

Introduced: 4/16/80  
Referred: Health, Education &  
Social Services

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 1007

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to comprehensive health planning."

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

8 \* Section 1. AS 18.07.011 is amended to read:

9 Sec. 18.07.011. STATEWIDE HEALTH COORDINATING COUNCIL. There is  
10 created the Statewide Health Coordinating Council. The council shall  
11 be organized in the manner described by sec. 1524(b), P.L. 93-641, as  
12 amended by P.L. 96-79 [SEC. 237(a)(1)(A), P.L. 94-63 AND AS 47.30.-  
13 605(a)]. The council shall perform the functions listed in sec.  
14 1524(c), P.L. 93-641, as amended by P.L. 96-79, and comply with secs.  
15 1524(d) and (e) of P.L. 93-641, as amended by P.L. 96-79 [SEC. 237(a)-  
16 (1)(A), P.L. 94-63 AND AS 47.30.605(b)].

17 \* Sec. 2. AS 18.07.021 is amended to read:

18 Sec. 18.07.021. STATE HEALTH PLANNING AND DEVELOPMENT AGENCY.  
19 The [OFFICE OF PLANNING AND RESEARCH IN THE DEPARTMENT IS THE] state  
20 health planning and development agency in the department is the state  
21 agency designated under sec. 1521(b)(3), P.L. 93-641, as amended by  
22 P.L. 96-79. The state agency [OFFICE] shall

23 (1) administer the state program and perform the state  
24 functions outlined in [ENUMERATED UNDER] secs. 1522, [SEC.] 1523,  
25 1525, and 1526 of P.L. 93-641, as amended by P.L. 96-79;

26 (2) administer the certificate of need program outlined in  
27 sec. 1527 of P.L. 93-641, as amended by P.L. 96-79;

28 (3) conduct health system reviews under secs. 1523 and 1532  
29 of P.L. 93-641, as amended by P.L. 96-79;

1           (4) administer the grant, loan, and loan guarantee programs  
2 for health facility construction, modernization, or conversion under  
3 secs. 1620 -- 1627 and secs. 1640 -- 1643 of P.L. 93-641, as amended  
4 by P.L. 96-79 [SECS. 41--111 OF THIS CHAPTER, AND OTHER FUNCTIONS  
5 PRESCRIBED IN THIS CHAPTER].

6 \* Sec. 3. AS 18.07 is amended by adding a new section to read:

7           ARTICLE 2. ADMINISTRATION [CERTIFICATE OF NEED PROGRAM].

8           Sec. 18.07.032. HEALTH PLANNING AND DEVELOPMENT. The state may  
9 contract with the United States secretary of health and welfare in  
10 accordance with sec. 1521 of the Public Health Service Act, P.L. 93-  
11 641, as amended by the Health Planning and Resources Development  
12 Amendments of 1979, P.L. 96-79. Upon the state's entering into such a  
13 contract, the state and local entities shall adhere to the provisions  
14 of Titles XV and XVI of the Public Health Service Act, P.L. 93-641, as  
15 amended by P.L. 96-79, in regard to their functions and responsibilities  
16 in the state comprehensive health planning program.

17 \* Sec. 4. AS 18.07.091 is repealed and re-enacted to read:

18           Sec. 18.07.091. INJUNCTIVE RELIEF; PENALTIES. (a) Injunctive  
19 relief against violations of this chapter or regulations adopted under  
20 this chapter may be obtained from a court of competent jurisdiction at  
21 the instance of the commissioner, a holder of a certificate of need  
22 who is adversely affected in the exercise of the activities conducted  
23 in violation of the certificate, or any member of the public who is  
24 substantially and adversely affected by the violation.

25 \* Sec. 5. AS 18.07.101 is repealed and re-enacted to read:

26           Sec. 18.07.101. REGULATIONS. The commissioner shall adopt, in  
27 accordance with the Administrative Procedure Act (AS 44.62), regulations  
28 which establish procedures and criteria governing:

29           (1) the certificate of need program;

1 (2) a uniform statewide system for health facilities to  
2 report financial and other operating data to the agency;

3 (3) review of proposed health system changes;

4 (4) appropriateness review of institutional and home health  
5 services;

6 (5) administration of the grant, loan, and loan guarantee  
7 programs for health facility construction, modernization, or conver-  
8 sion; and

9 (6) other functions prescribed in this chapter.

10 \* Sec. 6. AS 18.07.031 -- 18.07.081 and 18.07.111(1), (3), (4), (5),  
11 and (7)--(11) are repealed.