

Key Alaska Statutes Related to Ensuring and Planning for a Comprehensive Integrated Mental Health Program

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Alaska Statutes.
Title 47. Welfare, Social Services and Institutions
Chapter 30. Mental Health
Section 660. Powers and Duties of Department.

AS 47.30.660. Powers and Duties of Department. [DHSS]

(a) The department shall

(1) prepare, and periodically revise and amend, a plan for an integrated comprehensive mental health program, as that term is defined by AS [47.30.056](#) (i); the preparation of the plan and any revision or amendment of it shall

(A) be made in conjunction with the Alaska Mental Health Trust Authority;

(B) be coordinated with federal, state, regional, local, and private entities involved in mental health services;

(2) in planning expenditures from the mental health trust settlement income account, conform to the regulations adopted by the Alaska Mental Health Trust Authority under AS [47.30.031](#)

(b) (6); and

(3) implement an integrated comprehensive system of care that, within the limits of money appropriated for that purpose and using grants and contracts that are to be paid for from the mental health trust settlement income account, meets the service needs of the beneficiaries of the trust established under the Alaska Mental Health Enabling Act of 1956, as determined by the plan.

(b) The department, in fulfilling its duties under this section and through its division of mental health and developmental disabilities, shall

(1) administer a comprehensive program of services for persons with mental disorders, for the prevention of mental illness, and for the care and treatment of persons with mental disorders, including inpatient and outpatient care and treatment and the procurement of services of specialists or other persons on a contractual or other basis;

(2) take the actions and undertake the obligations that are necessary to participate in federal grants-in-aid programs and accept federal or other financial aid from whatever sources for the study, prevention, examination, care, and treatment of persons with mental disorders;

(3) administer AS [47.30.660](#) - [47.30.915](#);

(4) designate, operate, and maintain treatment facilities equipped and qualified to provide inpatient and outpatient care and treatment for persons with mental disorders;

(5) provide for the placement of patients with mental disorders in designated treatment facilities;

(6) enter into arrangements with governmental agencies for the care or treatment of persons with mental disorders in facilities of the governmental agencies in the state or in another state;

(7) enter into contracts with treatment facilities for the custody and care or treatment of persons with mental disorders; contracts under this paragraph are governed by AS [36.30](#) (State Procurement Code);

(8) enter into contracts, which incorporate safeguards consistent with AS [47.30.660](#) - [47.30.915](#) and the preservation of the civil rights of the patients with another state for the custody and care or treatment of patients previously committed from this state under 48 U.S.C. 46 et seq., and P.L. 84-830, 70 Stat. 709;

(9) prescribe the form of applications, records, reports, request for release, and consents to medical or psychological treatment required by AS [47.30.660](#) - [47.30.915](#);

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- (10)** require reports from the head of a treatment facility concerning the care of patients;
- (11)** visit each treatment facility at least annually to review methods of care or treatment for patients;
- (12)** investigate complaints made by a patient or an interested party on behalf of a patient;
- (13)** delegate upon mutual agreement to another officer or agency of it, or a political subdivision of the state, or a treatment facility designated, any of the duties and powers imposed upon it by AS [47.30.660](#) - [47.30.915](#);
- (14)** after consultation with the Alaska Mental Health Trust Authority, adopt regulations to implement the provisions of AS [47.30.660](#) - [47.30.915](#);
- (15)** provide technical assistance and training to providers of mental health services; and
- (16)** set standards under which each designated treatment facility shall provide programs to meet patients' medical, psychological, social, vocational, educational, and recreational needs.

Alaska Statutes.
Title 47. Welfare, Social Services and Institutions
Chapter 30. Mental Health
Section 11. Alaska Mental Health Trust Authority.

AS 47.30.011. Alaska Mental Health Trust Authority.

(a) The Alaska Mental Health Trust Authority is established as a public corporation of the state within the Department of Revenue.

(b) The purpose of the authority is to ensure an integrated comprehensive mental health program and to administer the office of the long term care ombudsman established in AS [47.62.010](#) .

(c) The authority

(1) shall, as provided in AS [37.14.009](#) , administer the trust established under the Alaska Mental Health Enabling Act of 1956;

(2) may sue and be sued;

(3) may retain the services of independent counsel when, in the judgment of the authority's board of trustees, independent counsel is needed;

(4) shall insure or indemnify and protect the board, a member of the board, or an agent or employee of the authority against financial loss and expense, including reasonable legal fees and costs, arising out of a claim, demand, suit, or judgment by reason of alleged negligence, alleged violation of civil rights, or alleged wrongful act resulting in death or bodily injury to a person or accidental damage to or destruction of property if the board member, agent, or employee, at the time of the occurrence, was acting under the direction of the authority within the course or scope of the duties of the board member, agent, or employee;

(5) shall exercise the powers granted to it under AS [37.14.041](#) , subject to the limitations imposed by AS [37.14.045](#) ; and

(6) shall administer the office of the long term care ombudsman established in AS [47.62.010](#) .

(d) The provisions of AS [44.62.330](#) - [44.62.630](#) do not apply to the Alaska Mental Health Trust Authority.

Alaska Statutes.

Title 47. Welfare, Social Services and Institutions

Chapter 30. Mental Health

Section 56. Use of Money in the Mental Health Trust Settlement Income Account.

AS 47.30.056. Use of Money in the Mental Health Trust Settlement Income Account.

(a) The money in the mental health trust settlement income account established in AS 37.14.036 shall be used as provided in AS 37.14.041 , including to

(1) provide an integrated comprehensive mental health program as required by this section;

(2) meet the authority's annual administrative expenses; and

(3) offset the effect of inflation on the mental health trust fund.

(b) Expenditures under (a)(1) of this section shall provide for a reasonable level of necessary services to

(1) the mentally ill;

(2) the mentally defective and retarded;

(3) chronic alcoholics suffering from psychoses;

(4) senile people who as a result of their senility suffer major mental illness; and

(5) other persons needing mental health services, as the legislature may determine.

(c) The integrated comprehensive mental health program for which expenditures are made under this section

(1) shall give priority in service delivery to persons who, as a result of a mental disorder or of a disorder identified in (b) of this section;

(A) may require or are at risk of hospitalization; or

(B) experience such major impairment of self-care, self-direction, or social and economic functioning that they require continuing or intensive services;

(2) may, at the discretion of the board, include services to persons who are not included under (b) or (c)(1) of this section.

(d) In (b)(1) of this section, "the mentally ill" includes persons with the following mental disorders:

(1) schizophrenia;

(2) delusional (paranoid) disorder;

(3) mood disorders;

(4) anxiety disorders;

(5) somatoform disorders;

(6) organic mental disorders;

(7) personality disorders;

(8) dissociative disorders;

(9) other psychotic or severe and persistent mental disorders manifested by behavioral changes and symptoms of comparable severity to those manifested by persons with mental disorders listed in this subsection; and

(10) persons who have been diagnosed by a licensed psychologist, psychiatrist, or physician licensed to practice medicine in the state and, as a result of the diagnosis, have been determined to have a childhood disorder manifested by behaviors or symptoms suggesting risk of developing a mental disorder listed in this subsection.

(e) In (b)(2) of this section, "the mentally defective and retarded" includes persons with the following neurologic or mental disorders:

- (1)** cerebral palsy;
- (2)** epilepsy;
- (3)** mental retardation;
- (4)** autistic disorder;
- (5)** severe organic brain impairment;
- (6)** significant developmental delay during early childhood indicating risk of developing a disorder listed in this subsection;
- (7)** other severe and persistent mental disorders manifested by behaviors and symptoms similar to those manifested by persons with disorders listed in this subsection.
- (f)** In (b)(3) of this section, "chronic alcoholics suffering from psychoses" includes persons with the following disorders:
 - (1)** alcohol withdrawal delirium (delirium tremens);
 - (2)** alcohol hallucinosis;
 - (3)** alcohol amnestic disorder;
 - (4)** dementia associated with alcoholism;
 - (5)** alcohol-induced organic mental disorder;
 - (6)** alcoholic depressive disorder;
 - (7)** other severe and persistent disorders associated with a history of prolonged or excessive drinking or episodes of drinking out of control and manifested by behavioral changes and symptoms similar to those manifested by persons with disorders listed in this subsection.
- (g)** In (b)(4) of this section, "senile people who as a result of their senility suffer major mental illness" includes persons with the following mental disorders:
 - (1)** primary degenerative dementia of the Alzheimer type;
 - (2)** multi-infarct dementia;
 - (3)** senile dementia;
 - (4)** presenile dementia;
 - (5)** other severe and persistent mental disorders manifested by behaviors and symptoms similar to those manifested by persons with disorders listed in this subsection.
- (h)** The authority shall adopt regulations defining the disorders identified in this section to reflect revisions in the diagnostic nomenclature of the health professions serving the beneficiaries of the trust. The authority shall review and revise the regulations as necessary. Regulations adopted under this subsection must be in the long term best interest of the trust and of persons with disorders equivalent to those identified in (b) and (c) of this section.
- (i)** In this section, "an integrated comprehensive mental health program"
 - (1)** means public health programs and services that, on December 16, 1994, are separately recognizable and administered, without regard to the administrative unit directly responsible for the delivery of the service; among the services included are services for the mentally ill, community mental health services, services for the developmentally disabled, alcoholism services, and services for children, youth, adults, and seniors with mental disorders;
 - (2)** includes, at a minimum, each of the following services as appropriate:
 - (A)** emergency services on a 24-hour basis;
 - (B)** screening examination and evaluation services required to complete the involuntary commitment process under AS [47.30.700](#) - [47.30.815](#);
 - (C)** inpatient care;
 - (D)** crisis stabilization services, which may include:
 - (i)** active community outreach;
 - (ii)** in-hospital contact;
 - (iii)** mobile crisis teams of mental health professionals;

- (iv)** crisis beds to provide a short term residential program for persons experiencing an acute episode of mental illness that requires temporary removal from a home environment;
- (E)** treatment services, which may include
 - (i)** diagnosis, testing, and evaluation of medical needs;
 - (ii)** medication monitoring;
 - (iii)** physical examinations;
 - (iv)** dispensing psychotropic and other medication;
 - (v)** detoxification;
 - (vi)** individual or group therapy;
 - (vii)** aftercare;
- (F)** case management, which may include
 - (i)** evaluation of needs;
 - (ii)** development of individualized treatment plans;
 - (iii)** enhancement of access to available resources and programs;
 - (iv)** development of interagency contacts and family involvement;
 - (v)** advocacy;
- (G)** daily structure and support, which may include
 - (i)** daily living skills training;
 - (ii)** socialization activities;
 - (iii)** recreation;
 - (iv)** transportation;
 - (v)** day care services;
 - (vi)** client and care provider education and support services;
- (H)** residential services, which may include
 - (i)** crisis or respite care;
 - (ii)** board and care;
 - (iii)** foster care, group homes, halfway houses, or supervised apartments;
 - (iv)** intermediate care facilities;
 - (v)** long-term care facilities;
 - (vi)** in-home care;
- (I)** vocational services, which may include
 - (i)** prevocational services;
 - (ii)** work adjustment;
 - (iii)** supported work;
 - (iv)** sheltered work;
 - (v)** training in which participants achieve useful work experience;
- (J)** outpatient screening, diagnosis, and treatment services, including individual, family, and group psychotherapy, counseling, and referral;
- (K)** prevention and education services, including consultation with organizations, providers, and the public; and
- (L)** administrative services, including appropriate operating expenses of state agencies and other service providers.
- (j)** The authority shall adopt regulations regarding the services described in (i) of this section to reflect advances in the appropriate professions. The authority shall review and revise the regulations as necessary. Regulations adopted under this subsection must be in the long term best interest of the mental health trust.

Alaska Statutes.
Title 47. Welfare, Social Services and Institutions
Chapter 30. Mental Health
Section 666. Duties of the Board.

AS 47.30.666. Duties of the board. [Alaska Mental Health Board]

The board is the state planning and coordinating body for the purpose of federal and state laws relating to mental health services for persons with mental disorders identified in [AS 47.30.056](#)

(b)(1). On behalf of those persons, the board shall

- (1) prepare and maintain a comprehensive plan of treatment and rehabilitation services;
- (2) propose an annual implementation plan consistent with the comprehensive plan and with due regard for the findings from evaluation of existing programs;
- (3) provide a public forum for the discussion of issues related to the mental health services for which the board has planning and coordinating responsibility;
- (4) advocate the needs of persons with mental disorders before the governor, executive agencies, the legislature, and the public;
- (5) advise the legislature, the governor, the Alaska Mental Health Trust Authority, and other state agencies in matters affecting persons with mental disorders, including, but not limited to,
 - (A) development of necessary services for diagnosis, treatment, and rehabilitation;
 - (B) evaluation of the effectiveness of programs in the state for diagnosis, treatment, and rehabilitation;
 - (C) legal processes that affect screening, diagnosis, treatment, and rehabilitation;
- (6) provide to the Alaska Mental Health Trust Authority for its review and consideration recommendations concerning the integrated comprehensive mental health program for those persons who are described in [AS 47.30.056](#) (b)(1) and the use of money in the mental health trust based on a complaint settlement income account in a manner consistent with regulations adopted under [AS 47.30.031](#) ; and
- (7) submit periodic reports regarding its planning, evaluation, advocacy, and other activities.

Alaska Statutes.
Title 44. State Government
Chapter 29. Department of Health and Social Services
Section 140. Duties.

AS 44.29.140. Duties. [Advisory Board on Alcoholism and Drug Abuse]

(a) The board shall

(1) act in an advisory capacity to the legislature, the governor, and state agencies in the following matters:

(A) special problems affecting mental health that alcoholism or drug abuse may present;

(B) educational research and public informational activities in respect to the problems presented by alcoholism or drug abuse;

(C) social problems that affect rehabilitation of alcoholics and drug abusers;

(D) legal processes that affect the treatment and rehabilitation of alcoholics and drug abusers;

(E) development of programs of prevention, treatment, and rehabilitation for alcoholics and drug abusers; and

(F) evaluation of effectiveness of alcoholism and drug abuse programs in the state;

(2) provide to the Alaska Mental Health Trust Authority for its review and consideration recommendations concerning the integrated comprehensive mental health program for the people who are described in AS [47.30.056](#) (b)(3), and concerning the use of money in the mental health trust settlement income account in a manner consistent with regulations adopted under AS [47.30.031](#).

(b) The board is the planning and coordinating body for purposes of federal and state laws relating to alcohol, drug, and other substance abuse prevention and treatment services.

(c) The board shall prepare and maintain a comprehensive plan of services

(1) for the prevention and treatment of alcohol, drug, and other substance abuse; and

(2) for persons described in AS [47.30.056](#) (b)(3).

Alaska Statutes.
Title 47. Welfare, Social Services and Institutions
Chapter 80. Persons With Disabilities
Section 90. Responsibilities.

AS 47.80.090. Responsibilities. [Governor's Council for Developmental on Disabilities and Special Education]

The council shall

- (1)** serve as a forum by which issues and benefits regarding current and potential services to disabled and gifted persons may be discussed by consumer, public, private, professional, and lay interests;
- (2)** advocate the needs of disabled and gifted persons before the executive and legislative branches of the state government and before the public;
- (3)** advise the executive and legislative branches of the state government and the private sector on programs and policies pertaining to current and potential services to disabled or gifted persons and their families;
- (4)** submit periodic reports to the commissioner of health and social services, the commissioner of education and early development, and to other appropriate departments, on the effects of current federal and state programs regarding services to disabled or gifted persons; these reports must include program performance reports to the governor, the federal government, and to state agencies as required under 20 U.S.C. 1482 and 42 U.S.C. 6024;
- (5)** in conjunction with the Departments of Health and Social Services and Education, develop, prepare, adopt, periodically review, and revise as necessary an annual state plan prescribing programs that meet the needs of persons with developmental disabilities as required under 42 U.S.C. 6022;
- (6)** review and comment to commissioners of state departments on all state plans and proposed regulations relating to programs for persons who are experiencing disabilities before the adoption of a plan or regulation; for this purpose, the appropriate departments shall submit the plans and proposed regulations to the council;
- (7)** recommend the priorities and specifications for the use of funds received by the state under 20 U.S.C. 1471 - 1485 and 42 U.S.C. 6000 - 6083;
- (8)** submit annually to the commissioner of health and social services, the commissioner of education and early development, and the commissioner of commerce, community, and economic development a proposed interdepartmental program budget for services to disabled or gifted persons that includes, insofar as possible, projected revenues and expenditures for programs implemented by state agencies, local governmental agencies, and private organizations; the interdepartmental program budget is an informational supplement to the regular annual budgetary submissions of the departments to the Office of the Governor;
- (9)** provide information and guidance for the development of appropriate special educational programs and services for a child with a disability as defined in AS [14.30.350](#) ;
- (10)** monitor and evaluate budgets or other implementation plans and programs for disabled and gifted persons to assure nonduplication of services and encourage efficient and coordinated use of federal, state, and private resources in the provision of services; members of the council, with the approval of the council, have access to information in the possession of state agencies subject to disclosure restrictions imposed by state or federal confidentiality or privacy laws;

- (11)** perform other duties required under applicable federal laws or AS [14.30.231](#) and as the governor may assign;
- (12)** govern the special education service agency and may hire personnel necessary to operate the agency; and
- (13)** provide to the Alaska Mental Health Trust Authority for its review and consideration recommendations concerning the integrated comprehensive mental health program for the people of the state who are described in AS [47.30.056](#) (b)(2) and the use of the money in the mental health trust settlement income account in a manner consistent with regulations adopted under AS [47.30.031](#) .

Alaska Statutes.
Title 47. Welfare, Social Services and Institutions
Chapter 45. Older Alaskans
Section 240. Powers, Duties, and Limitations.

AS 47.45.240. Powers, Duties, and Limitations. [Alaska Commission on Aging]

(a) The commission shall

- (1)** approve a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and, with reference to the approved plan, prepare and submit to the governor and legislature an annual analysis and evaluation of the services that are provided to older Alaskans;
- (2)** make recommendations directly to the governor and the legislature with respect to legislation, regulations, and appropriations for programs or services that benefit older Alaskans;
- (3)** encourage the development of municipal commissions serving older Alaskans and community-oriented programs and services for the benefit of older Alaskans;
- (4)** employ an executive director who serves at the pleasure of the commission;
- (5)** help older Alaskans lead dignified, independent, and useful lives;
- (6)** request and receive reports and audits from state agencies and local institutions concerned with the conditions and needs of older Alaskans;
- (7)** with the approval of the commissioner of health and social services, set policy for the administration of federal programs subject to state control as provided under 42 U.S.C. 3001 - 3058ee (Older Americans Act), as amended, and evaluate grant applicants and make grant awards under those programs;
- (8)** with the approval of the commissioner of health and social services, set policy for the administration of state programs as provided under AS [47.65](#) and evaluate grant applicants and award grants under those programs;
- (9)** give assistance, on request, to the senior housing office in the Alaska Housing Finance Corporation in administration of the senior housing loan program under AS [18.56.710](#) - [18.56.799](#) and in the performance of the office's other duties under AS [18.56.700](#) ; and
- (10)** provide to the Alaska Mental Health Trust Authority, for its review and consideration, recommendations concerning the integrated comprehensive mental health program for persons who are described in (d) of this section and the use of the money in the mental health trust settlement income account in a manner consistent with regulations adopted under AS [47.30.031](#).

(b) To accomplish its duties, the commission may

- (1)** review, evaluate, and comment upon state programs concerned with the problems and the needs of older Alaskans;
- (2)** collect facts and statistics, and make studies of conditions and problems pertaining to the employment, health, housing, financial security, social welfare, and other concerns that bear upon the well-being of older Alaskans;
- (3)** provide information about public programs that would be of interest or benefit to older Alaskans;
- (4)** appoint special committees, which may include persons who are not members of the commission, to complete necessary studies;
- (5)** promote community education efforts regarding the problems and concerns of older Alaskans;

- (6)** contract for necessary services;
 - (7)** consult and cooperate with persons, organizations, and groups interested in or concerned with programs of assistance to older Alaskans;
 - (8)** advocate improved programs of benefit to older Alaskans;
 - (9)** set standards for levels of services for older Alaskans for programs administered by the commission; and
 - (10)** adopt regulations necessary for the administration of AS [47.45.200](#) - [47.45.290](#) and to comply with federal law.
- (c)** The commission may not investigate, review, or undertake any responsibility for the longevity bonus program under AS [47.45.010](#) - [47.45.160](#) or the Alaska Pioneers' Home or Alaska Veterans' Home under AS [47.55](#).
- (d)** When the commission formulates a comprehensive statewide plan under (a) of this section, it shall include within the plan specific reference to the concerns and needs of older Alaskans who have a disorder described in AS [47.30.056](#) (b)(4).