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Referred: Finance

Original sponsor: Chance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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CS FOR SENATE BILL NO. 24 am H

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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ARTICLE 5. COMMUNITY MENTAL HEALTH SERVICES.

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

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

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

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

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

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(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
10 administer 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
15 local 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
18 of 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
23 and operation of community mental health services;

24 (6) develop a standardized system for measuring and report-
25 ing to the department the types, quantities and quality of services;
26 and a cost accounting system which will demonstrate the cost of various
27 levels 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
4 to 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
11 resources; 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
19 or borough government or other political subdivision of the state, a
20 nonprofit corporation, or a combination of these, is eligible to
21 receive funds and administer local programs under secs. 520 - 620 of
22 this chapter. In order to insure equitable access to funds and pro-
23 grams through the state, the department shall determine appropriate
24 geographical areas to be served by local programs in consultation with
25 representatives 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
5 local community entity shall agree to

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

8 (2) furnish services through a qualified staff meeting
9 reasonable 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
12 a schedule based on an analysis of reasonable ability to pay, and pro-
13 vide that no person shall be refused services because of inability to
14 pay for those services;

15 (4) maintain adequate clinical and administrative records
16 and 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
19 previous 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
23 to implement the goals, the projected means by which these resources
24 will be secured and the procedures necessary to evaluate the program.

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

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

1 620 of this chapter, the department may enter into a contract with an
2 eligible community entity under which the department purchases commun-
3 ity mental health services from the entity in accordance with the
4 community entity's approved plan and secs. 520 - 620 of this chapter.
5 The department shall purchase the services by participating in 75 per
6 cent of the eligible costs of the services to be furnished under the
7 plan subject to the availability of state funds to the department for
8 implementing secs. 520 - 620 of this chapter. In districts designated
9 by the department as poverty areas, the department shall purchase the
10 services by participating 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
13 reviewed, 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 com-
6 munity mental health programs may be joined with other programs such as
7 mental retardation programs, drug abuse programs, alcoholism programs
8 and 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 department in initiating and implementing community
4 mental health services. The council consists of 12 appointed voting
5 members who are interested and knowledgeable in mental health. No more
6 than four members should be providers of direct mental health services.

7 (b) The council shall

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

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

14 (3) conduct independent investigations and studies as may be
15 necessary;

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

18 (5) encourage coordination on a regional basis, of community
19 mental health services to insure nonduplication and nonfragmentation of
20 services.

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

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

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

27 (1) "department" means the Department of Health and Social
28 Services;

29 (2) "poverty area" means a district in which 15 per cent or

1 more of the population, based upon 1970 census data, falls under 125
2 per cent of the Office of Economic Opportunity poverty guidelines.

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

5 * Sec. 2. Upon the creation of the Statewide Health Coordinating Council,
6 as required by the National Health Planning and Resource Development Act of
7 1974, PL 93-641, sec. 605(a), (c) and (d) of this Act are repealed and the
8 duties specified under sec. 605(b) of this Act shall be assumed by the
9 Statewide Health Coordinating Council.

10 * Sec. 3. This Act takes effect July 1, 1975.