

Introduced: 3/19/75  
Referred: Health, Education &  
Social Services and Finance

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 311

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH 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 planning, organizing and financing community  
14 mental health services through locally developed, administered and  
15 controlled community mental health programs. It is further intended to  
16 better utilize existing resources at both state and local levels in  
17 order to:

18 (1) develop and implement plans for initiating maximum  
19 mental health services based on demonstrated need for services in each  
20 geographical planning area, as well as regionalized comprehensive  
21 mental health services;

22 (2) improve the effectiveness of existing mental health  
23 services;

24 (3) integrate state-operated and community mental health  
25 programs into a unified mental health system;

26 (4) provide a means for participation by local communities in  
27 the determination of the need for and the allocation of mental health  
28 resources;

29 (5) establish a uniform ratio of local and state government

1 responsibility for financing mental health services;

2 (6) provide a means of allocating state mental health funds  
3 according to community needs;

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

7 (8) prevent unnecessary duplication and fragmentation of  
8 services and expenditures.

9 Sec. 47.30.530. DUTIES OF DEPARTMENT. The department shall admin-  
10 ister the provisions of secs. 520 - 620 of this chapter and shall

11 (1) define and develop standards for various levels and  
12 qualities of mental health care;

13 (2) provide fiscal and professional technical assistance in  
14 planning, organizing, developing, implementing, and administering local  
15 mental health services;

16 (3) develop budgets, receive and disburse state appropria-  
17 tions and funds in accordance with the provisions of secs. 520 - 620 of  
18 this chapter;

19 (4) establish standards of education and experience for  
20 professional, technical and administrative personnel employed in com-  
21 munity mental health services;

22 (5) assist the community in establishing the organization and  
23 operation of community mental health services;

24 (6) develop a standardized system for measuring and reporting  
25 to the department the types, quantities and quality of services; and a  
26 cost accounting system which will demonstrate the cost of various levels  
27 and qualities of care;

28 (7) provide each local community planning and services  
29 delivery entity with statistics, reports, and other data relevant to

1 development of indices indicating the need for mental health services,  
2 or relevant to evaluating the effectiveness of existing services;

3 (8) review each local community plan and require each plan to  
4 include

5 (A) an affirmative showing that the most effective and  
6 economic use will be made of all available public and private  
7 resources in the community including careful consideration of the  
8 most effective and economic alternative forms and patterns of  
9 services;

10 (B) a five-year projection of needs, services and re-  
11 sources; and

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

14 (9) adopt regulations and establish priorities, after con-  
15 sultation with local communities affected and in conjunction with a  
16 state mental health advisory council, which are necessary to carry out  
17 the purposes of secs. 520 - 620 of this chapter.

18 Sec. 47.30.540. ELIGIBLE LOCAL COMMUNITY ENTITIES. (a) A city or  
19 borough government or other political subdivision of the state, a non-  
20 profit corporation, or a combination of these, is eligible to receive  
21 funds and administer local programs under secs. 520 - 620 of this  
22 chapter. In order to insure equitable access to funds and programs  
23 through the state, the department shall determine appropriate geogra-  
24 phical areas to be served by local programs in consultation with repre-  
25 sentatives of the geographical areas in question.

26 (b) The entity designated by the department in the local area as  
27 the organizational unit to receive funds under secs. 520 - 620 of this  
28 chapter and to administer the program shall insure a broad base of  
29 community support as evidenced by a governing board reasonably

1 representative of the professional, civic, and citizen groups in the  
2 community. No more than two members, or 40 per cent of the membership,  
3 whichever is greater, may be providers of services under the program.  
4 In order to receive funds under secs. 520 - 620 of this chapter, a local  
5 community entity shall agree to

6 (1) give priority to mental health programs and services that  
7 have a maximum impact on other tax funded programs;

8 (2) furnish services through a qualified staff meeting reason-  
9 able standards of experience and training;

10 (3) conform to a state cost accounting system showing the  
11 true cost of services rendered, collect fees for services according to a  
12 schedule based on an analysis of reasonable ability to pay, and provide  
13 that no person shall be refused services because of inability to pay for  
14 those services;

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

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

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

25 (c) Members of local governing boards may be reimbursed for neces-  
26 sary travel expenses incurred in the organization and operation of local  
27 programs as may be determined by the department.

28 Sec. 47.30.550. COST-SHARING FORMULA; LIMITATIONS. If the depart-  
29 ment finds that it is necessary for the purposes of secs. 520 - 620 of

1 this chapter, the department may enter into a contract with an eligible  
2 community entity under which the department purchases community mental  
3 health services from the entity in accordance with the community entity's  
4 approved plan and secs. 520 - 620 of this chapter. The department shall  
5 purchase the services by participating in 75 per cent of the eligible  
6 costs of the services to be furnished under the plan subject to the  
7 availability of state funds to the department for implementing secs.  
8 520 - 620 of this chapter. In districts designated by the department as  
9 "poverty areas", the department shall purchase the services by partici-  
10 pating in 90 per cent of the eligible costs.

11 Sec. 47.30.560. FUNDS FOR LOCAL PROGRAMS. The contracts for  
12 services provided for in secs. 520 - 620 of this chapter shall be re-  
13 viewed, revised if necessary, and approved at the expiration of each  
14 contract year. A contract shall be approved if the department finds  
15 that the community entity has complied with its plan, secs. 520 - 620 of  
16 this chapter, and any applicable regulations adopted by the department.  
17 Expenditures for the purchase of services shall be made in accordance  
18 with the approved contract, budgets and program projections.

19 Sec. 47.30.570. ELIGIBLE COSTS; MAINTENANCE OF LOCAL EFFORT. The  
20 department shall adopt regulations specifying the types of services and  
21 program costs eligible for state participation. These regulations shall  
22 include

23 (1) a provision excluding capital expenditures as eligible  
24 costs; and

25 (2) a requirement that the community entity contractor or  
26 applicant agrees as a condition of contract approval that it will not  
27 supplant existing local fund support of community mental health services  
28 with funds received under secs. 520 - 620 of this chapter and that it  
29 will continue local funding support of community mental health services,

1 in any year in which it contracts with the department, at a level that  
2 is at least equal to the local funding support in the previous year.

3 Sec. 47.30.580. COMPREHENSIVE SERVICES. Plans and regulations  
4 adopted under secs. 520 - 620 of this chapter shall allow local programs  
5 sufficient administrative and program flexibility so that local community  
6 mental health programs may be joined with other programs such as mental  
7 retardation programs, drug abuse programs, alcoholism programs and  
8 comprehensive mental health services programs.

9 Sec. 47.30.590. PATIENT RIGHTS AND THE CONFIDENTIAL NATURE OF  
10 RECORDS AND INFORMATION. The department shall adopt regulations to  
11 assure patient rights and to safeguard the confidential nature of records  
12 and information about the recipients of services provided under secs.  
13 520 - 620 of this chapter. The regulations shall require that local  
14 community entities develop and include in any plan submitted for approval  
15 adequate provisions for safeguarding confidential information. The  
16 department's regulations shall provide for disclosure of confidential  
17 information to mental health professionals providing services to a  
18 recipient and to other appropriate service agencies when it is in the  
19 defined best interests of the patient.

20 Sec. 47.30.600. APPLICABILITY TO EXISTING PROGRAMS. No local  
21 community entity existing on January 1, 1974 that received state funds  
22 for a community mental health services program in the fiscal year ending  
23 June 30, 1974 may receive less state support through the purchase of  
24 services under secs. 520 - 620 of this chapter in the fiscal year ending  
25 June 30, 1975 than it received in the preceding fiscal year. In order  
26 to assure the continuity of state support of existing programs the  
27 department may waive requirements of secs. 520 - 620 of this chapter in  
28 approving contracts with existing entities for the fiscal year ending  
29 June 30, 1975, only.

1           Sec. 47.30.605. MENTAL HEALTH ADVISORY COUNCIL. (a) There shall  
2 be a Mental Health Advisory Council appointed by the governor to advise  
3 and assist the director of the division of mental health in initiating  
4 and implementing community mental health services. The council consists  
5 of nine appointed voting members who are interested and knowledgeable in  
6 mental health. At least one but no more than two of the members shall  
7 be members of the Department of Health and Social Services Advisory  
8 Board. No more than three members should be providers of direct mental  
9 health services.

10           (b) The council shall

11           (1) advise the division on the state mental health plans  
12 before implementation of these plans;

13           (2) periodically review all mental health services in the  
14 state, reports of which shall be prepared and submitted to the governor,  
15 the legislature, the department and the Comprehensive Health Advisory  
16 Council;

17           (3) conduct independent investigations and studies as may be  
18 necessary;

19           (4) recommend rules, regulations and standards for the admin-  
20 istration of community mental health services;

21           (5) encourage coordination on a regional basis, of community  
22 mental health services to insure nonduplication and nonfragmentation of  
23 services.

24           (c) The council shall meet at the call of the chairman but shall  
25 meet at least once quarterly.

26           (d) Members of the council are not entitled to a salary, but are  
27 entitled to per diem, reimbursement for travel, and other expenses  
28 authorized by law for other boards.

29           Sec. 47.30.610. DEFINITIONS. In secs. 520 - 610 of this chapter

1 "department" means the Department of Health and Social Services.

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

4 \* Sec. 2. This Act takes effect July 1, 1975.  
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