

Introduced: 2/14/84
Referred: Health, Education and
Social Services and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 493

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholism, intoxication, and
7 drug abuse prevention and treatment; and combining
8 the Review Board on Alcoholism with the Advisory
9 Board on Drug Abuse; and providing for an effective
10 date."

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

12 * Section 1. AS 47.37.010 is amended to read:

13 Chapter 37. UNIFORM ALCOHOLISM, [AND] INTOXICATION, AND
14 DRUG ABUSE PREVENTION AND TREATMENT ACT.

15 Sec. 47.37.010. DECLARATION OF POLICY. It is the policy of the
16 state that alcoholics and intoxicated persons should not be criminally
17 prosecuted for their consumption of alcoholic beverages. Alcoholics,
18 intoxicated persons, and drug abusers [AND THAT THEY] should be af-
19 farded a continuum of treatment so they may lead normal lives as
20 productive members of society.

21 * Sec. 2. AS 47.37.030 is amended to read:

22 Sec. 47.37.030. POWERS OF THE DEPARTMENT [OFFICE]. The depart-
23 ment [OFFICE] may

24 (1) plan, establish, and maintain [TREATMENT] programs for
25 the prevention and treatment of alcoholism and drug abuse as appropri-
26 ate;

27 (2) make contracts and award grants necessary or incidental
28 to the performance of its duties and the execution of its powers,
29 including contracts with and grants to public and private agencies,

1 organizations, and individuals, to pay them for services rendered or
2 furnished to alcoholics, [OR] intoxicated persons, or drug abusers; to
3 the maximum extent possible, contracts and grants shall be for a
4 period of two years;

5 (3) solicit and accept for use a gift of money or property
6 or a grant of money, services, or property from the federal govern-
7 ment, the state, or a political subdivision of it or a private source,
8 and do all things necessary to cooperate with the federal government
9 or any of its agencies in making an application for a grant.

10 (4) administer or supervise the administration of the
11 provisions relating to alcoholics, [AND] intoxicated persons, and drug
12 abusers of [ANY] state plans [PLAN] submitted for federal funding
13 under federal health, welfare, or treatment legislation;

14 (5) coordinate its activities and cooperate with alcoholism
15 and drug abuse programs in this and other states, and make contracts
16 and other joint or cooperative arrangements with state, local, or
17 private agencies for the treatment of alcoholics, [AND] intoxicated
18 persons, and drug abusers and for the common advancement of alcoholism
19 and drug abuse programs in this and other states;

20 (6) keep records and engage in research and the gathering
21 of relevant statistics;

22 (7) do other acts necessary to implement the authority
23 expressly granted to it; and

24 (8) acquire, hold, or dispose of real property or any
25 interest in it, and construct, lease, or otherwise provide treatment
26 facilities for alcoholics, [AND] intoxicated persons, and drug
27 abusers; however, the department [OFFICE] shall encourage local ini-
28 tiative, involvement and financial participation under grants-in-aid
29 whenever possible in preference to the construction or operation of

1 facilities directly by the department [OFFICE].

2 * Sec. 3. AS 47.37.040 is amended to read:

3 Sec. 47.37.040. DUTIES OF THE DEPARTMENT [OFFICE]. The depart-
4 ment [OFFICE] shall

5 (1) develop, encourage, and foster statewide, regional, and
6 local plans and programs for the prevention of alcoholism and drug
7 abuse and treatment of alcoholics, [AND] intoxicated persons, and drug
8 abusers in cooperation with public and private agencies, organiza-
9 tions, and individuals, and provide technical assistance and consulta-
10 tion services for these purposes;

11 (2) coordinate the efforts and enlist the assistance of all
12 public and private agencies, organizations, and individuals interested
13 in prevention of alcoholism and drug abuse and treatment of alcohol-
14 ics, [AND] intoxicated persons, and drug abusers;

15 (3) cooperate with the division of corrections in estab-
16 lishing and conducting programs to provide treatment for alcoholics,
17 [AND] intoxicated persons, and drug abusers in or on parole from penal
18 institutions;

19 (4) cooperate with the Department of Education, school
20 boards, schools, police departments, courts, and other public and
21 private agencies, organizations and individuals in establishing pro-
22 grams for the prevention of alcoholism and drug abuse and treatment of
23 alcoholics, [AND] intoxicated persons, and drug abusers, and preparing
24 curriculum materials for use at all levels of school education;

25 (5) prepare, publish, evaluate, and disseminate educational
26 material dealing with the nature and effects of alcohol and other
27 drugs;

28 (6) develop and implement, as an integral part of treatment
29 programs, an educational program for use in the treatment of

1 alcoholics, [AND] intoxicated persons, and drug abusers which includes
2 the dissemination of information concerning the nature and effects of
3 alcohol and other drugs;

4 (7) organize and foster training programs for all persons
5 engaged in treatment of alcoholics, [AND] intoxicated persons, and
6 drug abusers and establish standards for training [PARAPROFESSIONAL]
7 alcoholism and drug abuse workers;

8 (8) sponsor and encourage research into the causes and
9 nature of alcoholism and drug abuse and treatment of alcoholics, [AND]
10 intoxicated persons, and drug abusers, and serve as a clearinghouse
11 for information relating to alcoholism and drug abuse;

12 (9) specify uniform methods for keeping statistical infor-
13 mation by public and private agencies, organizations, and individuals,
14 and collect and make available relevant statistical information,
15 including number of persons treated, frequency of admission and read-
16 mission, and frequency and duration of treatment;

17 (10) advise the governor in the preparation of a comprehen-
18 sive plan for treatment of alcoholics, [AND] intoxicated persons, and
19 drug abusers;

20 (11) review all state health, welfare, and treatment plans
21 to be submitted for federal funding, and recommend [ADVISE THE COMMIS-
22 SIONER ON] provisions to be included relating to alcoholism and drug
23 abuse [INTOXICATED PERSONS];

24 (12) assist in the development of, and cooperate with,
25 alcohol and drug abuse education and treatment programs for employees
26 of state and local governments and businesses and industries in the
27 state;

28 (13) utilize the support and assistance of interested
29 persons in the community, particularly recovering [RECOVERED]

1 alcoholics and drug abusers, to encourage alcoholics and drug abusers
2 to voluntarily undergo treatment;

3 (14) cooperate with the Department of Public Safety and the
4 Department of Transportation and Public Facilities in establishing and
5 conducting programs designed to deal with the problem of persons
6 operating motor vehicles while intoxicated;

7 (15) encourage hospitals and other appropriate health
8 facilities to admit without discrimination alcoholics, [AND] intox-
9 icated persons, and drug abusers and to provide them with adequate and
10 appropriate treatment;

11 (16) encourage all health and disability insurance programs
12 to include alcoholism and drug addiction as a covered illness;

13 (17) submit to the legislature an annual report covering
14 the activities of the department under AS 47.37 [OFFICE];

15 (18) develop and implement a training program on alcoholism
16 and drug abuse for employees for state and municipal governments, and
17 private institutions; and

18 (19) develop curriculum materials on drug and alcohol abuse
19 for use in grades kindergarten through 12, as well as a course of
20 instruction for teachers to be charged with presenting the curriculum.

21 * Sec. 4. AS 47.37.050 is amended to read:

22 Sec. 47.37.050. INTERDEPARTMENTAL COORDINATING COMMITTEE. (a)
23 An interdepartmental coordinating committee is created, composed of
24 [THE COORDINATOR,] the commissioners of health and social services,
25 education, transportation and public facilities, labor, [AND] public
26 safety, [AND] the director of the Alcohol Beverage Control Board, and
27 the attorney general, or their designees. The committee shall meet at
28 least twice annually at the call of the commissioner of health and
29 social services who is its chairperson [CHAIRMAN]. The committee

1 shall provide for the coordination and exchange of information on all
2 programs relating to alcoholism and drug abuse and act as a permanent
3 liaison among state departments engaged in activities affecting alco-
4 holics, [AND] intoxicated persons, and drug abusers. The committee
5 shall assist the commissioner of health and social services [AND THE
6 COORDINATOR] in formulating a comprehensive plan for prevention of
7 alcoholism and drug abuse and for treatment of alcoholics, [AND]
8 intoxicated persons, and drug abusers.

9 (b) In exercising its coordinating functions, the committee
10 shall assure that the appropriate state agencies

11 (1) provide all necessary medical, social, treatment, and
12 educational services for alcoholics, [AND] intoxicated persons, and
13 drug abusers and for the prevention of alcoholism and drug abuse,
14 without unnecessary duplication of services;

15 (2) cooperate in the use of facilities and in the treatment
16 of alcoholics, [AND] intoxicated persons, and drug abusers; and

17 (3) adopt approaches for the prevention of alcoholism and
18 drug abuse and the treatment of alcoholics, [AND] intoxicated persons,
19 and drug abusers consistent with the policy of AS 47.37.010 -- 47.37.-
20 270.

21 * Sec. 5. AS 47.37.060 is amended to read:

22 Sec. 47.37.060. REVIEW BOARD ON ALCOHOLISM AND DRUG ABUSE.
23 There is established in the Department of Health and Social Services a
24 Review Board on Alcoholism and Drug Abuse. This board shall function
25 as a standing committee of the Statewide Health Coordinating Council
26 established under AS 18.07.011.

27 * Sec. 6. AS 47.37.070 is amended to read:

28 Sec. 47.37.070. COMPOSITION. The board consists of no less than
29 9, nor more than 12 [NINE] members appointed by the governor.

1 * Sec. 7. AS 47.37.080 is repealed and reenacted to read:

2 Sec. 47.37.080. QUALIFICATIONS OF AND RESTRICTIONS ON THE BOARD

3 MEMBERS. (a) The members of the board must include

4 (1) one person who is licensed to practice medicine in the
5 state;

6 (2) one health care provider, as that term is defined in
7 AS 09.55.560;

8 (3) a representative of the liquor industry;

9 (4) two persons who personally have experienced a recovery
10 process from alcoholism or drug abuse; and

11 (5) four persons who have shown an interest in the problems
12 of alcoholism or drug abuse.

13 (b) The governor shall apportion the membership of the board so
14 that all four judicial districts of the state are represented.

15 (c) No member of the board may act upon a matter in which his
16 relationship with any person creates a conflict of interest. No board
17 member may have an official connection with or hold stock or secu-
18 rities in, or have a pecuniary interest in, a corporation, company or
19 association engaged in alcohol or drug abuse prevention and treatment
20 funded in whole or in part by a state grant.

21 * Sec. 8. AS 47.37.090 is amended to read:

22 Sec. 47.37.090. TERM OF OFFICE AND VACANCIES. The term of a
23 board member is three [FOUR] years. Board members serve at the plea-
24 sure of the governor. A vacancy occurring in the membership of the
25 board shall be filled by appointment by the governor for the unexpired
26 portion of the vacated term. No board member may serve more than two
27 consecutive terms.

28 * Sec. 9. AS 47.37.110 is repealed and reenacted to read:

29 Sec. 47.37.110. DUTIES. The board shall act in an advisory

1 capacity to the commissioner of health and social services with re-
2 spect to

3 (1) special problems affecting the mental and public health
4 which alcoholism and drug abuse may present;

5 (2) educational and research activities conducted by the
6 department concerning the problems presented by alcoholism and drug
7 abuse;

8 (3) social problems which affect rehabilitation of alcohol-
9 ics and drug abusers;

10 (4) legal processes which affect the treatment and reha-
11 bilitation of alcoholics and drug abusers;

12 (5) development of programs of prevention, treatment and
13 rehabilitation for alcoholics and drug abusers;

14 (6) review of applications for grants for local alcoholism
15 and drug abuse programs;

16 (7) preparation and review of local, regional, and state-
17 wide plans for the prevention, treatment, and control of alcoholism
18 and drug abuse; and

19 (8) a program of public relations concerning the problem of
20 alcoholism and drug abuse conducted by a department of the state gov-
21 ernment or by an organized group whose purpose is the rehabilitation
22 of alcoholics and drug abusers.

23 * Sec. 10. AS 47.37.130 is amended to read:

24 Sec. 47.37.130. COMPREHENSIVE PROGRAM FOR TREATMENT; REGIONAL
25 FACILITIES. (a) The department [OFFICE] shall establish a comprehen-
26 sive and coordinated program for the treatment of alcoholics, [AND]
27 intoxicated persons, and drug abusers. The commissioner [SUBJECT TO
28 THE APPROVAL OF THE COMMISSIONER, THE COORDINATOR] may divide the
29 state into appropriate regions to conduct the program and establish

1 standards for the development of the program on the regional level.
2 In establishing the regions, consideration shall be given to the city
3 and borough lines and population concentrations and when feasible,
4 programs shall be established with maximum local community involve-
5 ment.

6 (b) The program of the department [OFFICE] shall include
7 (1) emergency treatment provided by a facility affiliated
8 with or part of the medical service of a general hospital;
9 (2) inpatient treatment;
10 (3) intermediate treatment; and
11 (4) outpatient and follow-up treatment.

12 (c) The department [OFFICE] shall insure that adequate and
13 appropriate treatment is provided to alcoholics and intoxicated per-
14 sons admitted under AS 47.37.160 -- 47.37.190 within the limits of
15 available state and federal funds.

16 (d) The department [OFFICE] shall maintain, supervise and con-
17 trol all facilities operated by it subject to the regulations of the
18 department. The administrator of each facility shall make an annual
19 report of its activities to the department [COORDINATOR] in the form
20 and manner the commissioner [COORDINATOR] specifies.

21 (e) If possible, the department [OFFICE] shall coordinate the
22 activities of the program with all appropriate public and private
23 resources.

24 (f) The department [COORDINATOR] shall prepare, publish, and
25 distribute annually a list of all approved public and private treat-
26 ment facilities.

27 (g) The department [OFFICE] may contract for the use of any
28 facility as an approved public treatment facility if [THE COORDIN-
29 ATOR], subject to its [THE] regulations [OF THE DEPARTMENT], it

1 determines that to be [CONSIDERS THIS] an effective and economical
2 course to follow.

3 * Sec. 11. AS 47.37.140 is amended to read:

4 Sec. 47.37.140. PUBLIC AND PRIVATE TREATMENT FACILITIES. (a)
5 The department [OFFICE] shall establish standards for facilities. The
6 [(THESE) standards may vary in their requirements and stringency
7 according to the population, price level, remoteness, access to trans-
8 portation, and availability of ancillary services of the area to be
9 served. The department [] AND] shall also fix the fees to be charged
10 for the required inspections of those facilities. Every facility
11 shall meet the applicable standards before it is approved as a public
12 or private treatment facility. The standards shall be enacted in a
13 manner that will provide protection of the health, safety and well-
14 being of clients of the affected programs and protection of the af-
15 fected programs from exposure to malpractice and liability actions.

16 (b) The department [OFFICE] shall inspect, on a regular basis,
17 approved public and private treatment facilities at reasonable times
18 and in a reasonable manner.

19 (c) The department [OFFICE] shall maintain a list of approved
20 public and private treatment facilities.

21 (d) Each approved public and private treatment facility shall
22 file with the department [OFFICE] on request, data, statistics, sched-
23 ules, and information which the department [OFFICE] reasonably re-
24 quires. An approved public or private treatment facility that without
25 good cause fails to furnish any data, statistics, schedules, or infor-
26 mation as requested, or files fraudulent returns of them, shall be
27 removed from the list of approved treatment facilities.

28 (e) The department [COORDINATOR], after holding a hearing under
29 the [PROVISIONS OF THE] Administrative Procedure Act (AS 44.62), may

1 suspend, revoke, limit, restrict, or refuse to grant an approval for a
2 treatment facility, for failure to meet its standards.

3 (f) Upon petition of the department [OFFICE] and after a hearing
4 held upon reasonable notice to the facility, the district court may
5 issue a warrant to an officer or employee of the department [OFFICE]
6 authorizing him to enter and inspect at reasonable times, and examine
7 the books and accounts of an approved public or private treatment
8 facility refusing to consent to inspection or examination by the
9 department [OFFICE] or which the department [OFFICE] has reasonable
10 cause to believe is operating in violation of this chapter.

11 * Sec. 12. AS 47.37.150 is amended to read:

12 Sec. 47.37.150. ACCEPTANCE FOR TREATMENT. The department [COOR-
13 DINATOR] shall adopt [PROMULGATE] regulations for the admission of
14 persons into a [the] treatment program, considering available treat-
15 ment resources and facilities, for the purpose of early and effective
16 treatment of alcoholics, [AND] intoxicated persons, and drug abusers.
17 In establishing the regulations the department [COORDINATOR] shall be
18 guided by the following standards:

19 (1) if possible a patient shall be treated on a voluntary
20 rather than an involuntary basis;

21 (2) a patient shall be initially assigned or transferred to
22 outpatient or intermediate treatment, unless he is found to require
23 inpatient treatment;

24 (3) a person shall not be denied treatment solely because
25 he has withdrawn from treatment against medical advice on a prior
26 occasion or because he has relapsed after earlier treatment;

27 (4) an individualized treatment plan shall be prepared and
28 maintained on a current basis for each patient;

29 (5) provision shall be made for a continuum of coordinated

1 treatment services, so that a person who leaves a facility or a form
2 of treatment will utilize other appropriate treatment and facilities.

3 * Sec. 13. AS 47.37.160(b) is amended to read:

4 (b) Subject to regulations adopted [PROMULGATED] by the depart-
5 ment [COORDINATOR], the administrator in charge of an approved public
6 treatment facility may determine who shall be admitted for treatment.
7 If a person is refused admission to an approved public treatment
8 facility, the administrator shall, if possible, refer the person to
9 another approved public treatment facility.

10 * Sec. 14. AS 47.37.210 is amended to read:

11 Sec. 47.37.210. RECORDS OF ALCOHOLICS, [AND] INTOXICATED PER-
12 SONS, AND DRUG ABUSERS. (a) Except as required by AS 28.35.030(b),
13 the registration and other records of treatment facilities shall
14 remain confidential and are privileged to the patient.

15 (b) Notwithstanding (a) of this section, the department [COOR-
16 DINATOR] may make available information from patients' [PATIENT'S]
17 records for purposes of research into the causes, [AND] treatment, and
18 prevention of alcoholism and drug abuse. No information may disclose
19 a patient's name.

20 * Sec. 15. AS 47.37.230(b) is amended to read:

21 (b) The department [COORDINATOR] shall adopt [PROMULGATE] regu-
22 lations for the establishment, training, and conduct of emergency
23 service patrols.

24 * Sec. 16. AS 47.37.240 is amended to read:

25 Sec. 47.37.240. PAYMENT FOR TREATMENT. (a) A patient in an
26 approved treatment facility, or the person obligated to provide for
27 the costs of treatment of a person committed under AS 47.37.010 --
28 47.37.270, is liable to the public or private facility for the costs
29 of maintenance and treatment of the patient in accordance with rates

1 established by the department [COORDINATOR].

2 (b) The department [COORDINATOR] shall adopt [PROMULGATE] regu-
3 lations governing financial ability that take into consideration the
4 income, savings and other personal and real property of the person
5 liable for the cost and maintenance of the patient.

6 * Sec. 17. AS 47.37.260 is amended to read:

7 Sec. 47.37.260. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.
8 Except as otherwise provided in this chapter, the Administrative
9 Procedure Act (AS 44.62) applies to and governs all administrative
10 action taken by the department [COORDINATOR] under this chapter.

11 * Sec. 18. AS 47.37.270(3) is amended to read:

12 (3) "approved public treatment facility" or "public facili-
13 ty" means a treatment agency operating under the direction and control
14 of the department [OFFICE] or providing treatment under AS 47.37.010
15 -- 47.37.270 through a contract with the department [OFFICE] under
16 AS 47.37.130(g) or through a grant awarded under AS 47.30.475, and
17 meeting the standards prescribed in AS 47.37.140(a) and approved under
18 AS 47.37.140(c);

19 * Sec. 19. AS 47.37.270(4) is amended to read:

20 (4) "board" means the Review Board on Alcoholism and Drug
21 Abuse established under AS 47.37.060.

22 * Sec. 20. AS 47.37.270(13) is amended to read:

23 (13) "treatment" means the broad range of emergency, outpa-
24 tient, intermediate, and inpatient services and care which may be
25 extended to alcoholics, [AND] intoxicated persons, and drug abusers,
26 including diagnostic evaluation, medical, psychiatric, psychological,
27 and social service care, vocational rehabilitation, and career coun-
28 seling;

29 * Sec. 21. AS 44.29.100 -- AS 44.29.150; AS 47.37.020, 47.37.120,

1 47.37.270(6), and 47.37.270(12) are repealed.

2 * Sec. 22. The terms of the members of the Review Board on Alcoholism
3 established under AS 47.37.060, as that section existed before the effec-
4 tive date of this Act, and the Advisory Board on Drug Abuse established
5 under AS 44.29.100, repealed in sec. 21 of this Act, terminate on the
6 effective date of this Act. The governor may appoint a person who has
7 served on either board who meets the qualifications prescribed in this Act
8 to the Review Board on Alcoholism and Drug Abuse. Initial appointees to
9 the Review Board on Alcoholism and Drug Abuse must be appointed for one-,
10 two-, and three-year staggered terms.

11 * Sec. 23. This Act takes effect September 1, 1984.