



LAWS OF ALASKA

1974

Source

CSHB 550 (Judiciary) am

Chapter No.

98

AN ACT

Relating to liability for expenses of hospitalization of mental patients.

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

* Section 1. AS 47.30.270(a) is amended to read:

(a) A patient, or his legal representative acting in a representative capacity, or his parents if the patient is under the age of 18, shall pay or contribute to the payment of the charges for the care or treatment of the patient when hospitalized under secs. 10 - 340 of this chapter, in the manner and proportion which the department finds is not detrimental to the patient's rehabilitation and which is within their ability to pay. The charges may not exceed the actual cost of the care or treatment as determined by the department. Notwithstanding the amount of the charge determined to be due, parents may not be required to pay more than \$50 a month for each child. The order of the department relating to the payment of charges by parents shall be prospective in effect and shall relate only to charges to be incurred after the order, except that if the parent intentionally conceals his ability to pay, he shall be ordered to pay to the extent of his ability the charges accruing during the period of the concealment. The order of the department relating to the payment of charges by the patient or his legal representative shall be issued within six months of the date on which the charge was incurred. The department may make necessary investigations to determine the ability to pay, and may require sworn statements of income by the parents. The order shall remain in full force and effect unless modified by subsequent court or department orders.

* Sec. 2. AS 47.30.270(d) is amended to read:

(d) The amount of liability for care and treatment which is ordered by the department to be paid and which is not paid for by the patient or by his legal representative acting in a representative capacity constitutes a lien in favor of this state against all property of the patient. The unpaid amount of liability is a debt to the state and is a first, prior and preferred claim against the estate of the patient after death, and after expenses of administration and all just claims for medical care of last illness and burial expenses have been paid. The claim based upon information submitted by the department shall be prepared and filed by the attorney general. The amount of liability for care and treatment which is ordered by the department to be paid and which is not paid by the parent before the parent's death, shall be discharged or collected from the patient. No claim lies against the assets or estate of the deceased parent.

* Sec. 3. AS 47.30.270 is amended by adding a new subsection to read:

(f) If an order of payment is entered by the department under this section and delinquency in the payment of any amount due the state under the order continues for a period of more than 30 days after the notification of the legal representative or parent of the patient by the department, the state may proceed to collect the amounts due by appropriate proceedings. Actions to enforce the collection of payments may only be brought within three years after the date of notification of a delinquent payment.