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STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

SOUTHCENTRAL REGION OFFICE

WALTER J. HICKEL, GOVERNOR

2200 EAST 42ND AVENUE
ANCHORAGE, ALASKA 99508-5202
PHONE: (907) 561-4426

PERSONNEL

June 4, 1991

SEP 04 1991

Max Hodel, Chief of Staff
Office of the Governor
P.O. Box A
Juneau, AK 99811

Dear Max:

This letter is to request that you ask Governor Hickel to temporarily (through June 30, 1992) authorize the Department of Corrections to employ medical doctors in an "exempt" service status (as opposed to a "classified" position). This request is being made in order to facilitate the transfer of the forensic team from the Department of Health and Social Services to the Department of Corrections. Commissioner Mala and I have agreed to a transfer effective July 1, 1991.

The forensic team was originally established in 1983, at which time Corrections was a division of the Health and Social Services. The team is composed of six mental health professionals, and includes two psychiatrist positions. The psychiatrist positions are "exempt" positions in the Department of Health and Social Services. By statute [AS 39.25.110 (13)] Health and Social Services is the only Department in the state which is allowed to hire medical doctors (including psychiatrists) in an "exempt" status. Thus we cannot effect the transfer of the forensic team without a change in the law. However, I have been advised by David Otto, Director of the Division of Personnel that the Governor has the authority [AS 39.25.110 (9)] to temporarily authorize "exempt" service classification for medical doctors. (If the Governor is agreeable, I will request that the administration sponsor legislation during the next session to permanently authorize the Department of Corrections to hire physicians in an exempt status.)

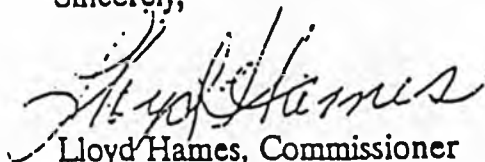
The Department of Corrections is responsible for the physical and mental health of over 2,500 inmates. Currently we directly employ one part time doctor in a "classified" position. All other medical doctors are contracted for. Your temporary approval, and the suggested legislation, which will allow hiring doctors in an exempt status, will greatly enhance my ability to manage the delivery of health care services in the Department, and will also solve my immediate problem of the forensic team transfer.

Gov's Temporary Authorization

Page Two

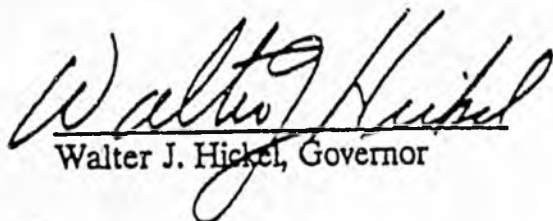
If the Governor approves my request, please have him sign below and return one copy of this letter to me.

Sincerely,



Lloyd Hames, Commissioner
Department of Corrections

In accordance with the authority granted to me under Alaska Statute 39.25.110 (9), I hereby authorize the Department of Corrections to employ medical doctors in an exempt service classification for a temporary period commencing with the date of my signature and ending on June 30, 1992.


Walter J. Hickel, Governor

6-17-91
Date

WALTER J. HICKEL
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 13, 1992

348

*The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811*

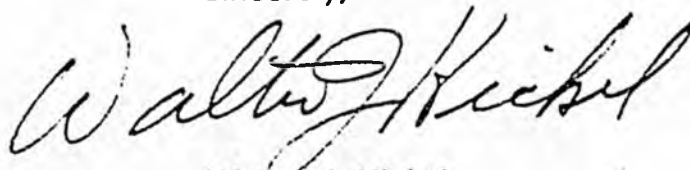
Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expanding the exempt service to include physicians hired by the Department of Corrections.

The bill will give the Department of Corrections the flexibility needed to attract and retain a well-qualified medical officer to oversee the provision of medical services to the more than 2,500 inmates under the responsibility of the department. It will also provide the department with greater ability to attract and retain qualified physicians to provide constitutionally and statutorily mandated medical services to inmates. If those medical services are not provided in a competent, professional manner, the state suffers the risk of significant financial exposure.

I urge your prompt passage of this bill.

Sincerely,



Walter J. Hickel
Governor

governor's transmittal letter

1992 Legislative Proposal Form

DEPARTMENT: Corrections

SUBJECT OF PROPOSED BILL: Amendment to AS 39.25.110 (13) to add Department of Corrections to those agencies allowed to hire physicians in an "exempt" service status.

SUMMARY OF INTENT: Include what the problem is, how this proposal solves it, and how many incidents have occurred which necessitate this change. (Attach sheet if necessary.) Only the Department of Health and Social Services is allowed to hire medical doctors in exempt positions. A forensic team of mental health professionals has been transferred from Social Services to Corrections through an agreement between the Departments, including two medical doctors (psychiatrists.) The Governor has authorized temporary exempt status for the medical doctors now employed by Corrections. The temporary authorization expires in June, 1992. The Department also plans to hire a medical doctor to oversee the Departments medical unit. Exempt status allows the Department more flexibility in salary levels which is necessary to attract qualified physicians. Contractual services would also allow for such flexibility but because the medical doctor will have full supervisory authority over line staff, this needs to be a Department employee.

ESTIMATED FISCAL IMPACT: none.

WHAT OTHER DEPARTMENTS WILL BE AFFECTED BY THIS PROPOSAL: Department of Administration, Division of Personnel.

WHO WILL SUPPORT THIS BILL: DOC

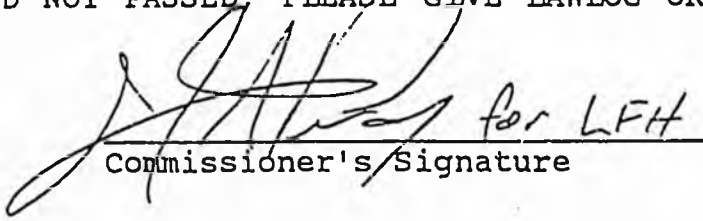
WHO WILL OPPOSE THIS BILL: Unknown.

BRIEFLY OUTLINE ANY PRECEDENTS FOR THIS PROPOSAL IN ALASKA OR OTHER STATES: (Attach sheet.) The Division of Mental Health and Developmental Disabilities in the Department of Health and Social Services is currently allowed to hire physicians in exempt status.

IT A SUBSTANTIALLY SIMILAR BILL HAS BEEN DRAFTED AND NOT INTRODUCED, OR INTRODUCED AND NOT PASSED, PLEASE GIVE LAWLOG OR BILL NUMBER:

DATE

9/20/91

 for LFH
Commissioner's Signature

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

WALTER J. HICKEL, GOVERNOR

REPLY TO:

P.O. BOX T
JUNEAU, ALASKA 99811-2000
PHONE (907) 485-3376

March 18, 1992

The Honorable Georgianna Lincoln
The Honorable Pat Carney
Co-Chairs
House Health, Education, and Social
Services Committee
P.O. Box V
Juneau, Alaska 99811

Re: SB 348 (An Act expanding the exempt service to include Department of Corrections physicians; and providing for an effective date.)

Dear Representatives Lincoln and Carney,

I am writing to you on behalf of the Administration regarding SB 348. This bill, which expands the exempt service to include physicians in the Department of Corrections, has been passed by the Senate and referred to the House HESS Committee for a hearing. I respectfully request that the bill be scheduled for a hearing before your committee as soon as possible.

The bill would give the Department the flexibility necessary to recruit for and retain qualified doctors at competitive salary levels. The Department is responsible for the physical and mental health of over 2500 inmates.

Last year, the Forensic Consultation Team was transferred from the Department of Health and Social Services to DOC to oversee inmate mental health concerns. This transfer included two exempt psychiatrist positions (one vacant, one filled.) Because only the Department of Health and Social Services is authorized by statute to employ exempt physicians, this transfer required temporary authorization by the Governor under AS 39.25.110 (9). Under this same temporary authority, the Department employs a medical doctor to oversee inmate health care. Passage of this bill would allow the Department of Corrections the same authority allowed the Department of Health and Social Services to employ exempt physicians on a permanent, rather than temporary basis.


The Honorable Georgianna Lincoln
The Honorable Pat Carney

March 18, 1992
page 2

Thank you for your anticipated response to this request to schedule
SB 348 for a hearing before your committee.

Sincerely,

Lloyd Hames
Commissioner

BY: 
Diane Schenker
Legislative Liaison

cc: Lori Nottingham
Deputy Legislative Liaison
Office of the Governor

SEP 04 1991

MEMORANDUM OF AGREEMENT

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

AND

DEPARTMENT OF CORRECTIONS

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) between the Department of Health and Social Services (DHSS) and the Department of Corrections (DOC) is to ensure that inpatient and outpatient mental health services and evaluations are available to inmates in the custody of DOC through the transfer of the six Forensic Consultation Team (FCT) positions from DHSS to DOC. The MOA sets forth the terms and conditions under which those services will be available and specifies the responsibilities and obligations of each Department.

II. STATEMENT OF NEED

In signing this MOA, both the DHSS and the DOC recognize that an obligation exists to provide inpatient mental health services to inmates who are in the legal custody of the State of Alaska. It is also recognized that it is necessary to provide training, education and supervision for DOC staff in the areas of identification, management and clinical treatment of mental illness and suicide prevention and for inmates who are a danger to themselves and to others. The FCT will be responsible for the psychiatric and psychological services for DOC. Towards that end, the DHSS and DOC agree to cooperate in the transfer of the FCT and the provision of those services with the intent to meet the standards set by the Alaska Statutes, Cleary Final Settlement Agreement and prevailing case law governing mental health services for inmates.

III. BENEFIT TO THE STATE

It is understood by both Departments that the successful implementation of the Memorandum of Agreement will result in substantial benefit to both agencies. These benefits include:

1. An improvement in the quantity, quality and availability of Mental Health treatment services for inmates;
2. An improvement in the level of functioning, quality of life and institutional adjustment of mentally ill inmates; and
3. A comprehensive mental health system within DOC that will meet the expanding needs of its mentally ill population.

Memorandum of Agreement - DHSS and Corrections

IV. FORENSIC CONSULTATION TEAM

The FCT will be comprised of six positions, a Chief of Forensic Services who is a Forensic Psychiatrist and reports to and is supervised by the Director of Statewide Programs for DOC, a second Psychiatrist position, a Clinical Psychologist who is experienced and qualified in Forensic Psychology, a Psychiatric Social Worker, a Psychiatric Nurse and clerical support. The Chief of Forensic Services shall be responsible for directing the activities of the FCT members including the recruitment, daily supervision, performance evaluations and other supervisory and administrative duties required by the staff of the FCT.

The FCT shall:

1. Have admitting privileges to API upon annual approval of the API Governing Board;
2. Have access to Forensic Evaluations, hospital records and reports and any pertinent information concerning the course of psychiatric and psychological treatment of inmates in the custody of DOC and pursuant to Alaska Statutes 47.30.845;
3. Continue to maintain medical records and management information systems for DOC and the Alaska Court System referrals. These records and data may continue to be shared with API and DHSS for statistical tracking of acute and chronically mentally ill clients;
4. Abide by all DOC institutional Policies and Procedures governing services and activities within the Correctional Centers in the DOC system and DHSS Policies and Procedures when applicable;
5. Continue to perform all court ordered evaluations on adult inmates confined in DOC facilities; and
6. If a court finds that a conflict exists regarding a specific court ordered evaluation such that it would be improper for the FCT to conduct the evaluation, transfer all relevant documentation regarding the inmate to another public or private qualified Mental Health Professional appointed by the court to conduct the evaluation pursuant to Alaska statutes 12.47.070 and 12.47.100.

V. DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DHSS shall:

1. Transfer the six FCT Position Control Numbers (PCN), 062223 Staff Psychiatrist, 065344 Staff Psychiatrist, 065313 Mental Health Clinician III, 062208 MHC III, 065346 MHC III and 065343 Clerk Typist III and the supporting funds (\$574,330

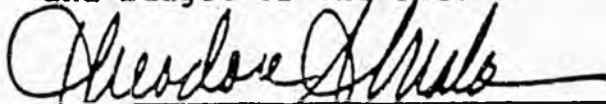
Personnel, \$ 3691 other) to DOC for the upcoming fiscal year (FY 92);

2. Provide DOC with copies of admission/discharge summaries, psychological testing results and other pertinent information concerning the course of inpatient hospital treatment for all inmates previously hospitalized at API pursuant to Alaska Statutes 47.30.845;
3. Provide the FCT 's present office space on the grounds of API until the renovation of API precludes their remaining there or until DOC secures another office space; and
4. Continue to provide, through API, word processing services for all court appointed examinations performed by the FCT.

VI. DEPARTMENT OF CORRECTIONS

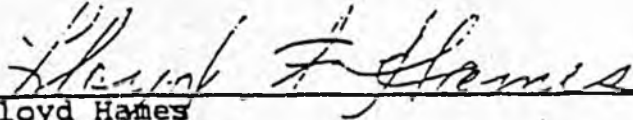
DOC shall be responsible for the following:

1. Supervision and responsibility for activities, administration and budget of the FCT.



Theodore A. Mala M.D., M.P.H
Commissioner
Department of Health and Social Services

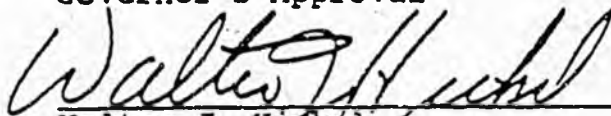
5 June 1991
Date



Eloyd Hames
Commissioner
Department of Corrections

5 June 1991
Date

Governor's Approval



Walter J. Hickel
Governor
State of Alaska

6-17-91
Date

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: SB 348

(S) Public Date: 1/13/92

Revision Date: _____ Department Affected: Department of Corrections

Title: "An Act expanding the exempt BRU: _____

service to include Dept. of Corr. physician' Component: _____

Sponsor: _____

Requestor: _____ COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

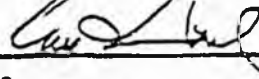
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Carl Nickel, Director  Phone: 465-3376
Division: Administrative Services Date: 11-1-91

Approved by Commissioner: Lloyd F. Hames, Commissioner
Agency: Department of Corrections Date: 11-1-91

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 348

Revision Date: _____
 Title: Expand exempt service to include Department of
Corrections physician
 Sponsor: Rules/Governor
 Requestor: House HES

Department Affected: Administration
 BRU: Personnel
 Component: Personnel

COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \$0

ANALYSIS: (Attach a separate page if necessary.)

This bill will have no fiscal impact on the Department of Administration.

Prepared by: R. H. Kino
 Division: Personnel

Phone: 465-4430
 Date: _____

Approved by Commissioner: Nancy Bear Usura *NBCU*
 Agency: Administration

Date: 4/22/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

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