

Introduced: 1/21/77
Referred: Health, Education &
Social Services and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 CS HOUSE BILL NO. 99

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to liability for expense of hospita-
7 lization of mentally ill individuals; and providing
8 for an effective date."

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

10 * Section 1. AS 47.30.270(a) is repealed and re-enacted to read:

11 (a) A patient, or his legal representative acting in a represen-
12 tative capacity, or his spouse, or his parents if the person is under
13 the age of 18, shall pay or contribute to the payment of the charges
14 for the care or treatment of the patient when hospitalized under secs.
15 10 - 340 of this chapter. The charges may not exceed the actual cost
16 of the care and treatment as determined by the department. The depart-
17 ment may order payment of charges by the patient or by the person re-
18 sponsible for payment of the charges for the patient's care and
19 treatment under this subsection, according to ability to provide for
20 payment. The department may make necessary investigations to determine
21 the ability to provide for payment and may require sworn statements of
22 income by the patient, or his legal representative acting in a repre-
23 sentative capacity, or his spouse or parent. In the exercise of his
24 discretion, the commissioner may impose full liability for the patient's
25 actual cost of care and treatment on the patient, legal representative,
26 spouse or parent for refusal to supply a sworn statement of income.
27 An order for payment of charges shall be issued by the department
28 within six months after the date on which the charge was incurred.
29 The order shall remain in full force and effect unless modified by

1 subsequent court or department order. Liability under this subsection
2 shall be determined as follows:

3 (1) a patient hospitalized under secs. 10 - 340 of this
4 chapter who is mentally deficient and severely mentally retarded, or
5 the person responsible for payment of charges for such a patient under
6 this subsection, may not be required to pay more than \$50 a month
7 toward the charges for the care and treatment of the patient;

8 (2) a patient hospitalized under secs. 10 - 340 of this
9 chapter, other than one covered by (1) of this subsection, or the
10 person responsible for payment of charges for such a patient, may be
11 required to pay according to his ability to provide for payment, as
12 determined by the department, and in the manner and proportion which
13 the department finds is not detrimental to the patient's rehabilita-
14 tion; however, after the patient has been hospitalized under secs.
15 10 - 340 of this chapter for an aggregate period of 12 months, the
16 patient or person responsible for payment may not be required to pay
17 more than \$50 a month toward the charges for the care and treatment of
18 the patient.

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

20 (d) The amount of liability for care and treatment which is
21 ordered by the department to be paid and which is not paid for by the
22 patient or by his legal representative acting in a representative
23 capacity or by his spouse or parent constitutes a lien in favor of
24 this state against all property of the patient. The unpaid amount of
25 liability is a debt to the state and is a first, prior and preferred
26 claim against the estate of the patient after death, and after ex-
27 penses of administration and all just claims for medical care of last
28 illness and burial expenses have been paid. The claim based upon
29 information submitted by the department shall be prepared and filed by

1 the attorney general. The amount of liability for care and treatment
2 which is ordered by the department to be paid and which is not paid by
3 the spouse or parent before the spouse's or parent's death, shall be
4 discharged or collected from the patient. No claim lies against the
5 assets or estate of the deceased spouse or parent.

6 * Sec. 3. AS 47.30.270(f) is amended to read:

7 (f) If an order of payment is entered by the department under
8 this section, and delinquency in the payment of any amount due the
9 state under the order continues for a period of more than 30 days
10 after the notification of the patient or the legal representative,
11 spouse, or parent of the patient by the department, the state may
12 proceed to collect the amounts due by appropriate proceedings.
13 Actions to enforce the collection of payments may only be brought
14 within three years after the date of notification of a delinquent
15 payment.

16 * Sec. 4. The orders of the department issued under AS 47.30.270, as
17 amended by this Act, shall relate only to charges incurred after the effec-
18 tive date of this Act.

19 * Sec. 5. This Act takes effect immediately in accordance with AS
20 01.10.070(c).