

Offered: 1/11/88

IN THE HOUSE -- Health, Education &
Social Services and
Finance

IN THE SENATE -- Health, Education &
Social Services

EXECUTIVE ORDER NO. 71

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration and of those served by the state's programs on alcoholism and drug abuse to merge the statutory responsibilities of the Review Board on Alcoholism and the Advisory Board on Drug Abuse. This merger completes the process begun when the legislature changed the name of the Office of Alcoholism to add "Drug Abuse" (AS 47.37.020).

* Sec. 2. AS 44.29.100 is amended to read:

ARTICLE 2. ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE.

Sec. 44.29.100. ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE. There is established in the Department of Health and Social Services an advisory board on alcoholism and drug abuse. The board shall function as a standing committee of the Statewide Health Coordinating Council established under AS 18.07.011.

* Sec. 3. AS 44.29.110 is amended to read:

Sec. 44.29.110. COMPOSITION. The [ADVISORY] board consists [ON DRUG ABUSE SHALL CONSIST] of 12 members[, BROADLY REPRESENTATIVE OF ALL DRUG-RELATED FIELDS, WHO ARE KNOWN FOR THEIR EXPERIENCE OR INTEREST IN DRUG ABUSE AND WHO SHALL BE] appointed by the governor.

* Sec. 4. AS 44.29 is amended by adding a new section to read:

Sec. 44.29.115. QUALIFICATIONS OF BOARD MEMBERS. The governor shall appoint the 12 members so that the board consists of:

(1) two members who are licensed to practice medicine in the state, one of whom is certified in psychiatry by the American Board of Psychiatry and Neurology;

(2) one member who is admitted to practice law in Alaska;

1 (3) eight members who have shown an interest in the prob-
2 lems of alcoholism or drug abuse and who have knowledge of the social
3 problems associated with alcoholism or drug abuse; and

4 (4) one member who is a representative of the liquor indus-
5 try.

6 * Sec. 5. AS 44.29.120 is repealed and reenacted to read:

7 Sec. 44.29.120. TERM OF OFFICE. (a) The governor shall appoint
8 members of the board for staggered terms of four years.

9 (b) The governor shall fill a vacancy on the board by
10 appointment for the unexpired part of the vacated term.

11 (c) Board members serve at the pleasure of the governor. The
12 governor shall replace any member who by poor attendance or lack of
13 contribution to the board's work demonstrates ineffectiveness as a
14 board member. In this subsection, "poor attendance" means the failure
15 to attend three or more consecutive meetings.

16 * Sec. 6. AS 44.29.130 is amended to read:

17 Sec. 44.29.130. COMPENSATION, PER DIEM, AND EXPENSES. Members
18 of the [ADVISORY] board [ON DRUG ABUSE] are not entitled to a salary,
19 but are entitled to per diem, reimbursement for travel, and other
20 expenses authorized by law for other boards.

21 * Sec. 7. AS 44.29.140 is amended to read:

22 Sec. 44.29.140. DUTIES. The board shall act in an advisory
23 capacity to the commissioner of health and social services in the
24 following matters:

25 (1) special problems affecting mental health that alcohol-
26 ism or drug abuse [OR ADDICTION] may present;

27 (2) educational research and public informational activ-
28 ities conducted by the Department of Health and Social Services and
29 others in respect to the problems presented by alcoholism or drug

1 abuse;

2 (3) social problems that affect rehabilitation of alcohol-
3 ics and drug abusers [USERS AND ADDICTS];

4 (4) legal processes that affect the treatment and reha-
5 bilitation of alcoholics and drug abusers [USERS AND ADDICTS];

6 (5) development of programs of prevention, treatment, and
7 rehabilitation for alcoholics and drug abusers [AND ADDICTS];

8 (6) review of applications and subsequent recommendations
9 to the commissioner of health and social services on use of funds for
10 grants for local alcoholism or drug abuse projects and programs;

11 (7) evaluation of effectiveness of alcoholism and drug
12 abuse programs in the state.

13 * Sec. 8. AS 44.29 is amended by adding a new section to read:

14 Sec. 44.29.200. DEFINITION. In this chapter, "board" means the
15 Advisory Board on Alcoholism and Drug Abuse.

16 * Sec. 9. AS 44.30.470 is amended to read:

17 Sec. 47.30.470. POWERS AND DUTIES OF DEPARTMENT. The department
18 shall:

19 (1) ascertain and keep current a list of all institutions
20 in the state which have available facilities for the care and treat-
21 ment of alcoholics and drug abusers;

22 (2) encourage the development and advancement of standards
23 of treatment of alcoholics and drug abusers in institutions;

24 (3) promote and encourage educational activities to make
25 the public aware of the effects of intemperate use of alcoholic bever-
26 ages and drugs, and promote and encourage the education of the general
27 public about scientific facts regarding alcoholism and drug abuse;

28 (4) identify, and utilize whatever facilities and services
29 are available or can be made available through community organization

1 for carrying out the purposes of this section, including identifica-
2 tion and utilization for detoxification of under-utilized hospital
3 beds;

4 (5) engage in research and educational activities that will
5 aid in the understanding of alcoholism and drug abuse and in the
6 treatment of alcoholics and drug abusers;

7 (6) administer a community grant-in-aid program for alco-
8 holism and drug abuse;

9 (7) submit an annual report concerning alcoholism and drug
10 abuse in Alaska and the grant-in-aid program within 10 days after the
11 convening of the legislature in each regular session.

12 * Sec. 10. AS 47.30.475(b) is amended to read:

13 (b) Money available under this section shall be awarded by the
14 department to applicants on the basis of community need, but only if
15 the award is consistent with the annual implementation plan developed
16 under sec. 1513(b)(2) of P.L. 93-641 by the health systems agency for
17 the health system area in which the applicant is located and the state
18 health plan developed by the Statewide Health Coordinating Council
19 under sec. 1524(c)(2)(A) of P.L. 93-641, and only after consideration
20 of comment and advice of the Advisory Board on Alcoholism and Drug
21 Abuse. In awarding grants, the department shall further consider the
22 amount of money that is available for all applications and whether an
23 application would contribute to the wise development of a comprehen-
24 sive program of alcoholic and drug abuse rehabilitation and preven-
25 tion.

26 * Sec. 11. AS 47.30.475(c) is amended to read:

27 (c) Grants shall be awarded in a ratio of 90 percent state money
28 to 10 percent community money for the costs of providing staff and
29 limited improvement, renovation or new construction of facilities for

1 alcohol or drug [ALCOHOLIC] detoxification, rehabilitation or
2 "half-way house" care. The department may waive all or part of the
3 requirement that state money be matched by community money if the
4 department finds that community money is unavailable and waiver of the
5 requirement is in the best interests of the state. No grant for
6 improving, renovating or constructing may exceed \$50,000 except when
7 there is a lack of applicants for available money and then only with
8 the approval of the Advisory [REVIEW] Board on Alcoholism and Drug
9 Abuse. The department is not required to award all money available
10 under this program, or the full percentages specified in this sub-
11 section, when another source of money is available or could reasonably
12 be made available to the applicant.

13 * Sec. 12. AS 47.30.475(e)(1) is amended to read:

14 (1) the expenditure of grant money for education and other
15 preventative measures, or the treatment of alcoholics and drug
16 abusers;

17 * Sec. 13. AS 47.37.030(1) is amended to read:

18 (1) plan, establish, and maintain [TREATMENT] programs for
19 the prevention and treatment of alcoholism and drug abuse [AS APPRO-
20 PRIATE];

21 * Sec. 14. AS 47.37.030(2) is amended to read:

22 (2) make contracts and award grants necessary or incidental
23 to the performance of its duties and the execution of its powers,
24 including contracts with and grants to public and private agencies,
25 organizations, and individuals, to pay them for services rendered or
26 furnished to alcoholics, [OR] intoxicated persons, or drug abusers; to
27 the maximum extent possible, contracts and grants must [SHALL] be for
28 a period of two years; contracts under this paragraph are governed by
29 AS 36.30 (State Procurement Code);

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* Sec. 15. AS 47.37.030(4) is amended to read:

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

* Sec. 16. AS 47.37.030(5) is amended to read:

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

* Sec. 17. AS 47.37.030(8) is amended to read:

(8) acquire, hold, or dispose of real property or any interest in it, and construct, lease, or otherwise provide treatment facilities for alcoholics, [AND] intoxicated persons, and drug abusers; however, the office shall encourage local initiative, involvement, and financial participation under grants-in-aid whenever possible in preference to the construction or operation of facilities directly by the office; contracting and construction under this paragraph are governed by AS 36.30 (State Procurement Code).

* Sec. 18. AS 47.37.040 is amended to read:

Sec. 47.37.040. DUTIES OF OFFICE. The office shall

(1) develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and drug abuse and treatment of alcoholics, [AND] intoxicated persons, and drug abusers, in cooperation with public and private agencies, organizations, and individuals, and provide technical assistance and consultation services for these purposes;

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

5 (3) cooperate with the Department of Corrections in estab-
6 lishing and conducting programs to provide treatment for alcoholics,
7 [AND] intoxicated persons, and drug abusers, in or on parole from
8 penal institutions;

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

15 (5) prepare, publish, evaluate, and disseminate educational
16 material dealing with the nature and effects of alcohol and drugs;

17 (6) develop and implement, as an integral part of treatment
18 programs, an educational program for use in the treatment of alcohol-
19 ics, [AND] intoxicated persons, and drug abusers, which includes the
20 dissemination of information concerning the nature and effects of
21 alcohol and drugs;

22 (7) organize and foster training programs for all persons
23 engaged in treatment of alcoholics, [AND] intoxicated persons, and
24 drug abusers, and establish standards for training paraprofessional
25 alcoholism and drug abuse workers;

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

1 (9) specify uniform methods for keeping statistical infor-
2 mation by public and private agencies, organizations, and individuals,
3 and collect and make available relevant statistical information,
4 including number of persons treated, frequency of admission and read-
5 mission, and frequency and duration of treatment;

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

9 (11) review all state health, welfare, and treatment plans
10 to be submitted for federal funding, and advise the commissioner on
11 provisions to be included relating to alcoholics, [ALCOHOLISM AND]
12 intoxicated persons, and drug abusers;

13 (12) assist in the development of, and cooperate with,
14 alcohol and drug abuse education and treatment programs for employees
15 of state and local governments and businesses and industries in the
16 state;

17 (13) use [UTILIZE] the support and assistance of interested
18 persons in the community, particularly recovered alcoholics and drug
19 abusers, to encourage alcoholics and drug abusers to voluntarily
20 undergo treatment;

21 (14) cooperate with the Department of Public Safety and the
22 Department of Transportation and Public Facilities in establishing and
23 conducting programs designed to deal with the problem of persons
24 operating motor vehicles while intoxicated or under the influence of
25 drugs;

26 (15) encourage hospitals and other appropriate health facil-
27 ities to admit without discrimination alcoholics, [AND] intoxicated
28 persons, and drug abusers, and to provide them with adequate and
29 appropriate treatment;

1 (16) encourage all health and disability insurance programs
2 to include alcoholism and drug abuse as a covered illness;

3 (17) submit to the legislature an annual report covering the
4 activities of the office;

5 (18) develop and implement a training program on alcoholism
6 and drug abuse for employees of state and municipal governments, and
7 private institutions;

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

11 * Sec. 19. AS 47.37.050 is amended to read:

12 Sec. 47.37.050. INTERDEPARTMENTAL COORDINATING COMMITTEE. (a)
13 An interdepartmental coordinating committee is created, composed of
14 the coordinator, the commissioners of health and social services,
15 education, transportation and public facilities, labor, and public
16 safety, and the director of the Alcoholic Beverage Control Board. The
17 committee shall meet at least twice annually at the call of the com-
18 missioner of health and social services who is its chairman. The
19 committee shall provide for the coordination and exchange of informa-
20 tion on all programs relating to alcoholism or drug abuse and act as a
21 permanent liaison among state departments engaged in activities af-
22 fecting alcoholics, [AND] intoxicated persons, and drug abusers. The
23 committee shall assist the commissioner of health and social services
24 and the coordinator in formulating a comprehensive plan for prevention
25 of alcoholism and drug abuse and for treatment of alcoholics, [AND]
26 intoxicated persons, and drug abusers.

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

29 (1) provide all necessary medical, social, treatment, and

1 educational services for alcoholics, [AND] intoxicated persons, and
2 drug abusers and for the prevention of alcoholism and drug abuse,
3 without unnecessary duplication of services;

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

6 (3) adopt approaches for the prevention of alcoholism and
7 drug abuse and the treatment of alcoholics, [AND] intoxicated persons,
8 and drug abusers consistent with the policy of AS 47.37.010 -- 47.37.-
9 270.

10 * Sec. 20. AS 47.37.120 is amended to read:

11 Sec. 47.37.120. [ALCOHOLISM] PROGRAM COORDINATOR. The [ALCOHOL-
12 ISM PROGRAM] coordinator shall carry out the development and implemen-
13 tation of a comprehensive program dealing with the prevention and
14 treatment of, and research on, [AND EDUCATION CONCERNING ALCOHOLIC]
15 problems of alcoholism and drug abuse as they affect the state.

16 * Sec. 21. AS 47.37.130(a) is amended to read:

17 (a) The office shall establish a comprehensive and coordinated
18 program for the treatment of alcoholics, [AND] intoxicated persons,
19 and drug abusers. Subject to the approval of the commissioner, the
20 coordinator may divide the state into appropriate regions to conduct
21 the program and establish standards for the development of the program
22 on the regional level. In establishing the regions, consideration
23 shall be given to the city and borough lines and population concen-
24 trations and, when feasible, programs must [SHALL] be established with
25 maximum local community involvement.

26 * Sec. 22. AS 47.37.150 is amended to read:

27 Sec. 47.37.150. ACCEPTANCE FOR TREATMENT. The coordinator
28 shall adopt regulations for the admission of persons into the treat-
29 ment program, considering available treatment resources and

1 facilities, for the purpose of early and effective treatment of
2 alcoholics, [AND] intoxicated persons, and drug abusers. In adopting
3 the regulations the coordinator shall be guided by the following stan-
4 dards:

5 (1) if possible a patient must [SHALL] be treated on a
6 voluntary rather than an involuntary basis;

7 (2) a patient must [SHALL] be initially assigned or trans-
8 ferred to outpatient or intermediate treatment, unless the patient is
9 found to require inpatient treatment;

10 (3) a person may [SHALL] not be denied treatment solely
11 because the person has withdrawn from treatment against medical advice
12 on a prior occasion or because the person has relapsed after earlier
13 treatment;

14 (4) an individualized treatment plan must [SHALL] be pre-
15 pared and maintained on a current basis for each patient;

16 (5) provision must [SHALL] be made for a continuum of
17 coordinated treatment services, so that a person who leaves a facility
18 or a form of treatment will use [UTILIZE] other appropriate treatment
19 and facilities.

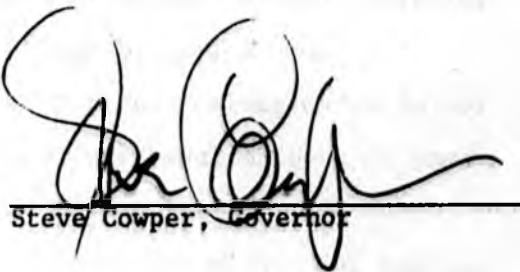
20 * Sec. 23. AS 44.29.150, AS 47.37.060 -- 47.37.110, and AS 47.37.270(4)
21 are repealed.

22 * Sec. 24. TRANSITION. (a) The terms of the members of the Review
23 Board on Alcoholism established under AS 47.37.060 and the Advisory Board
24 on Drug Abuse established under AS 44.29.100 terminate on the effective
25 date of this Order. The governor may appoint to the Advisory Board on
26 Alcoholism and Drug Abuse a person who has served on either of the prior
27 boards and who meets the qualifications prescribed in this Order. The terms
28 of persons initially appointed to the board must be set so as to establish
29 the staggering of terms required by AS 44.29.120(a).

1 (b) Contracts, grants, and administrative regulations pertaining to
2 the alcoholism and drug abuse responsibilities of the Department of Health
3 and Social Services generally, or the Office of Alcoholism and Drug Abuse
4 or either board in particular, which are in effect on the effective date of
5 this Order, are not affected by this Order.

6 * Sec. 25. This Order takes effect July 1, 1988.

7 DATED: 9 Jan 1988.

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11 Steve Cowper, Governor