

HB

219

Alaska State Legislature

REPRESENTATIVE
HUGH "BUD" FATE

Mailing Address:

119 N. Cushman, Suite 101

Fairbanks, Alaska 99701

(907) 452-4448

Fax: (907) 456-3346



While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4976
Fax: (907) 465-3883

House District 33

House Of Representatives

HB 219

“An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; and providing for an effective date.”

HB 219 would repeal the sunset clause on a bill that passed in 1999 that created the Designated Evaluation Program. This program provides treatment through local hospitals for people who are in mental crisis. These individuals are working poor people who have no insurance or Medicaid coverage, who cannot afford hospitalization and who meet certain eligibility requirements.

If the sunset clause is not repealed, the following will be lost:

- Description of application, application review and appeal procedures
- Authorization of the department to establish eligible services and reimbursement rates
- Description of procedures for payment for the services provided
- Clarification of language and definitions to accurately reflect statutory intent
- Clarification of the responsibilities of the Department
- Language that establishes who is eligible for assistance for inpatient services:
 - Individuals who meet criteria for commitment under current statutes (i.e. danger of harming self or others or gravely disables as a result of mental illness, and is likely to improve with treatment)
 - Individuals whose household income is below 185% of federal poverty guidelines for Alaska and who have no other third party payer

HB 219 would remove the sunset clause and extend the program indefinitely. Without this change, individuals in need of treatment would have to be transported to Alaska Psychiatric Institute or held in correctional facilities.

Without this bill, all of this is due to sunset July 1, 2001, sending the program back to it's original vague and problematic state.

Sponsor Statement

Alaska State Legislature

REPRESENTATIVE
HUGH "BUD" FATE

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While in session
State Capitol
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99801-1182
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Fax: (907) 465-3883

House Of Representatives

House District 33

House Bill 219

Sectional Analysis

“An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; and providing for an effective date.”

This bill repeals the sunset clause for the Designated Evaluation and Treatment program (DET).

Section 1. of the bill repeals the sunset provisions Sections 2, 4, 6, and 9 of ch. 87 SLA 1999. Those current sections that would be removed cover:

- the clarification of liability for expenses of placement in a treatment facility, (Section 2.)
- the clarification of the definition of “designated treatment facility”, (Section 4.)
- clearly defines the eligibility and procedures of the DET program. (Section 6.):
 - Applicability
 - Eligibility for assistance
 - Application for assistance
 - Decision on eligibility
 - Eligible services rates
 - Payment
 - Appeal
 - Regulations
 - Definitions
- Established an effective date of sunset as July 1, 2001 (Section 9.)

Section 2 of this bill causes the repeal to take effect immediately.

If the sunset occurs, then it reinstates the vague language that led to confusion and inconsistencies in managing the program. These problems led to a lawsuit which prompted the statutory change.

RECEIVED

MAR 28 2001

ACMHSA

**Alaska Community Mental Health
Services Association
3050 Fifth Avenue
Ketchikan, Alaska 99901**

March 28, 2001

VIA FACSIMILE: (907) 465-3883

Representative Bud Fate
Capitol Room 416
Juneau, Alaska 99811

Re: HB 219

Dear Representative Fate,

The Alaska Community Mental Health Services Association (ACMHSA) supports your legislation HB 219 which repeals the sunset for the DET program.

ACMHSA is a statewide association representing all of the non-profit mental health providers in the state. We support this legislation and commend your leadership with this important mental health issue.

Sincerely,



Ron Adler
President

Ron Adler, Chair
Brenda Knapp, Treasurer

Pete Braveman, Vice Chair
At-Large: Bill Hogan, Doug Veit

Diana Strzok, Secretary

Phone: (907) 225-4135

FAX: (907) 247-4135

e-mail: rona@city.ketchikan.ak.us.

Support Letter

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 219
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: Sunset of Designated Evaluation and BRU: Community Mental Health Grants
Treatment Program Component: Designated Eval & Treatment
 Sponsor: Rep. Fate
 Requester: House (HES) Component Number: 1014

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	2,652.1	2,652.1	2,652.1	2,652.1	2,652.1	2,652.1
Miscellaneous						
TOTAL OPERATING	2,652.1	2,652.1	2,652.1	2,652.1	2,652.1	2,652.1

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	582.1					
1003 GF Match						
1004 GF						
1037 I/A Receipts	723.7	723.7	723.7	723.7	723.7	723.7
1037 GF/Mental Health	1,146.3	1,728.4	1,728.4	1,728.4	1,728.4	1,728.4
1092 MHTAAR	200.0	200.0	200.0	200.0	200.0	200.0
TOTAL	2,652.1	2,652.1	2,652.1	2,652.1	2,652.1	2,652.1

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

ALL FUNDING FOR DET IS INCLUDED IN THE GOVERNOR'S BUDGET. This bill allows for the continuation of Designated Evaluation and Treatment services covered in the FY02 Governor's Request. These statutes (sunset date July 1, 2001) establish consistent methods for the Department to pay for voluntary or involuntary inpatient psychiatric services for individuals who pose a danger to themselves or others because of mental illness, or who are gravely impaired by mental health systems, and who have no third party payor and cannot afford the high cost of hospitalization. The provision of these services in local communities fits with the objectives of serving consumers close to home. Federal laws have reduced the % of the \$10 million in Disproportionate Share Hospital funds that have been available to API on an annual basis since the 1980s. This "frees up" the balance of the DSH funds for other special needs populations served by qualifying hospitals. The DET assistance program is a logical, eligible recipient of these funds..

Prepared by: Sarah Brinkley, Admin Manager Phone 465-3167
 Division: DMHDD Date/Time: 1/0/00 12:00 AM
 Approved by: Elmer A. Lindstrom, Special Assistant Date: 3/29/01 3:47 PM
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

Of the total \$2,652.1 DET budget for FY02, \$2,392.1 was in the FY02 Governor's Request and \$723.7 was added through the FY02 Governor's Amended Request.

Breakdown of FY02 DET projections:

Grants - \$260.0

Fee for Service - \$2,392.1

Fairbanks \$1,262.1

Juneau \$ 641.6

Mat-Su \$ 237.1

Ketchikan \$ 99.9

Anchorage \$ 60.3

YKHC \$ 55.2

other \$ 35.9

*Note: The DET component's FY02 budget contains, in addition to the above \$2,652.1 authority for projected needs, another \$142.8 in excess federal authority on the books for potential unanticipated future federal awards.

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2327
Fax: (907) 465-5241



Interim:
119 N. Cushman
Fairbanks, AK 99701
Phone: (907) 456-8161

Senator Pete Kelly
District P

SB154

“An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; and providing for an effective date.”

SB154 would repeal the sunset clause on a bill that passed in 1999 that created the Designated Evaluation Program. This program provides treatment through local hospitals for people who are in mental crisis. These individuals are working poor people who have no insurance or Medicaid coverage, who cannot afford hospitalization and who meet certain eligibility requirements.

If the sunset clause is not repealed, the following will be lost:

- Description of application, application review and appeal procedures
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SB 154 would remove the sunset clause and extend the program indefinitely. Without this change, individuals in need of treatment would have to be transported to Alaska Psychiatric Institute or held in correctional facilities.

Without this bill, all of this is due to sunset July 1, 2001, sending the program back to it's original vague and problematic state.

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Interim:
119 N. Cushman
Fairbanks, AK 99701
Phone: (907) 456-8161

Senator Pete Kelly
District P

Senate Bill 154

Sectional Analysis

“An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; and providing for an effective date.”

This bill repeals the sunset clause for the Designated Evaluation and Treatment program (DET).

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Section 2 of this bill causes the repeal to take effect immediately.

If the sunset occurs, then it reinstates the vague language that led to confusion and inconsistencies in managing the program. These problems led to a lawsuit which prompted the statutory change.

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STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
B.II Version: SB 154
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: Sunset of Designated Evaluation and BRU: Community Mental Health Grants
Treatment Program Component: Designated Eval & Treatment
Sponsor: Sen. Kelly
Requester: Senate (HES) Component Number: 1014

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Prepared by: Sarah Brinkley, Admin Manager Phone 465-3167
Division: DMHDD Date/Time: 1/0/00 12:00 AM
Approved by: Elmer A. Lindstrom, Special Assistant Date: 3/22/01 10:12 AM
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

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INTERIOR
NEIGHBORHOOD
HEALTH
CLINIC

1949 Gillam Way, Suite D
Fairbanks, Alaska 99701
Phone: (907) 455-4567
Fax: (907) 455-7675
TTY: (907) 455-4507

March 25, 2001

Senator Pete Kelly
119 North Cushman Suite 201
Fairbanks, Alaska 99701

Pete
Dear Senator Kelly:

One in 5 adults has a diagnosable mental disorder and one in four families will have a member with mental illness. Meeting the mental health needs of our communities remains one of the greatest challenges for healthcare providers. Many individuals needing treatment are unable to work because of their illness and will not seek needed inpatient treatment for fear of large medical bills, although they may be at risk of endangering themselves or others.

We urge you to support SB-154 introduced by Senator Kelly. The bill repeals the sunset clause of the mental health treatment assistance program. This program was established two years ago as part of the reform of the state mental health program. It provides for the local hospitalization of mentally ill individuals who would otherwise be committed to API. In many instances, this includes traveling from Fairbanks to Anchorage through the judicial system. This option can be frightening and detrimental to someone already suffering from mental illness. With the expansion of the mental health unit at Fairbanks Memorial Hospital from 9-20 beds, the need to transport patients' through the judicial system to API has drastically been reduced.

The Designated Evaluation and Treatment Program (DET) promotes access to hospital care for mentally ill individuals as close to home as possible. Involvement of family members and local community providers in hospital care and discharge planning results in shorter length of stays, more realistic follow-up care and local family support.

The 1998 statute clearly defines the boundaries of the program while encouraging local hospitals to take a greater role in providing care for the civilly committed patients. The success of the efforts over the last two years would be lost if the program is sunsetted and Alaska returns to its former way of doing business. By passing SB-154 before June 2001, access to local mental health care in Fairbanks and Alaska will continue the strengthening of local programs that began with the inception of the original bill.

Please contact me if I may provide further information.

Sincerely,

Cheryl Kilgore
Executive Director

**NAMI of Fairbanks****P.O. BOX 72543 FAIRBANKS, AK 99707 PH: 907-456-4704****FAX: 907-456-3593 e-mail: fami@mosquitonet.com**

March 26, 2001

Senator Pete Kelly
State Capitol, Room 518
Juneau, AK 99801-1182

Dear Senator Kelly:

I strongly support the passage of SB-154 by the legislature this session.

The Designated Evaluation and Treatment Program (DET) encourages local treatment of the mentally ill by community hospitals. Prior to the state mental health reforms of 1998 mentally ill individuals were sent to API. The 1998 statute provides guidelines for extent of treatment to be given, as well as urging hospitals to offer expanded services for the mentally ill of their community. The sunset clause for the DET will go into effect at the end of June 2001.

As advocates of the mentally ill in the Fairbanks Community we supported the increased size and scope of Fairbanks Memorial Hospital's psychiatric unit in order to facilitate care of Fairbanks' mentally ill individuals. Family support of a mentally ill patient is important to their recovery and decreases the patient's length of stay. By allowing patients to remain in the care of their community provider, the patient will receive the optimum continuum of care during and following hospitalization.

The mental health assistance program is responsible for two years of progress in psychiatric treatment. However, these two years of effort and progress will count for little if the sunset clause is allowed to go into effect. Please join us in supporting the passage of SB-154.

I enjoyed meeting you this last week and am pleased at your sincere regards of mental health issues. Keep up the good work, and I feel I have a friend in Juneau. Thank-You.

Sincerely,

Jackie Pananen

President

NAMI of Fairbanks, Alaska, Inc

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
CENTRAL OFFICE

TONY KNOWLES, GOVERNOR

P.O. BOX 110620
JUNEAU, ALASKA 99811-0620
PHONE: (907) 465-3370
FAX: (907) 465-2668
TDD: (907) 465-2225
TOLL FREE: 1-800-465-4828

March 16, 2001

The Honorable Pete Kelly
State Capital
Juneau, Alaska 99801


Dear Senator Kelly:

Thank you for your continuing support of the Designated Evaluation and Treatment (DET) program. The DET program is a critical component in the continuum of mental health services in Alaska, particularly for indigent persons with mental illnesses who are being civilly committed, or meet the criteria for civil commitment. Through this program, many poor people with mental illness who do not qualify for Medicaid are able to receive services in community hospitals across the state, closer to their families and local support systems. Without the DET program, it would be necessary to transport many consumers in crisis to Alaska Psychiatric Institute (API) to receive evaluation and treatment services.

Consumers have advocated aggressively for receiving community-based services in the least restrictive environments. The Division is responding by creating local and regional systems of care for persons experiencing mental illnesses. We would like to limit the use of API to those psychiatric crises that exceed the ability of local communities to address. The DET program provides a stable, predictable reimbursement structure for community hospitals to proactively address these crises for persons who lack other means to pay for services. This in turn allows many communities in Alaska to develop a more comprehensive and coordinated approach to addressing local mental health emergencies.

Without new legislation to extend its existence, the current clarifying statutory language of the DET program will expire as of July 1, 2001, plunging the program back into vagueness and confusion. We strongly encourage the passage of this legislation, and again thank you for your support.

Sincerely,



Walter Majoros
Director

Subject: Kelly Bill Extends Program for Mentally Ill

Date: Wed, 21 Mar 2001 11:37:37 -0900

From: Laura Achee <Laura_Achee@legis.state.ak.us>

Organization: Alaska State Legislature

ALASKA SENATE
Senator Pete Kelly
District P

For Immediate Release: March 21, 2000

Contact: Sen. Pete Kelly, 465-2327

Kelly Bill Extends Program for Mentally Ill

(JUNEAU) – Sen. Pete Kelly introduced legislation today to extend a program that provides treatment for mentally ill Alaskans.

The Designated Evaluation and Treatment Program was created in the Spring of 1999 to provide treatment through local hospitals for people who are in mental crisis and have nowhere else to go. These individuals are working poor people who have no insurance or Medicaid coverage, who cannot afford hospitalization and who meet certain eligibility requirements.

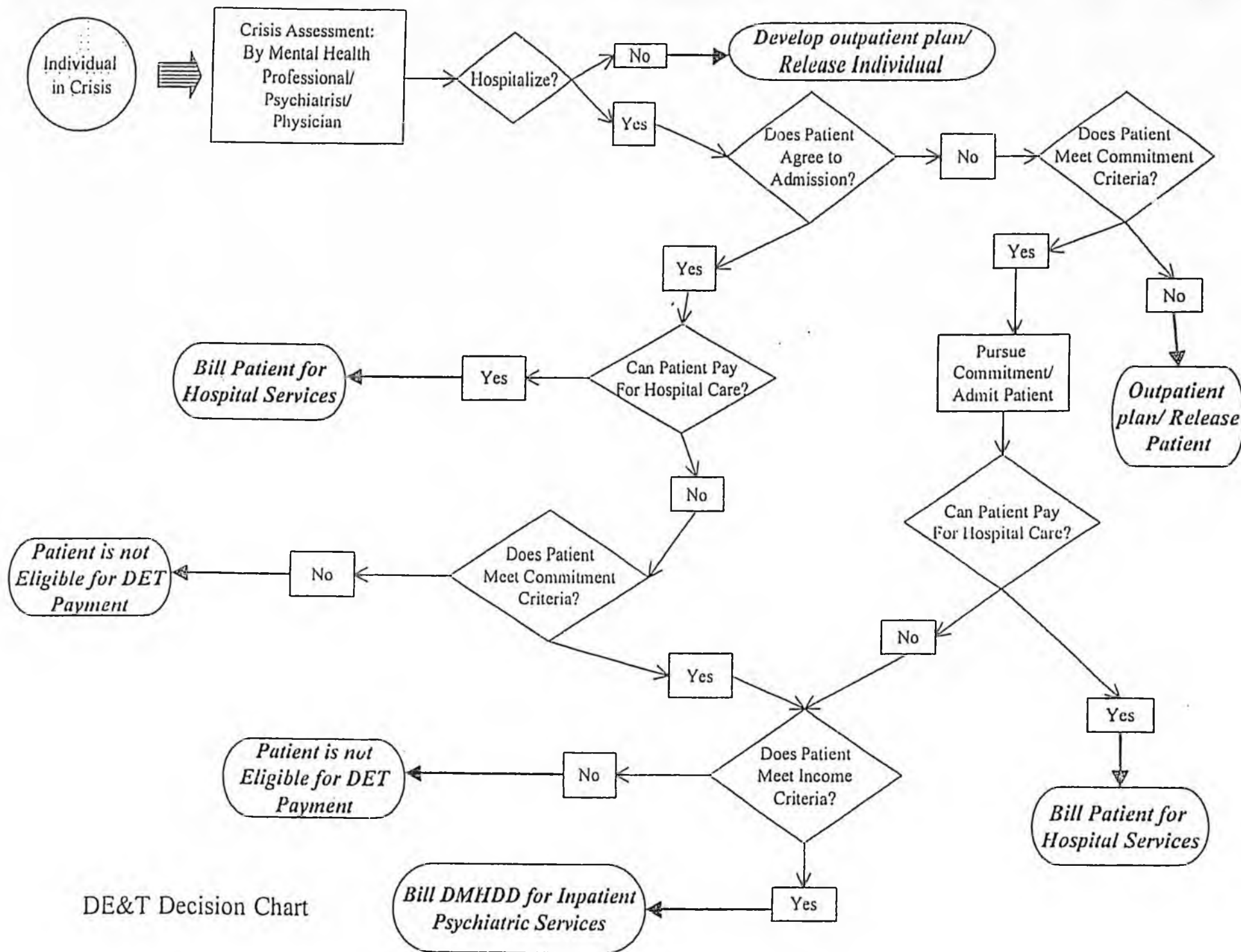
The Division of Mental Health and Developmental Disabilities has designated eight local community hospitals as evaluation facilities providing 72-hour psychiatric evaluations, and two as treatment facilities providing up to 30 days of treatment. The division pays for care provided by the hospitals on a payor of last resort basis. Up to 250 receive hospital services reimbursed through this program each year.

"This assistance has been available since 1978, but the eligibility criteria were vague and open to individual interpretation," said Sen. Pete Kelly (R-Fairbanks). "That's why I sponsored Senate Bill 97 two years ago, to clarify the criteria and create the program as it exists today. But the bill includes a sunset clause that will end the program on July 1, 2001 and return it to the state it was in before."

Senate Bill 154, also sponsored by Kelly, would remove the sunset clause and extend the program indefinitely. Without this change, individuals in need of treatment would have to be transported to Alaska Psychiatric Institute or held in correctional facilities.

"It is important that those who are in acute mental crisis receive help as quickly as possible, without having to spend time in a jail or leave the support of their home community to go to Anchorage," said Kelly. "This program has proven to be beneficial for the people who need it most. It would be a tragedy for these patients and their families if the program were to end."

#



DE&T Decision Chart



ALASKA PSYCHIATRIC INSTITUTE

ADMINISTRATION

2900 PROVIDENCE DRIVE

ANCHORAGE, ALASKA 99508-4677

PHONE # 9907) 269-7106 FAX # (907) 269-7251

FAX COVER SHEET

SEND TO FAX # _____

DATE: 3/10 TIME: 4:15 COVER + 3 PAGES

TO: Sen Peter Kelly PHONE #: _____

FROM: Randall Burns PHONE #: _____

Here is the DET letter. Call if you want changes, have questions!

Randall Burns

THE INFORMATION ATTACHED TO THIS COVER SHEET MAY CONTAIN CONFIDENTIAL INFORMATION WHICH CAN BE ACCESSED ONLY IN ACCORDANCE WITH AS 39.25.080 IF THIS MATERIAL IS MISTAKENLY RECEIVED BY AN UNAUTHORIZED INDIVIDUAL, PLEASE DISPOSE OF IT IMMEDIATELY.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

TONY KNOWLES, GOVERNOR

ALASKA PSYCHIATRIC INSTITUTE
2900 PROVIDENCE DRIVE
ANCHORAGE, ALASKA 99508-4677
PHONE: (907) 269-7100
FAX: (907) 269-7251

March 16, 2001

The Honorable Pete Kelly
Alaska State Senate
State Capitol - Room 518
Juneau, AK 99801-1182

Dear Senator Kelly:

I am writing to express the support of the management of Alaska Psychiatric Institute (API) for continuation of the legislation authorizing payments to designated evaluation and treatment (DET) hospitals across the State of Alaska who provide inpatient psychiatric services to Alaskans who meet statutory criteria for inpatient treatment.

As you know, API is the State's only public hospital. Our mission is to provide an appropriate array of quality, inpatient psychiatric services for the treatment of Alaskans with psychiatric disorders who meet admission criteria. API's patients come from all around the State.

One of our major and ongoing concerns is the admission pressure on the facility. Between FY95 and FY00, API's admissions have increased 56%, while our bed capacity has actually decreased to our present capacity of 74 beds. The attached graph demonstrates the impact on treatment capacity (higher admissions, shorter lengths of stay). Because our bed capacity is limited and the admissions frequent, we are required to discharge patients quickly, leading to criticism from some community mental health service providers that the hospital stays of the persons admitted to API are too short and that patients are discharged before they are ready to return to their communities.

However, API treatment staff truly have no choice but to discharge the majority of our patients relatively quickly because otherwise our beds would quickly fill up with patients with longer hospital stays and our patient census would not only quickly reach our supposed maximum capacity of 74 but soon seriously exceed the beds available (we have been as high as 88 in the last year or so).

Therefore, the reason API fully supports DET legislation is that it encourages local community hospitals to admit and treat persons experiencing a mental health crisis in their community of residence rather than transporting these individuals to API.

Page Two - Senator Pete Kelly - March 16, 2001

When we look at the annual increase in the number of API admits, we consider ourselves fortunate indeed that the DET statute has actually reduced referrals to API from the communities of Juneau and Fairbanks, and more recently from Kodiak and Nome.

Without the willingness of these hospitals to provide DET services, many of the persons admitted in the last few years to Bartlett Memorial Hospital in Juneau or Fairbanks Memorial Hospital, for example, would have been transported from their community (often in handcuffs!) and admitted to API instead, only further substantially increasing admission pressure on API.

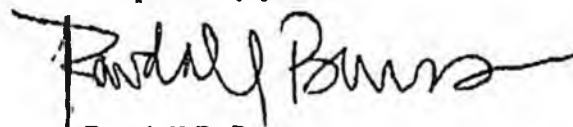
However, as a result of the provisions of the DET legislation, admissions from Juneau remain very low and, with the recent opening of the Fairbanks Memorial Hospital's expanded psychiatric unit, the admissions from Fairbanks to API have dropped substantially. This has been a real success story.

My concern would be, should the statutory authority to reimburse DET hospitals be allowed to sunset, that local hospitals would soon cease providing this service and the persons experiencing a mental health emergency requiring hospital-level care who now are able to be treated in their home community, near family and friends, would be transported to API for admission and treatment, neither a therapeutic or cost-effective solution.

I understand that you are supportive of continuing this important service to Alaskans with mental illnesses, and I provide this letter to you to demonstrate to you the present value of funded DET services to API. If these local services were not present, API would itself soon need additional budget funds to staff and operate the hospital to its increasing capacity.

If I can be of further assistance to you, or if you have any additional questions, please do not hesitate to contact me. And thank you for this opportunity to comment on the value of the DET legislation to API.

Respectfully yours,



Randall P. Burns
Chief Executive Officer

cc: Anne Henry, DMHDD

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

SEVEN (FISCAL) YEAR DATA COMPARISON
Alaska Psychiatric Institute

	<u>FY94</u> <u>(114 Beds)</u>	<u>FY95*</u> <u>(79 Beds)</u>	<u>FY96</u> <u>(79 Beds)</u>	<u>FY97</u> <u>(79 Beds)</u>	<u>FY98</u> <u>(79 Beds)</u>	<u>FY99</u> <u>(79 Beds)</u>	<u>FY00**</u> <u>(74 Beds)</u>	<u>Increase</u> <u>from FY95</u> <u>to FY00</u>
Admissions	1,052	946	1,164	1,258	1,352	1,350	1,480	56%
Discharges	1,043	984	1,161	1,266	1,333	1,361	1,487	51%
Inpatient Days	35,144	23,208	23,382	25,403	25,421	26,205	23,260	0%
Highest Daily Census	112	72	71	91	84	88	80	
Lowest Daily Census	82	56	56	51	51	55	49	
Average Daily Census	96	54	64	70	70	72	64	
ALOS ***	21 (28)	15 (35)	13 (18)	13 (21)	13 (18)	13 (21)	10 (22)	

* Following a substantive budget cut, API down-sized from 114 beds to 79 beds in late 1994.

** As a part of the API 2000/Community Mental Health Project, following the placement of a number of long-term patients in a residential program operated through ASSETS in Anchorage, effective January 1, 2000, API reduced its bed capacity on its longer term patient unit (Kotmai) by five beds, thus reducing API's total bed capacity to 74.

*** "ALOS" means the *average length of stay* for a patient at API; the top number provided in this row *does not include* any patient at API whose stay exceeded six months. Patients with lengths of stay in excess of six months are generally treated on API's Kotmai Unit, where their complex treatment or placement needs, or their legal status, frequently require stays in excess of six months and often many years; it also will include any patient on API's Taku Unit whose treatment needs may require stays that extend beyond six months. The bottom number in parentheses in this row reflects a LOS that includes all patients, regardless of their length of stay at the hospital.

ACMHSA

**Alaska Community Mental Health
Services Association
3050 Fifth Avenue
Ketchikan, Alaska 99901**

March 26, 2001

Senator Pete Kelly
Capitol Room 518
Juneau, Alaska 99811

Re: SB 154

Dear Senator Kelly,

The Alaska Community Mental Health Services Association (ACMHSA) supports your legislation SB 154 which repeals the sunset for the DET program.

ACMHSA is a statewide association representing all of the non-profit mental health providers in the state. We support this legislation and commend your leadership with this important mental health issue.

Sincerely,



Ron Adler
President

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Brenda Knapp, Treasurer

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Amendment
Rep Stevens

Page 2, following line 12:

Insert a new subsection to read:

“(d) It is the intent of the legislature that the Department of Education and Early Development, through its existing federally required monitoring program of district special education programs, review the potential for an individualized education program team’s inappropriate lowering of individualized education program goals and objectives for the purpose of providing a diploma to a student who has not achieved the state performance standards to the maximum extent practicable and take appropriate corrective action.”

Page 3, lines 10-19:

Delete all material and insert:

(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student’s individualized education program or required in the education plan developed for the student under 19 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section;”

Page 4, following line 7:

Insert new subsections to read:

“(f) A student shall receive an endorsement on the student’s diploma and transcript identifying the areas of the examination successfully passed.

(g) The department shall by regulation establish uniform standards for an alternative assessment program required under (c)(1) of this section. The alternative assessment program under (c)(1) of this section may not be changed after February 1 of the student’s junior year of study.”

Page 7, lines 16-18

Delete

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Senator Pete Kelly
District P

SB154

“An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; and providing for an effective date.”

SB154 would repeal the sunset clause on a bill that passed in 1999 that created the Designated Evaluation Program. This program provides treatment through local hospitals for people who are in mental crisis. These individuals are working poor people who have no insurance or Medicaid coverage, who cannot afford hospitalization and who meet certain eligibility requirements.

If the sunset clause is not repealed, the following will be lost:

- Description of application, application review and appeal procedures
- Authorization of the department to establish eligible services and reimbursement rates
- Description of procedures for payment for the services provided
- Clarification of language and definitions to accurately reflect statutory intent
- Clarification of the responsibilities of the Department
- Language that establishes who is eligible for assistance for inpatient services:
 - Individuals who meet criteria for commitment under current statutes (i.e. danger of harming self or others or gravely disables as a result of mental illness, and is likely to improve with treatment)
 - Individuals whose household income is below 185% of federal poverty guidelines for Alaska and who have no other third party payer

SB 154 would remove the sunset clause and extend the program indefinitely. Without this change, individuals in need of treatment would have to be transported to Alaska Psychiatric Institute or held in correctional facilities.

Without this bill, all of this is due to sunset July 1, 2001, sending the program back to it's original vague and problematic state.

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Senate Bill 154 Sectional Analysis

“An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; and providing for an effective date.”

This bill repeals the sunset clause for the Designated Evaluation and Treatment program (DET).

Section 1. of the bill repeals the sunset provisions Sections 2, 4, 6, and 9 of ch. 87 SLA 1999. Those current sections that would be removed cover:

- the clarification of liability for expenses of placement in a treatment facility, (Section 2.)
- the clarification of the definition of “designated treatment facility”, (Section 4.)
- clearly defines the eligibility and procedures of the DET program. (Section 6.):
 - Applicability
 - Eligibility for assistance
 - Application for assistance
 - Decision on eligibility
 - Eligible services rates
 - Payment
 - Appeal
 - Regulations
 - Definitions
- Established an effective date of sunset as July 1, 2001 (Section 9.)

Section 2 of this bill causes the repeal to take effect immediately.

If the sunset occurs, then it reinstates the vague language that led to confusion and inconsistencies in managing the program. These problems led to a lawsuit which prompted the statutory change.