



LAWS OF ALASKA

1975

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Chapter No.

121

AN ACT

Relating to community mental health services; and providing for an effective date.

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

* Section 1. AS 47.30 is amended by adding new sections to read:

ARTICLE 5. COMMUNITY MENTAL HEALTH SERVICES.

Sec. 47.30.520. LEGISLATIVE PURPOSE. It is the purpose of the legislature in enacting the Community Mental Health Services Act to assist local communities in planning, organizing and financing community mental health services through locally developed, administered and controlled community mental health programs. It is further intended to better utilize existing resources at both state and local levels in order to:

- (1) develop and implement plans for initiating maximum mental health services based on demonstrated need for services in each geographical planning area, as well as regionalized comprehensive mental health services;
- (2) improve the effectiveness of existing mental health services;
- (3) integrate state-operated and community mental health programs into a unified mental health system;
- (4) provide a means for participation by local communities in the determination of the need for and the allocation of mental health resources;
- (5) establish a uniform ratio of local and state government responsibility for financing mental health

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services;

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

(7) encourage the full use of all existing public or private agencies, facilities, personnel, and funds to accomplish these objectives; and

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

Sec. 47.30.530. DUTIES OF DEPARTMENT. The department shall administer the provisions of secs. 520 - 620 of this chapter and shall

(1) define and develop standards for various levels and qualities of mental health care;

(2) provide fiscal and professional technical assistance in planning, organizing, developing, implementing, and administering local mental health services;

(3) develop budgets, receive and disburse state appropriations and funds in accordance with the provisions of secs. 520 - 620 of this chapter;

(4) establish standards of education and experience for professional, technical and administrative personnel employed in community mental health services;

(5) assist the community in establishing the organization and operation of community mental health services;

(6) develop a standardized system for measuring and reporting to the department the types, quantities and quality of services; and a cost accounting system which will demonstrate the cost of various levels and qualities of care;

(7) provide each local community planning and services delivery entity with statistics, reports, and other data relevant to development of indices indicating the need for mental health services, or relevant to evaluating the effectiveness of existing services;

(8) review each local community plan and require each plan to include

(A) an affirmative showing that the most effective and economic use will be made of all available public and private resources in the community including careful consideration of the most effective and economic alternative forms and patterns of services;

(B) a five-year projection of needs, services and resources; and

(C) adequate provisions for review and evaluation of services provided in the local community;

(9) adopt regulations and establish priorities, after consultation with local communities affected and in conjunction with a state mental health advisory council, which are necessary to carry out the purposes of secs. 520 - 620 of this chapter.

Sec. 47.30.540. ELIGIBLE LOCAL COMMUNITY ENTITIES.

(a) A city or borough government or other political subdivision of the state, a nonprofit corporation, or a combination of these, is eligible to receive funds and administer local programs under secs. 520 - 620 of this chapter. In order to insure equitable access to funds and programs through the state, the department shall determine appropriate geographical areas to be served by local programs in consultation with representatives of the geographical areas in question.

(b) The entity designated by the department in the local area as the organizational unit to receive funds under secs. 520 - 620 of this chapter and to administer the program shall insure a broad base of community support as evidenced by a governing board reasonably representative of the professional, civic, and citizen groups in the community. No more than two members, or 40 per cent of the membership, whichever is greater, may be providers of services under the program. In order to receive funds under secs. 520 - 620 of this chapter, a local community entity shall agree to

(1) give priority to mental health programs and services that have a maximum impact on other tax funded programs;

(2) furnish services through a qualified staff meeting reasonable standards of experience and training;

(3) conform to a state cost accounting system showing the true cost of services rendered, collect fees for services according to a schedule based on an analysis of reasonable ability to pay, and provide that no person shall be refused services because of inability to pay for those services;

(4) maintain adequate clinical and administrative records and to furnish periodic reports to the department;

(5) furnish the department an annual report of the preceding fiscal year, including an evaluation of the effectiveness of the previous year's programs and their costs; and

(6) furnish the department each year a satisfactory annual update of a long-range planning and budget statement that describes program goals for the coming year, the steps and resources necessary to implement the goals, the projected means by which these resources will be secured and the procedures necessary to evaluate the program.

(c) Members of local governing boards may be reimbursed for necessary travel expenses incurred in the organization and operation of local programs as may be determined by the department.

Sec. 47.30.550. COST-SHARING FORMULA; LIMITATIONS. If the department finds that it is necessary for the purposes of secs. 520 - 620 of this chapter, the department may enter into a contract with an eligible community entity under which the department purchases community mental health services from the entity in accordance with the community entity's approved plan and secs. 520 - 620 of this chapter. The department shall purchase the services by participating in 75 per cent of the eligible costs of the services to be furnished under the plan subject to the availability of state funds to the department for implementing secs. 520 - 620 of this chapter. In districts designated by the department as poverty areas, the department shall purchase the services by participating in 90 per cent of the eligible costs.

Sec. 47.30.560. FUNDS FOR LOCAL PROGRAMS. The contracts for services provided for in secs. 520 - 620 of this chapter shall be reviewed, revised if necessary, and approved at the expiration of each contract year. A contract shall be approved if the department finds that the community entity has complied with its plan, secs. 520 - 620 of this chapter, and any applicable regulations adopted by the department. Expenditures for the purchase of services shall be made in accordance with the approved contract, budgets and program projections.

Sec. 47.30.570. ELIGIBLE COSTS; MAINTENANCE OF LOCAL EFFORT. The department shall adopt regulations specifying the types of services and program costs eligible for state participation. These regulations shall include

(1) a provision excluding capital expenditures as eligible costs; and

(2) a requirement that the community entity contractor or applicant agrees as a condition of contract approval that it will not supplant existing local fund support of community mental health services with funds received under secs. 520 - 620 of this chapter and that it will continue local funding support of community mental health services, in any year in which it contracts with the department, at a level that is at least equal to the local funding support in the previous year.

Sec. 47.30.580. COMPREHENSIVE SERVICES. Plans and regulations adopted under secs. 520 - 620 of this chapter shall allow local programs sufficient administrative and program flexibility so that local community mental health programs may be joined with other programs such as mental retardation programs, drug abuse programs, alcoholism programs and comprehensive mental health services programs.

Sec. 47.30.590. PATIENT RIGHTS AND THE CONFIDENTIAL NATURE OF RECORDS AND INFORMATION. The department shall adopt regulations to assure patient rights and to safeguard the confidential nature of records and information about the recipients of services provided under secs. 520 - 620 of this chapter. The regulations shall require that local community entities develop and include in any plan submitted for approval adequate provisions for safeguarding confidential information. The department's regulations shall

provide for disclosure of confidential information to mental health professionals providing services to a recipient and to other appropriate service agencies when it is in the defined best interests of the patient.

Sec. 47.30.600. APPLICABILITY TO EXISTING PROGRAMS. No local community entity existing on January 1, 1974 that received state funds for a community mental health services program in the fiscal year ending June 30, 1974 may receive less state support through the purchase of services under secs. 520 - 620 of this chapter in the fiscal year ending June 30, 1975 than it received in the preceding fiscal year. In order to assure the continuity of state support of existing programs the department may waive requirements of secs. 520 - 620 of this chapter in approving contracts with existing entities for the fiscal year ending June 30, 1975, only.

Sec. 47.30.605. MENTAL HEALTH ADVISORY COUNCIL. (a) There shall be a Mental Health Advisory Council appointed by the governor to advise and assist the department in initiating and implementing community mental health services. The council consists of 12 appointed voting members who are interested and knowledgeable in mental health. No more than four members should be providers of direct mental health services.

(b) The council shall

(1) advise the division on the state mental health plans before implementation of these plans;

(2) periodically review all mental health services in the state, reports of which shall be prepared and submitted to the governor, the legislature, the department and the Comprehensive Health Advisory Council;

(3) conduct independent investigations and studies as may be necessary;

(4) recommend rules, regulations and standards for the administration of community mental health services;

(5) encourage coordination on a regional basis, of community mental health services to insure nonduplication and nonfragmentation of services.

(c) The council shall meet at the call of the chairman but shall meet at least once quarterly.

(d) Members of the council are not entitled to a salary, but are entitled to per diem, reimbursement for travel, and other expenses authorized by law for other boards.

Sec. 47.30.610. DEFINITIONS. In secs. 520 - 610 of this chapter

(1) "department" means the Department of Health and Social Services;

(2) "poverty area" means a district in which 15

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per cent or more of the population, based upon 1970 census data, falls under 125 per cent of the Office of Economic Opportunity poverty guidelines.

Sec. 47.30.620. SHORT TITLE. Sections 520 - 620 of this chapter may be cited as the Community Mental Health Services Act.

* Sec. 2. Upon the creation of the Statewide Health Coordinating Council, as required by the National Health Planning and Resource Development Act of 1974, PL 93641, sec. 605(a), (c) and (d) of this Act are repealed and the duties specified under sec. 605(b) of this Act shall be assumed by the Statewide Health Coordinating Council.

* Sec. 3. This Act takes effect July 1, 1975.