all property of the patient. The unpaid amount of
11 liability is a debt to the state and is a first, prior and preferred
12 claim against the estate of the patient after death, and after expen-
13 ses of administration and all just claims for medical care of last
14 illness and burial expenses have been paid. The claim based upon
15 information submitted by the departments shall be prepared and filed by
16 the attorney general. The amount of liability for care and treatment
17 which is ordered by the department to be paid and which is not paid by
18 the parent before the parent's death, shall be discharged or collected
19 from the patient. No claim lies against the assets or estate of the
20 deceased parent.

21 * Sec. 3. AS 47.30.270 is amended by adding a new subsection to read:

22 (f) If an order of payment is entered by the department under
23 this section and delinquency in the payment of any amount due the state
24 under the order continues for a period of more than 30 days after the
25 notification of the legal representative or parent of the patient by
26 the department, the state may proceed to collect the amounts due by
27 appropriate proceedings. Actions to enforce the collection of payments
28 may only be brought within three years after the date of notification
29 of a delinquent payment.