

Introduced: 4/12/77
Referred: Health, Education &
Social Services and Finance

BY MCKINNON, BRADLEY AND
PHILLIPS

1 IN THE HOUSE

2 HOUSE BILL NO. 464

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Department of Health; prescribing
7 its organization, powers and duties; and providing for
8 an effective date."

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

10 * Section 1. AS 44 is amended by adding a new chapter to read:

11 CHAPTER 28. DEPARTMENT OF HEALTH.

12 Sec. 44.28.010. BOARD AND COMMISSIONER OF HEALTH. There is at the
13 head of the Department of Health a Board of Health. The commissioner of
14 health is the principal executive officer of the department.

15 Sec. 44.28.020. DUTIES OF THE DEPARTMENT. The Department of
16 Health shall administer the state programs of public health including:
17 (1) maternal and child health services; (2) preventive medical services;
18 (3) public health nursing services; (4) sanitation and engineering
19 services; (5) nutrition services; (6) health education; (7) laboratories;
20 (8) mental health treatment and diagnosis; and (9) medical and mental
21 health facilities and institutions.

22 * Sec. 2. AS 44.29.010 is amended to read:

23 CHAPTER 29. DEPARTMENT OF [HEALTH AND] SOCIAL SERVICES.

24 Sec. 44.29.010. COMMISSIONER OF [HEALTH AND] SOCIAL SERVICES. The
25 principal executive officer of the Department of [HEALTH AND] Social
26 Services is the commissioner of [HEALTH AND] social services.

27 * Sec. 3. AS 44.29.020 is repealed and re-enacted to read:

28 Sec. 44.29.020. DUTIES OF DEPARTMENT. The Department of Social
29 Services shall administer the state programs of public social services,

1 including: (1) management of state correction and other institutions
2 relating to the duties assigned by this section; (2) old age assistance;
3 (3) aid to dependent children; (4) aid to the blind; (5) child welfare
4 services; (6) general relief; (7) licensing and supervision of child
5 care facilities; and (8) probation and parole supervision.

6 * Sec. 4. AS 17.05.160(4) is amended to read:

7 (4) "department" means the Department of Health [AND SOCIAL
8 SERVICES];

9 * Sec. 5. AS 17.12.150(1) is amended to read:

10 (1) "commissioner" means the commissioner of health [AND
11 SOCIAL SERVICES];

12 * Sec. 6. AS 17.12.150(2) is amended to read;

13 (2) "department" means the Department of Health [AND SOCIAL
14 SERVICES];

15 * Sec. 7. AS 17.20.370(1) is amended to read:

16 (1) "commissioner" means the commissioner of health [AND
17 SOCIAL SERVICES];

18 * Sec. 8. AS 17.20.370(2) is amended to read:

19 (2) "department" means the Department of Health [AND SOCIAL
20 SERVICES];

21 * Sec. 9. AS 44.29.100 is amended to read:

22 Sec. 44.29.100. ADVISORY BOARD ON DRUG ABUSE. There is estab-
23 lished in the Department of Health [AND SOCIAL SERVICES] an advisory
24 board on drug abuse.

25 * Sec. 10. AS 44.29.140 is amended to read:

26 Sec. 44.29.140. DUTIES. The board shall act in an advisory
27 capacity to the commissioner of health [AND SOCIAL SERVICES] in the
28 following matters:

29 (1) special problems affecting mental health which drug

1 abuse or addiction may present;

2 (2) educational research and public informational activities
3 conducted by the Department of Health [AND SOCIAL SERVICES] and others
4 in respect to the problems presented by drug abuse;

5 (3) social problems which affect rehabilitation of drug users
6 and addicts;

7 (4) legal processes which affect the treatment and rehabili-
8 tation of drug users and addicts;

9 (5) development of programs of prevention, treatment and
10 rehabilitation for drug abusers and addicts;

11 (6) review of applications and subsequent recommendations to
12 the commissioner of health [AND SOCIAL SERVICES] on use of funds for
13 grants for local drug abuse projects and programs;

14 (7) evaluation of effectiveness of drug abuse programs in the
15 state.

16 * Sec. 11. AS 18 is amended by adding a new chapter to read:

17 CHAPTER 03. DEPARTMENT OF HEALTH.

18 ARTICLE 1. BOARD OF HEALTH.

19 Sec. 18.03.010. CREATION. There is created at the head of the
20 Department of Health a Board of Health consisting of nine members.

21 Sec. 18.03.020. APPOINTMENT. (a) The nine members of the board,
22 no more than five of whom shall be members of the same political party
23 as the governor, shall be appointed by the governor, subject to confir-
24 mation by a majority of the members of the legislature in joint session.
25 The members of the board shall be broadly representative of all related
26 health professions, who are known for their experience or interest in
27 the promotion and protection of the public health. At least three of
28 the members shall be medical or osteopathic physicians licensed to
29 practice in the state. At least one member shall be a health consumer.

1 The governor shall consider recommendations made by recognized profes-
2 sional associations in the state.

3 (b) No member of the board may be a candidate for partisan politi-
4 cal office while serving on the board.

5 Sec. 18.03.030. TERM OF OFFICE. The members of the board serve at
6 the pleasure of the governor and shall be appointed for staggered five-
7 year terms. A member appointed to fill a vacancy serves for the un-
8 expired term of the member he succeeds. A vacancy occurring during the
9 term of office is filled in the same manner as the original appointment.

10 Sec. 18.03.040. OFFICERS. Annually, the board shall elect a
11 chairman and vice-chairman from among its members. No board member may
12 serve as chairman for more than two consecutive one-year terms.

13 Sec. 18.03.050. COMPENSATION AND PER DIEM. Members of the board
14 serve without compensation but are entitled to per diem and travel
15 expenses as may be authorized by law for boards and commissions.

16 Sec. 18.03.060. MEETINGS; QUORUM; RULES; VOTES REQUIRED. The
17 board shall prescribe its own rules of procedure. The board shall meet
18 once quarterly at a time and place determined by the chairman, and at
19 other times and places as the chairman, or a majority of the members of
20 the board, consider necessary. A quorum is a majority of the members of
21 the board. The votes of the board members shall be recorded and effec-
22 tive action requires the affirmative vote of a majority of the members
23 of the board present. No board member may, with respect to a matter
24 before the board, vote for or on behalf of, or in any way exercise the
25 vote of another member of the board.

26 Sec. 18.03.070. PRESCRIPTION OF BYLAWS. (a) The board may adopt
27 bylaws for the management of the department. The bylaws shall be written
28 and distributed in a manner as to be readily available to personnel of
29 the department.

1 (b) This section may not be construed to allow the use of a bylaw
2 rather than a regulation when the subject is of statewide importance or
3 interest.

4 Sec. 18.03.080. ADDITIONAL POWERS. The board may

5 (1) appoint unpaid advisory commissions;

6 (2) require other state departments or agencies, municipalities
7 or other political subdivisions of the state, to submit to the department
8 in the form the board prescribes any information or reports which are
9 reasonably necessary to assist the department in carrying out its func-
10 tions.

11 Sec. 18.03.090. COOPERATION WITH FEDERAL GOVERNMENT. The board
12 shall cooperate with the federal government in adopting state plans to
13 make the state eligible for federal matching in health programs, and in
14 all matters of mutual concern, including adoption of the methods of
15 administration which are found by the federal government to be necessary
16 for the efficient operation of health programs.

17 ARTICLE 2. COMMISSIONER OF HEALTH.

18 Sec. 18.03.100. COMMISSIONER OF HEALTH. (a) The board shall
19 appoint the commissioner of health subject to the approval of the gover-
20 nor. The commissioner shall be the principal executive officer of the
21 department.

22 (b) The commissioner shall be appointed without regard to politi-
23 cal affiliation. He shall be qualified by training and experience with
24 a minimum of seven years in the fields of public health or mental health
25 or both and a minimum of three years administrative experience.

26 (c) The commissioner may be appointed by the board for a term of
27 office not to exceed five years. He may be removed during his term of
28 office for cause by a majority of the members of the board. In this
29 subsection, "cause" means

1 (1) incompetency which is the inability or the unintentional
2 or intentional failure to perform the duties of the commissioner;

3 (2) immorality which is the commission of an act which, under
4 the laws of the state, constitutes a crime involving moral turpitude; or

5 (3) malfeasance or misfeasance in office which includes, but
6 is not limited to, the failure of the commissioner to comply with the
7 regulations adopted by the board.

8 (d) The commissioner shall receive the salary prescribed in AS
9 39.20.080.

10 (e) The commissioner shall employ and remove all classified person-
11 nel in the department subject to the State Personnel Act (AS 39.25). He
12 may employ and remove personnel in the exempt or partially exempt service
13 subject to the approval of the board. Personnel in the exempt or par-
14 tially exempt service have a right of appeal to the board if they are
15 removed.

16 Sec. 18.03.110. BUDGET AND FISCAL AUTHORITY. The commissioner
17 shall prepare and execute a budget and shall administer the other fiscal
18 affairs of the department, subject to the approval of the board.

19 * Sec. 12. AS 18.05.070(1) is amended to read:

20 (1) "department" means the Department of Health [AND SOCIAL
21 SERVICES];

22 * Sec. 13. AS 18.05.070(2) is amended to read:

23 (2) "commissioner" means the commissioner of health [AND
24 SOCIAL SERVICES];

25 * Sec. 14. AS 18.07.021 is amended to read:

26 Sec. 18.07.021. STATE HEALTH PLANNING AND DEVELOPMENT AGENCY. The
27 [OFFICE OF PLANNING AND RESEARCH IN THE] department is the state health
28 planning and development agency designated under sec. 1521(b)(3), P.L.
29 93-641. The office shall perform the functions enumerated under sec.

1 1523, P.L. 93-641, administer the certificate of need program outlined
2 in secs. 41 - 111 of this chapter, and other functions prescribed in
3 this chapter.

4 * Sec. 15. AS 18.07.031 is amended to read:

5 Sec. 18.07.031. CERTIFICATE OF NEED REQUIRED. No person may
6 undertake the following unless authorized under the terms of a certifi-
7 cate of need issued by the department [OFFICE]:

- 8 (1) construction of a health care facility;
9 (2) alteration of the bed capacity of a health care facility;
10 (3) addition or elimination of a category of health services
11 provided by a health care facility.

12 * Sec. 16. AS 18.07.041 is amended to read:

13 Sec. 18.07.041. STANDARD OF REVIEW FOR APPLICATIONS FOR CERTIFI-
14 CATES OF NEED. The department [OFFICE] shall grant a sponsor a certifi-
15 cate of need or modify a certificate of need if the availability and
16 quality of existing health care resources or the accessibility to those
17 resources is less than the current or projected requirement for health
18 services required to maintain the good health of Alaska citizens.

19 * Sec. 17. AS 18.07.061 is amended to read:

20 Sec. 18.07.061. MODIFICATION AND TERMINATION OF ACTIVITIES. The
21 certificate holder shall apply to the department [OFFICE] for a modifi-
22 cation of the certificate before terminating part of the activities
23 authorized by the terms of issuance, but the certificate holder is not
24 required to obtain the acquiescence of the department [OFFICE] before
25 terminating all the activities authorized by the certificate. If a
26 certificate holder terminates all of the activities authorized by a
27 certificate, the certificate holder is required to notify the department
28 [OFFICE] 60 days before termination and to surrender the certificate to
29 the department [OFFICE] within 30 days of termination.

1 * Sec. 18. AS 18.07.071 is amended to read:

2 Sec. 18.07.071. TEMPORARY AND EMERGENCY CERTIFICATES. (a) The
3 department [OFFICE] shall grant a sponsor an emergency certificate for
4 the construction of a health care facility for which a certificate is
5 required under sec. 41 of this chapter if the sponsor shows, by affidavit
6 or formal hearing, that the act of construction consists of effecting
7 emergency repairs.

8 (b) The department [OFFICE] may grant a sponsor a temporary certi-
9 ficate for the temporary operation of a category of health service, if
10 the sponsor shows by affidavit or formal hearing

11 (1) the necessity for early, immediate, or temporary relief,
12 and

13 (2) adverse effect to the public interest by reason of delay
14 occasioned by compliance with the requirements of sec. 41 of this chapter
15 and application procedures prescribed by regulations under this chapter.

16 (c) A temporary certificate granted under (a) and (b) of this
17 section confers no vested rights on behalf of the applicant. The
18 department [OFFICE] shall impose those special limitations and restric-
19 tions concerning duration and right of extension which the department
20 [OFFICE] considers appropriate. No temporary certificate may be granted
21 for a period longer than necessary for the sponsor to obtain review of
22 the action certified by the temporary certificate under sec. 51 of this
23 chapter. Application for a certificate of need under sec. 41 of this
24 chapter must commence within 60 days of the date of issuance of the
25 temporary certificate.

26 * Sec. 19. AS 18.07.081(a) and (c) are amended to read:

27 (a) The department [OFFICE], a member of the public who is sub-
28 stantially affected by activities authorized by the certificate, or
29 another applicant for a certificate of need may initiate a hearing to

1 obtain modification, suspension or revocation of an existing certificate
2 of need by filing an accusation with the commissioner as prescribed
3 under AS 44.62.360. No revocation, modification, or suspension of an
4 outstanding certificate may be undertaken unless it is in accordance
5 with AS 44.62.330 - 44.62.630.

6 (c) A certificate of need shall be suspended if an accusation is
7 filed before the commencement of activities authorized under sec. 41 of
8 this chapter which charges that factors upon which the certificate of
9 need was issued have changed, or new factors have been discovered which
10 significantly alter the need for the activity authorized. A suspension
11 of a certificate may not exceed 60 days. At the end of this period or
12 sooner, the department [OFFICE] shall revoke or reinstate the certificate.

13 * Sec. 20. AS 18.07.101 is amended to read:

14 Sec. 18.07.101. REGULATIONS. The commissioner shall adopt, in
15 accordance with the Administrative Procedure Act (AS 44.62), regulations
16 which establish procedures under which sponsors may make application for
17 certificates of need required by this chapter and which govern the review
18 of those applications by the department [OFFICE], establish requirements
19 for a uniform statewide system of reporting financial and other operat-
20 ing data, and otherwise carry out the purposes of this chapter.

21 * Sec. 21. AS 18.07.111(2) and (6) are amended to read:

22 (2) "commissioner" means the commissioner of health [AND
23 SOCIAL SERVICES];

24 (6) "department" means the Department of Health [AND SOCIAL
25 SERVICES];

26 * Sec. 22. AS 18.07.111(10) is repealed.

27 * Sec. 23. AS 18.10.260(b) is amended to read:

28 (b) In this chapter "department" means the Department of Health
29 [AND SOCIAL SERVICES].

1 * Sec. 24. AS 18.15.190 is amended to read:

2 Sec. 18.15.190. DEFINITIONS. As used in this chapter, "depart-
3 ment" means the Department of Health [AND SOCIAL SERVICES].

4 * Sec. 25. AS 18.15.200(b) is amended to read:

5 (b) The Department of Health [AND SOCIAL SERVICES] shall prescribe
6 regulations regarding the method used and the time or times of testing
7 as accepted medical practice indicates.

8 * Sec. 26. AS 18.20.130(3) is amended to read:

9 (3) "department" means the Department of Health [AND SOCIAL
10 SERVICES].

11 * Sec. 27. AS 18.20.210(1) is amended to read:

12 (1) "department" means the Department of Health [AND SOCIAL
13 SERVICES];

14 * Sec. 28. AS 18.25.120 is amended to read:

15 Sec. 18.25.120. DEFINITIONS. In this chapter "department" means
16 the Department of Health [AND SOCIAL SERVICES].

17 * Sec. 29. AS 18.35.090(2) is amended to read:

18 (2) "department" means the Department of Health [AND SOCIAL
19 SERVICES].

20 * Sec. 30. AS 18.35.230(1) is amended to read:

21 (1) "department" means the Department of Health [AND SOCIAL
22 SERVICES];

23 * Sec. 31. AS 18.45.030(1) is amended to read:

24 (1) The Department of Health [AND SOCIAL SERVICES] particu-
25 larly as to hazards to the public health and safety;

26 * Sec. 32. AS 18.50.030 is amended to read:

27 Sec. 18.50.030. APPOINTMENT OF STATE REGISTRAR OF VITAL STATISTICS.
28 The commissioner of health [AND SOCIAL SERVICES] shall select the state
29 registrar of vital statistics in accordance with state personnel laws

1 and regulations. The registrar shall carry out the provisions of this
2 chapter.

3 * Sec. 33. AS 18.50.370(3) is amended to read:

4 (3) "department" means the Department of Health [AND SOCIAL
5 SERVICES];

6 * Sec. 34. AS 18.67.020(a) is amended to read:

7 (a) There is the Violent Crimes Compensation Board in the Depart-
8 ment of [HEALTH AND] Social Services composed of three members to be
9 appointed by the governor. One of the members shall be designated as
10 chairman by the governor. At least one member shall be a medical or
11 osteopathic physician licensed to practice in this state.

12 * Sec. 35. AS 44.62.330(24), (27), (28) and (30) are amended to read:

13 (24) Department of [HEALTH AND] Social Services, under AS
14 47.35.010 - 47.35.080, relating to boarding and foster homes for children

15 (27) Department of Health [AND SOCIAL SERVICES], under
16 Alaska Food, Drug, and Cosmetic Act (AS 17.20), and in connection with
17 the licensing of embalmers under AS 08.44.010

18 (28) Department of Health [AND SOCIAL SERVICES] and the
19 Hospital Advisory Council, under AS 18.20.010 - 18.20.130

20 (30) Department of Health [AND SOCIAL SERVICES], under AS
21 18.35.010 - 18.35.090, concerning the regulation of tourist and trailer
22 camps, motor courts, and motels

23 * Sec. 36. AS 47.05.010 is amended to read:

24 Sec. 47.05.010. DUTIES OF DEPARTMENT. The Department of [HEALTH
25 AND] Social Services shall

26 (1) administer old age assistance, aid to dependent children,
27 aid to the blind, and all other assistance programs, and receive and
28 spend funds made available to it;

29 (2) adopt regulations necessary for the conduct of its

1 business and for carrying out federal and state laws granting old age
2 assistance, aid to dependent children, aid to blind persons and other
3 assistance;

4 (3) establish minimum standards for personnel employed by
5 the department and make necessary rules and regulations to maintain
6 those standards;

7 (4) require those bonds and undertakings from persons employed
8 by it which in its judgment are necessary, and pay the premiums on them;

9 (5) cooperate with the federal government in matters of
10 mutual concern pertaining to old age assistance, aid to dependent
11 children, aid to blind persons and other forms of public assistance;

12 (6) make the reports, in the form and containing the informa-
13 tion, which the federal government from time to time requires;

14 (7) cooperate with the federal government, its agencies or
15 instrumentalities in establishing, extending and strengthening services
16 for the protection and care of homeless, dependent and neglected children
17 in danger of becoming delinquent, and receive and expend funds available
18 to the department by the federal government, the state or its political
19 subdivisions for that purpose;

20 (8) cooperate with the federal government in adopting state
21 plans to make the state eligible for federal matching in appropriate cate-
22 gories of assistance, and in all matters of mutual concern, including
23 adoption of the methods of administration which are found by the federal
24 government to be necessary for the efficient operation of welfare pro-
25 grams;

26 (9) adopt regulations, not inconsistent with law, defining
27 need, prescribing the conditions of eligibility for assistance, and
28 establishing standards for determining the amount of assistance which an
29 eligible person is entitled to receive; the amount of assistance is

1 sufficient when, added to all other income and resources available to an
2 individual, it provides the individual with a reasonable subsistence
3 compatible with health and well-being; an individual who meets the
4 requirements for eligibility for assistance shall be granted the assis-
5 tance promptly upon application for it;

6 (10) grant to a person claiming or receiving assistance and
7 who is aggrieved because of the department's action or failure to act,
8 reasonable notice and an opportunity for a fair hearing by the depart-
9 ment, and the department shall establish regulations relative to this;

10 (11) enter into reciprocal agreements with other states rela-
11 tive to public assistance, welfare services, and institutional care
12 which are considered advisable;

13 (12) establish the requirements of residence for public assis-
14 tance, welfare services and institutional care which are considered
15 advisable, subject to the limitations of other laws of the state, or law
16 or regulation imposed as conditions for federal financial participation;

17 (13) establish the divisions and local offices which are
18 considered necessary or expedient to carry out a duty or authority
19 assigned to it and appoint and employ the assistants and personnel which
20 are necessary to carry on the work of the divisions and offices, and fix
21 the compensation of the assistants or employees except that no person
22 engaged in business as a retail vendor of general merchandise, nor a
23 member of the immediate family of a person who is so engaged, may serve
24 as an acting, temporary or permanent local agent of the department,
25 unless the commissioner of [HEALTH AND] social services certifies in
26 writing to the governor, with relation to a particular community, that
27 no other qualified person is available in the community to serve as
28 local welfare agent; for the purposes of this subsection, a "member of
29 the immediate family" includes a spouse, child, parent, brother, sister,

1 parent-in-law, brother-in-law or sister-in-law;

2 (14) each February hold public meetings to review, study, and
3 propose, the necessary levels of care and the rates it will pay to anyone
4 for the services required during the succeeding year; before final
5 adoption by the department the proposed levels of care and the rates of
6 payment shall be reviewed by the legislature annually while in session.

7 * Sec. 37. AS 47.07.010 is amended to read:

8 Sec. 47.07.010. PURPOSE. It is declared as a matter of public
9 concern that the needy persons of this state receive uniform and high
10 quality medical care, regardless of race, age, national origin, or
11 economic standing. Accordingly, this chapter authorizes the Department
12 of Health [AND SOCIAL SERVICES] to apply for participation in the
13 national medical assistance program as provided for under title XIX of
14 the federal Social Security Act.

15 * Sec. 38. AS 47.07.040 is amended to read:

16 Sec. 47.07.040. STATE PLAN FOR PROVISION OF MEDICAL ASSISTANCE.
17 The department shall prepare a state plan in accordance with the provi-
18 sions of title XIX of the Social Security Act and submit it for approval
19 to the United States Department of Health, Education and Welfare. The
20 plan shall designate that the Department of Health [AND SOCIAL SERVICES]
21 is the single state agency to administer this plan. The department
22 shall act for the state in any negotiations relative to the submission
23 and approval of the plan and may make those arrangements, not inconsis-
24 tent with law, as may be required under federal law to obtain and retain
25 approval of the United States Department of Health, Education and Welfare
26 to secure for the state the provisions of title XIX of the Social Secu-
27 rity Act. In addition, the department shall provide a report to the
28 legislature no later than March 15 of each year concerning the status of
29 this program and recommendations, with supporting fiscal data, as to any

1 changes in the coverage of eligible persons or services to be provided.

2 * Sec. 39. AS 47.07.080(2) is amended to read:

3 (2) "department" means the Department of Health [AND SOCIAL
4 SERVICES].

5 * Sec. 40. AS 47.10.080(b)(1) is amended to read:

6 (1) order the minor committed to the Department of [HEALTH
7 AND] Social Services for an indeterminate period of time not to extend
8 past a specified date or in any event past the day the minor becomes 19,
9 except that the department may petition the court for continued super-
10 vision for an additional one-year period for minors who have not re-
11 sponded to treatment, and may direct the minor's placement in a juvenile
12 correctional school, detention home, or detention facility designated by
13 the department; the minor may be released from placement or detention
14 and placed on probation on order of the court; or

15 * Sec. 41. AS 47.10.110 is amended to read:

16 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When, in
17 the course of a proceeding under this chapter, it appears to the court
18 that the welfare of a minor will be promoted by the appointment of a
19 guardian or custodian of his person, the court may make the appointment.
20 The court shall have a summons issued and served upon the parents of the
21 minor, if they can be found, in a manner and within a time before the
22 hearing which the court considers reasonable. The court may determine
23 whether the father, mother, or the Department of [HEALTH AND] Social
24 Services shall have the custody and control of the minor. If the minor
25 is over 14 years of age, his desires in the matter shall be given con-
26 sideration by the court.

27 * Sec. 42. AS 47.10.140(b), (f) and (g) are amended to read:

28 (b) A peace officer who has a minor detained under (a) of this
29 section shall immediately, and in no event more than 12 hours later,

1 notify the court, the minor's parents or guardian, and the Department of
2 [HEALTH AND] Social Services of the officer's action. The department
3 may file with the court a petition alleging delinquency before the
4 detention hearing.

5 (f) A peace officer may detain a minor who is evading the person
6 having legal custody of him if the minor is not otherwise subject to
7 arrest or detention under (a) of this section, for the sole purpose of
8 either (1) returning the minor to the person having legal custody of him
9 or (2) if the minor prefers, taking him to an office specified by the
10 Department of [HEALTH AND] Social Services, facility or contract agency
11 of the Department of [HEALTH AND] Social Services where such exists in
12 the community. Immediately upon detaining a minor under this provision,
13 the peace officer shall advise him of his right to social services under
14 sec. 142(b) of this chapter, and, if known, the peace officer shall
15 advise the person having the legal custody of the minor of his detention.

16 (g) No minor who is detained under (f) of this section may be de-
17 tained in a jail or other facility unless kept out of contact with adult
18 persons convicted or accused of a crime. No minor may be detained in a
19 jail or other detention facility which has not been approved by the De-
20 partment of [HEALTH AND] Social Services before detention of the minor.

21 * Sec. 43. AS 47.10.142(a) is amended to read:

22 (a) The Department of [HEALTH AND] Social Services may take
23 emergency custody of a minor upon discovering any of the following
24 circumstances:

25 (1) the minor has been abandoned;

26 (2) the minor has been grossly neglected by his parents or
27 guardian, as "neglect" is defined in AS 47.17.070(5), so that immediate
28 removal from his surroundings is, in the determination of the depart-
29 ment, necessary to protect his life;

1 (3) the minor has been abused, as "abuse" is defined in
2 AS 47.17.070(1), so that immediate medical attention is necessary, in
3 the determination of the department.

4 * Sec. 44. AS 47.10.150 is amended to read:

5 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE INSTI-
6 TUTIONS. The Department of [HEALTH AND] Social Services may

7 (1) purchase, lease or construct buildings or other facilities
8 for the care, detention, rehabilitation and education of dependent or
9 delinquent minors;

10 (2) adopt plans for construction of juvenile homes, juvenile
11 detention facilities, and other juvenile institutions;

12 (3) adopt standards and regulations under this chapter for
13 the design, construction, repair, maintenance and operation of all
14 juvenile detention homes, facilities, and institutions;

15 (4) inspect periodically each juvenile detention home,
16 facility, or other institution to insure that the standards and regula-
17 tions adopted are being maintained;

18 (5) reimburse cities maintaining and operating juvenile
19 detention homes and facilities;

20 (6) enter into contracts and arrangements with cities and
21 state and federal agencies to carry out the purposes of this chapter;

22 (7) do all acts necessary to carry out the purposes of this
23 chapter;

24 (8) adopt the regulations necessary to carry out this chapter;

25 (9) accept donations, gifts or bequests of money or other
26 property for use in construction of juvenile homes, institutions or
27 detention facilities;

28 (10) operate juvenile homes when municipalities are unable to
29 do so;

1 (11) receive, care for, and place in a juvenile detention
2 home, the minor's own home, a foster home, or correctional school or
3 treatment institution all minors committed to its custody under this
4 chapter.

5 * Sec. 45. AS 47.10.160 is amended to read:

6 Sec. 47.10.160. DUTIES OF DEPARTMENT. The Department of [HEALTH
7 AND] Social Services shall

8 (1) accept all minors committed to the custody of the depart-
9 ment and all minors who are involved in a written agreement under sec.
10 230(c) of this chapter, and provide for the welfare, control, care,
11 custody, and placement of these children in accordance with the pro-
12 visions of this chapter;

13 (2) require and collect statistics on juvenile offenses and
14 offenders in Alaska;

15 (3) conduct studies and prepare findings and recommendations
16 on the need, number, type, construction, maintenance, and operating
17 costs of juvenile homes, facilities and the other institutions, and
18 adopt and submit a plan for construction of the homes, facilities, and
19 institutions when needed, together with a plan for financing the con-
20 struction programs;

21 (4) examine, where possible, all facilities, institutions,
22 and places of juvenile detention in Alaska and inquire into their methods
23 and the management of juveniles in them.

24 * Sec. 46. AS 47.10.180(a) is amended to read:

25 (a) The Department of [HEALTH AND] Social Services shall adopt
26 standards and regulations for the operation of juvenile detention homes
27 and juvenile detention facilities in the state.

28 * Sec. 47. AS 47.10.220 is amended to read:

29 Sec. 47.10.220. GRANTS-IN-AID. The Department of [HEALTH AND]

1 Social Services may accept grants-in-aid from the federal government
2 or private foundations and may accept other gifts consistent with the
3 purposes of this chapter.

4 * Sec. 48. AS 47.10.230(a) is amended to read:

5 (a) The Department of [HEALTH AND] Social Services shall arrange
6 for the care of every child committed to its custody by placing him in a
7 foster home or in the care of an agency or institution providing care
8 for children inside or outside the state. The department may place a
9 child in a suitable family home, with or without compensation, and may
10 place a child released to it, in writing verified by the parent, or
11 guardian or other person having legal custody, for adoptive purposes, in
12 a home for adoption in accordance with existing law.

13 * Sec. 49. AS 47.10.250 is amended to read:

14 Sec. 47.10.250. STANDARDS OF CARE. The Department of [HEALTH AND]
15 Social Services shall establish standards of care and regulations
16 desirable for the welfare of every child under its care.

17 * Sec. 50. AS 47.17.070(3) is amended to read:

18 (3) "department" means the Department of [HEALTH AND] Social
19 Services;

20 * Sec. 51. AS 47.20.010 is amended to read:

21 Sec. 47.20.010. ASSISTANCE AUTHORIZED. The Department of [HEALTH
22 AND] Social Services may provide professional guidance and financial
23 assistance to organized groups of parents according to standards and
24 regulations devised by the department for providing special services,
25 evaluation and special training required by exceptional children who are
26 educable or trainable but physically or mentally retarded.

27 * Sec. 52. AS 47.20.030 is amended to read:

28 Sec. 47.20.030. APPROPRIATIONS. Appropriations to carry out the
29 purposes of this chapter shall be made to the Department of [HEALTH AND]

1 Social Services.

2 * Sec. 53. AS 47.25.300(2) is amended to read:

3 (2) "department" means the Department of [HEALTH AND] Social
4 Services;

5 * Sec. 54. AS 47.25.410(2) is amended to read:

6 (2) "department" means the Department of [HEALTH AND] Social
7 Services;

8 * Sec. 55. AS 47.25.780(3) is amended to read:

9 (3) "department" means the Department of [HEALTH AND] Social
10 Services;

11 * Sec. 56. AS 47.25.960(2) is amended to read:

12 (2) "department" means the Department of [HEALTH AND] Social
13 Services;

14 * Sec. 57. AS 47.30.340(2) is amended to read:

15 (2) "department" means the Department of Health [AND SOCIAL
16 SERVICES] or its designee;

17 * Sec. 58. AS 47.30.500(1) is amended to read:

18 (1) "department" means the Department of Health [AND SOCIAL
19 SERVICES];

20 * Sec. 59. AS 47.37.060 is amended to read:

21 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM. There is estab-
22 lished in the Department of Health [AND SOCIAL SERVICES] an advisory
23 board on alcoholism.

24 * Sec. 60. AS 47.37.270(4), (6) and (11) are amended to read:

25 (4) "commissioner" means the commissioner of health [AND
26 SOCIAL SERVICES];

27 (6) "department" means the Department of Health [AND SOCIAL
28 SERVICES];

29 (11) "office" means the office of alcoholism within the

1 Department of Health [AND SOCIAL SERVICES];

2 * Sec. 61. AS 47.40.080(3) is repealed and re-enacted to read:

3 (3) "department" means either the Department of Health or the
4 Department of Social Services, as appropriate to the functions, powers,
5 duties and responsibilities assigned each department under this chapter.

6 * Sec. 62. AS 47.50.050 is amended to read:

7 Sec. 47.50.050. DEPARTMENTS TO ASSIST OFFICE OF CHILD ADVOCACY.

8 The Department of Health, the Department of [AND] Social Services, the
9 Department of Education, the Department of Labor and all other depart-
10 ments and agencies of the state which have programs or services per-
11 taining to children shall cooperate with the Office of Child Advocacy
12 and shall furnish technical assistance and personnel, if available, upon
13 request.

14 * Sec. 63. Whenever the title Department of Health and Social Services
15 appears in the law of this state with respect to the functions, powers,
16 duties and responsibilities prescribed in AS 44.28.020, as added by sec. 1 of
17 this Act, it shall read as the Department of Health. Whenever the title
18 Department of Health and Social Services appears in the law of this state
19 with respect to the functions, powers, duties and responsibilities prescribed
20 in AS 44.29.020, as amended by sec. 3 of this Act, it shall be read as the
21 Department of Social Services.

22 * Sec. 64. (a) The Department of Health is hereby vested with the duties,
23 powers and responsibilities formerly exercised and held by the following
24 divisions and offices of the Department of Health and Social Services:

- 25 (1) the division of public health;
26 (2) the division of mental health;
27 (3) the division of medical assistance;
28 (4) the office of alcoholism and the advisory board on alcoholism;
29 (5) the office of drug abuse and the advisory board on drug abuse;

1 and.

2 (6) the office of planning and research, insofar as the functions,
3 powers, duties, and responsibilities of that office relate to the functions,
4 powers, duties, and responsibilities prescribed in AS 44.28.020, as added by
5 sec. 1 of this Act.

6 (b) Appropriations, records, equipment and other property of the
7 divisions or offices of the Department of Health and Social Services desig-
8 nated in (a) of this section are transferred to the Department of Health.
9 Appropriations and other money available and to become available to a division
10 or office designated in (a) of this section, the functions, powers and duties
11 of which have been transferred to the Department of Health established under
12 this Act shall be available for the objects and purposes for which appropri-
13 ated or otherwise made available, subject to terms, restrictions, limitations
14 or other requirements imposed under this Act or other state or federal law.
15 Other financial liabilities of the divisions and offices designated in (a) of
16 this section that are not assumed by the Department of Health shall be assumed
17 by the general fund of the state as determined by the governor.

18 (c) This Act does not abate or otherwise affect an action or proceeding,
19 civil or criminal, brought by or against a division or office designated in
20 (a) of this section and pending on July 1, 1977. These actions or proceedings
21 may be maintained in the same manner as if this Act had not taken effect.

22 (d) All applications, petitions, hearings and other proceedings pending
23 on June 30, 1977, before a division or office designated in (a) of this
24 section shall be continued and determined by that division or office.

25 (e) Certificates, orders, rules or regulations issued or filed under
26 authority of a law amended or repealed by this Act or functions which may be
27 transferred by this Act, with respect to a division or office designated
28 under (a) of this section transferred to the Department of Health, remain in
29 effect for the term issued until amended, revoked, modified, or vacated under

1 the provisions of law.

2 (f) All contracts or other vested obligations created by a law amended
3 or repealed by this Act or by virtue of functions which are or may be trans-
4 ferred by this Act, and in effect on the effective date of this Act, remain
5 in effect unless amended, revoked, modified, or vacated under the provisions
6 of law.

7 * Sec. 65. This Act takes effect July 1, 1977.

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