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Referred: Finance

5-0407B

Original sponsor: Pourchot/Joint Special Committee
on Mental Health Trust Land

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
2 SOCIAL SERVICES COMMITTEE
3 CS FOR HOUSE BILL NO. 91 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FIFTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the mentally ill; and providing
8 for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 47.30.520 is amended to read:
11 Sec. 47.30.520. LEGISLATIVE PURPOSE. It is the purpose of the
12 legislature in enacting the Community Mental Health Services Act to
13 provide a range of services for persons with mental or emotional
14 disturbances and to assist local communities in planning, organizing,
15 and financing community mental health services through locally devel-
16 oped, administered, and controlled community mental health programs.
17 It is further intended to better utilize existing resources at both
18 state and local levels in order to
19 (1) develop and implement plans for initiating maximum
20 mental health services based on demonstrated need for services in each
21 geographical planning area, as well as regionalized comprehensive
22 mental health services;
23 (2) improve the effectiveness of existing mental health
24 services;
25 (3) integrate state-operated and community mental health
26 programs into a unified mental health system;
27 (4) provide a means for participation by local communities
28 in the determination of the need for and the allocation of mental
29 health resources;
30 (5) establish a uniform ratio of local and state government

1 responsibility for financing mental health services;

2 (6) provide a means of allocating state mental health funds
3 according to community needs;

4 (7) encourage the full use of all existing public or pri-
5 vate agencies, facilities, personnel, and funds to accomplish these
6 objectives; and

7 (8) prevent unnecessary duplication and fragmentation of
8 services and expenditures.

9 * Sec. 2. AS 47.30 is amended by adding new sections to read:

10 Sec. 47.30.545. POPULATIONS TO BE SERVED. Within the limits of
11 available funds, a community mental health program shall provide
12 services set out in AS 47.30.546 to the following persons in the
13 following order:

14 (1) a person in one or more of the following categories:

15 (A) a person who is at immediate risk of hospitaliza-
16 tion for the treatment of a mental or emotional disturbance;

17 (B) a person who is in need of continuing services due
18 to a disturbance of a severe or persistent nature;

19 (C) a person who poses a hazard to the health and
20 safety of the person or others;

21 (D) a person who is under 18 years of age and

22 (i) is at immediate risk of removal from home for
23 treatment of a mental or emotional disturbance; or

24 (ii) exhibits behavior indicating a high risk of
25 developing a disturbance of a severe or persistent nature;

26 (2) a person who, because of the nature of the person's
27 illness, geographic location, or family income, is not capable of
28 obtaining assistance from the private sector;

29 (3) a person who is suffering from a mental or emotional

1 disturbance of a less severe or persistent nature that will not re-
2 quire hospitalization in the foreseeable future.

3 Sec. 47.30.546. SERVICES FOR MENTALLY AND EMOTIONALLY DISTURBED.

4 (a) Subject to the availability of funds, an entity eligible to
5 receive funds under AS 47.30.540 may receive funds from the department
6 for providing directly, or through another provider under contract
7 with the entity, one or more of the following program elements:

8 (1) outpatient treatment, which may include all or any of
9 the following:

10 (A) emergency services on a 24-hour basis;

11 (B) individual, family, and group psychotherapy and
12 counseling;

13 (C) screening and evaluation to determine the
14 patient's needs and for persons being considered for involuntary
15 commitment under AS 47.30.700 - 47.30.815;

16 (D) referral to other agencies;

17 (2) inpatient treatment for voluntary and involuntary
18 patients, as close as possible to the patient's home;

19 (3) consultation with organizations and providers;

20 (4) prevention and education services.

21 (b) An entity eligible to receive funds under AS 47.30.540 and
22 that provides eligible community mental health services for chronic-
23 ally mentally ill adults or severely mentally ill children may, in addi-
24 tion to funds received for program elements provided under (a) of this
25 section, receive funds from the department for one or more of the
26 following program elements:

27 (1) crisis stabilization services, which may include all or
28 any of the following:

29 (A) active community outreach;

1. (B) in-hospital contact;
- 2 (C) mobile crisis treatment teams of mental health
3 professionals;
- 4 (D) crisis beds to provide a short-term residential
5 program for persons experiencing an acute episode of mental
6 illness that requires temporary removal from a home environment;
- 7 (2) patient treatment services, which may include all or
8 any of the following:
- 9 (A) diagnosis, testing, and evaluation of medical
10 needs;
- 11 (B) medication monitoring;
- 12 (C) physical examinations;
- 13 (D) psychotropic medication;
- 14 (3) case management, which may include all or any of the
15 following:
- 16 (A) evaluation of patients' needs;
- 17 (B) development of individualized treatment plans;
- 18 (C) enhancement of patient access to available re-
19 sources and programs;
- 20 (D) development of interagency contacts and family
21 involvement;
- 22 (E) patient advocacy;
- 23 (4) daily structure and support, which may include all or
24 any of the following:
- 25 (A) daily living skills training;
- 26 (B) socialization activities;
- 27 (C) recreation;
- 28 (D) transportation;
- 29 (5) residential services, which may include all or any of

1 the following:

2 (A) crisis or respite care;

3 (B) board and care;

4 (C) foster care, group homes, halfway houses, or
5 supervised apartments;

6 (6) vocational services, which may include all or any of
7 the following:

8 (A) prevocational training;

9 (B) work adjustment;

10 (C) supported work;

11 (D) sheltered work;

12 (E) vocational training in which participants achieve
13 useful work experience.

14 Sec. 47.30.547. STANDARDS FOR COMMUNITY MENTAL HEALTH SERVICES.

15 An entity that provides community mental health services shall

16 (1) make services available at times and locations that
17 enable residents of the entity's service area to obtain services;

18 (2) ensure each client's right to confidentiality and
19 treatment with dignity;

20 (3) establish staffing patterns that reflect the cultural,
21 linguistic, and other social characteristics of the community and
22 that incorporate multidisciplinary professional staff to meet client
23 functional levels and diagnostic and treatment needs;

24 (4) promote client and family participation in formulating,
25 delivering, and evaluating treatment and rehabilitation.

26 * Sec. 3. AS 47.30.550 is repealed and reenacted to read:

27 Sec. 47.30.550. COST SHARING FORMULA; LIMITATIONS. (a) In a
28 district designated by the department as a poverty area, the depart-
29 ment may fund not more than 90 percent of the eligible costs of the

1 community mental health services to be furnished under an entity's
2 approved plan.

3 (b) In a district that has not been designated by the department
4 as a poverty area, the department may fund not more than 75 percent of
5 the eligible costs of the community mental health services to be
6 furnished under an entity's approved plan.

7 (c) Notwithstanding (a) and (b) of this section, if the depart-
8 ment determines that sufficient funds from other sources are unavail-
9 able, then the department shall fund the percent of the eligible costs
10 that is necessary in order to ensure that services for chronically
11 mentally ill adults and severely mentally ill children, and other
12 community mental health services to be furnished under an entity's
13 approved plan are made available by the entity. Funding under this
14 subsection is subject to the availability of legislative appropri-
15 ations for the purpose.

16 (d) Income earned by an entity through a community mental health
17 project funded under AS 47.30.520 - 47.30.620 shall be used, as ap-
18 proved by the department, to augment or enhance the entity's mental
19 health services.

20 * Sec. 4. AS 47.30.610(2) is amended to read:

21 (2) "poverty area" means a district in which 15 percent or
22 more of the population, based upon the most recent [1970] census data,
23 falls under 125 percent of the Office of Economic Opportunity poverty
24 guidelines.

25 * Sec. 5. AS 47.30.610 is amended by adding new paragraphs to read:

26 (3) "chronically mentally ill adult" means a person 18
27 years of age or older

28 (A) who has been diagnosed as having a schizophrenic,
29 major affective, or paranoid disorder, or other severe mental

1 disorder with a documented history of persistent psychotic symp-
2 toms not caused by substance abuse; and

3 (B) whose role functioning is impaired in at least two
4 of the following three ways:

5 (i) inability to function independently in the
6 role of worker, student, or homemaker;

7 (ii) inability to engage independently in personal
8 care or community living activities; or

9 (iii) inability to exhibit appropriate social
10 behavior, resulting in intervention by the mental health
11 system or judicial system;

12 (4) "severely mentally ill child" means a person under 18
13 years of age who

14 (A) is experiencing persistent psychotic symptoms not
15 caused by substance abuse and is receiving services that must be
16 continued for maximum therapeutic benefits; or

17 (B) exhibits severe behavioral, emotional, or social
18 disabilities that are sufficiently intense, severe, or disruptive
19 to lead to exclusion from home, school, or a therapeutic setting,
20 and whose behavior, upon the recommendation of a psychiatrist, is
21 considered likely to be seriously detrimental to the person's
22 growth or safety, or to the welfare of others.

23 * Sec. 6. AS 47.30.600 is repealed.

24 * Sec. 7. This Act takes effect July 1, 1987.