

Introduced: 2/11/77
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 207

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 contracts for local health
7 services; and providing for an effective date."

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

9 * Section 1. AS 18.10 is amended by adding new sections to read:

10 ARTICLE 2. PUBLIC HEALTH DISTRICTS.

11 Sec. 18.10.101. PURPOSE. The purpose of secs. 101 - 191 of this
12 chapter is to promote and safeguard the health of the general public
13 by authorizing contractual arrangements for selected public health
14 services with public health districts in areas not served by local
15 governments with public health powers.

16 Sec. 18.10.111. PUBLIC HEALTH DISTRICTS. (a) For administration
17 of secs. 101 - 191 of this chapter, the following areas may be desig-
18 nated public health districts of the state:

19 (1) local public health service areas established in the
20 unorganized borough under AS 29.03.020 and secs. 121 and 131 of this
21 chapter and cities in the unorganized borough which are not within a
22 local public health service area;

23 (2) organized boroughs which do not have public health
24 powers either areawide or in just the borough area outside cities but
25 which are served by private health corporations, in the borough area
26 which is neither a city with public health powers nor a service area
27 established for public health purposes under AS 29.63.090.

28 (b) A city in the unorganized borough may include itself for
29 purposes of secs. 101 - 191 of this chapter in a local public health

1 service area of the unorganized borough established under secs. 121 -
2 131 of this chapter, if its governing body, by ordinance, consents to
3 the inclusion of the city, and the ordinance is filed with the commis-
4 sioner.

5 (c) Nothing in secs. 101 - 191 of this chapter restricts or
6 prohibits the combining of two or more public health districts as a
7 single district for the purposes of secs. 101 - 191 of this chapter,
8 upon mutual agreement for cooperative or joint administration of
9 functions or contract for services to be provided by a private health
10 corporation under this chapter.

11 Sec. 18.10.121. AUTHORITY IN UNORGANIZED BOROUGH. Under AS
12 29.03.020 and secs. 101 - 191 of this chapter, the legislature autho-
13 rizes the establishment of local public health service areas in the
14 unorganized borough within the boundaries of regional educational
15 attendance areas established under AS 14.08.031 if the population,
16 including military personnel and dependents, of an attendance area, or
17 of two or more contiguous attendance areas combining to form a single
18 service area, numbers at least 6,000 persons, and grants authority to
19 the service areas to provide public health services in accordance with
20 this chapter.

21 Sec. 18.10.131. LOCAL PUBLIC HEALTH SERVICE AREAS IN THE UNORGA-
22 NIZED BOROUGH. (a) Upon receipt of a petition signed by at least 10
23 per cent of the qualified voters of a regional educational attendance
24 area, or of each of two or more contiguous regional educational attend-
25 ance areas established under AS 14.08.031, the lieutenant governor
26 shall place a question, substantially in the following form, on the
27 ballot in the next general election held in that area:

28 "SHALL A LOCAL PUBLIC HEALTH SERVICE AREA BE FORMED WITHIN THE
29 BOUNDARIES OF THE _____ REGIONAL EDUCATIONAL

1 ATTENDANCE AREA(S)?

2 Yes ()

No ()

3 (b) Upon certification by the lieutenant governor that in each
4 regional educational attendance area in which the election on the
5 question is held, a majority of votes on the question are affirmative,
6 the lieutenant governor shall declare the local public health service
7 area to be established.

8 (c) If a petition for establishment of a local public health
9 service area so requests, election of the local public health service
10 area board provided for in sec. 141 of this chapter may be held concur-
11 rently with election on the question of establishing the local public
12 health service area.

13 (d) To assure that the population served in each local public
14 health service area remains at a minimum of 6,000 persons, including
15 military personnel and dependents, two or more contiguous regional
16 educational attendance areas established as local public health service
17 areas under this section may combine as a single service area. Combin-
18 ing service areas under this subsection abolishes the offices of the
19 separate boards governing the former separate areas upon election of a
20 single governing board, numbering seven or whatever number is designated
21 by the department, to serve as provided in sec. 141 of this chapter.

22 Sec. 18.10.141. LOCAL PUBLIC HEALTH SERVICE AREA BOARDS. (a)
23 Each local public health service area of the unorganized borough shall
24 have an elected board representing the population of the area served.
25 The board has powers, duties, and other functions as prescribed by
26 regulations adopted by the department under sec. 191 of this chapter.

27 (b) A local public health service area board shall number seven
28 members, unless the petition provided for in sec. 131 of this chapter
29 specifies a different number of members, or a different number of

1 members is specified under sec. 131(d) of this chapter to constitute
2 the board. At least four members, or a majority if the board numbers
3 more than seven, shall be consumers and not providers of health services.

4 (c) Board members shall be elected at large by the qualified
5 voters of the local public health service area; however, each seat on
6 a board shall be designated by letter or number, and a candidate for
7 the board shall indicate the seat for which he is a candidate on his
8 declaration of candidacy or other nomination document when he files
9 for office.

10 (d) The term of office of members of a local public health
11 service area board is three years, except that the term of members of
12 the first board elected in each area shall be determined by lot, with
13 two members serving a one-year term, two members a two-year term, and
14 three members a three-year term, if the board numbers seven members,
15 and, if the board numbers more than seven members, terms shall be
16 determined by lot and staggered among one-, two-, and three-year terms
17 or so that a majority of the board serve initial one- or two-year
18 terms. Nothing in this subsection prohibits reelection of a board
19 member.

20 (e) The lieutenant governor, not less than 60 nor more than 90
21 days after the establishment of a local public health service area,
22 including but not limited to the combination of two or more contiguous
23 areas into a single area under sec. 131(d) of this chapter, shall
24 provide for the election of the service area board, unless election of
25 the board has been held concurrently with election on the question of
26 establishment of the service area as provided in sec. 131 of this
27 chapter.

28 (f) Except for the first election, elections of board members
29 shall be held annually on the first Tuesday of October. The terms of

1 members elected at the first election extend to the regular election
2 held at a time which will assure them of a full initial term in accord-
3 ance with sec. 141(d) of this chapter.

4 (g) A vacancy on a local public health service area board shall
5 be filled as provided by AS 14.12.070 for school board vacancies.

6 (h) Local public health service area board members are subject
7 to recall upon the same grounds and in the same manner as provided for
8 elected municipal officials in AS 29.28.130 - 29.28.250. The department
9 functions in place of the assembly or council and municipal clerk,
10 except as provided in (i) of this section.

11 (i) Elections under this section, including but not limited to
12 recall elections, shall be administered by the office of the lieutenant
13 governor in the general manner prescribed by the Alaska Election Code,
14 AS 15.05 - 15.60. In addition, the lieutenant governor may adopt
15 regulations considered necessary to conduct the local public health
16 service area elections. The state shall pay election costs.

17 Sec. 18.10.151. CONTRACTS. (a) The commissioner may enter into
18 a contract with the governing body of a public health district designated
19 under sec. 111 of this chapter for the provision of specific public
20 health services, if the contract is approved by the appropriate health
21 systems agency. The governing body may subcontract with a private
22 health corporation serving a public health district to carry out the
23 services. The private health corporation must serve equally all
24 residents of the area presenting themselves for assistance or services.
25 As prerequisites to a contract with a district which is a city,

26 (1) the population of the city must total at least 2,000
27 persons;

28 (2) the commissioner must determine that the public health
29 services proposed to be contracted for cannot be provided more efficient-

1 ly through the city including itself, as provided in sec. 111(b) of
2 this chapter, in a local public health service area which is contiguous
3 to the city than by the city providing the service.

4 (b) Contracts shall be awarded in accordance with the plan of
5 service provided and approved, and under regulations adopted for the
6 purpose, based on such factors as program need, and the size and
7 density of the population of the area to be served. The governing
8 body of the public health district shall match 10 per cent of the
9 amount of the contract with revenue or in-kind contributions from the
10 district which are not derived from state or federal sources except as
11 provided in AS 43.18.010 and in sec. 104(c) of P.L. 93-638 (The Indian
12 Self-Determination Act), 25 U.S.C. sec. 450h(c).

13 (c) Applications for contracts must be submitted in the form and
14 with information which the department by regulation prescribes. The
15 department shall establish by regulation a method, consistent with
16 state accounting procedures, for determining the value of contributions
17 made in-kind by the governing body of a public health district.

18 Sec. 18.10.161. EXPENDITURE OF FUNDS. Funds received by a
19 public health district under secs. 101 - 191 of this chapter shall be
20 expended only for the purposes described in the plan of service which
21 has been approved by the commissioner.

22 Sec. 18.10.171. PRORATION. If amounts appropriated by the
23 legislature are insufficient to meet the costs of contracts authorized
24 under secs. 101 - 191 of this chapter, such funds as are available
25 shall be allocated pro rata among eligible health districts.

26 Sec. 18.10.181. REGULATIONS. The commissioner shall adopt
27 regulations necessary to implement secs. 101 - 191 of this chapter,
28 covering such subjects as

29 (1) powers, duties, and other functions of boards of local

1 public health service areas of the unorganized borough;

2 (2) requirements for the development of a plan of services
3 by a public health district;

4 (3) minimal standards of services;

5 (4) procedures for the application, revision, and approval
6 of contracts with public health districts, which include a detailed
7 allocation formula;

8 (5) public health district program evaluation;

9 (6) qualifications of health personnel.

10 Sec. 18.10.191. DEFINITIONS. In secs. 101 - 191 of this chapter

11 (1) "commissioner" means the commissioner of the Department
12 of Health and Social Services;

13 (2) "department" means the Department of Health and Social
14 Services;

15 (3) "health systems agency" means an entity organized and
16 operated in accordance with sec. 1521(b) of the Public Health Service
17 Act (which section was added by P.L. 93-641) and engaging in health
18 planning and development functions in a specified health service area
19 of the state;

20 (4) "population" means population as determined by the
21 Department of Community and Regional Affairs using the latest figures
22 of the U.S. Bureau of the Census reports or other reliable information;

23 (5) "private health corporation" means a nonprofit, non-
24 governmental organization incorporated under the laws of the state
25 which delivers health services; it includes but is not limited to a
26 regional health corporation serving a geographic region established
27 under the Alaska Native Claims Settlement Act (P.L. 92-203, as amended;
28 43 U.S.C. sec. 1601 et seq.);

29 (6) "provider of health services" means a person who is a

1 direct provider of health care, including a physician, dentist,
2 nurse, podiatrist, or physician assistant, in that the person's primary
3 current activity is the provision of health care to individuals or the
4 administration of facilities or institutions, including hospitals,
5 long-term care facilities, outpatient facilities, and health mainte-
6 nance organizations, in which the care is provided and, when required
7 by state law, the person has received professional training in the
8 provision of that care or in that administration and is licensed or
9 certified for that provision or administration.

10 * Sec. 2. AS 18.05.040(a)(4), AS 18.10.010 - 18.10.050, and 18.10.260-
11 (b) are repealed.

12 * Sec. 3. AS 18.10.151 of sec. 1 of this Act takes effect on July 1,
13 1980. The remainder of this Act takes effect immediately in accordance
14 with AS 01.10.070(c).
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