

Received in the House: 1/17/22; Introduced: 1/18/22
Referred: Health and Social Services, Finance

Received in the Senate: 1/17/22; Introduced: 1/18/22
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EXECUTIVE ORDER NO. 121

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance
2 with AS 24.08.210, I order the following:

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS. As governor, I find that it is in the best interests of efficient
6 administration to divide the Department of Health and Social Services into the Department of
7 Health and the Department of Family and Community Services.

8 * **Sec. 2.** AS 12.62.400(a) is amended to read:

9 (a) To obtain a national criminal history record check for determining a
10 person's qualifications for a license, permit, registration, employment, or position, a
11 person shall submit the person's fingerprints to the department with the fee established
12 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau
13 of Investigation to obtain a national criminal history record check of the person for the
14 purpose of evaluating a person's qualifications for

15 (1) a license or conditional contractor's permit to manufacture, sell,
16 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage
17 under AS 04.11;

18 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage
19 loan originator under AS 06.60;

20 (3) admission to the Alaska Bar Association under AS 08.08;

21 (4) licensure as a collection agency operator under AS 08.24;

22 (5) a certificate of fitness to handle explosives under AS 08.52;

23 (6) licensure as a massage therapist under AS 08.61;

24 (7) licensure to practice nursing or certification as a nurse aide under

1 AS 08.68;

2 (8) certification as a real estate appraiser under as 08.87;

3 (9) a position involving supervisory or disciplinary power over a minor
4 or dependent adult for which criminal justice information may be released under
5 AS 12.62.160(b)(9);

6 (10) a teacher certificate under AS 14.20;

7 (11) a registration or license to operate a marijuana establishment
8 under AS 17.38;

9 (12) admittance to a police training program under AS 18.65.230 or for
10 certification as a police officer under AS 18.65.240 if that person's prospective
11 employer does not have access to a criminal justice information system;

12 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;

13 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;

14 (15) licensure as an insurance producer, managing general agent,
15 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
16 broker, or independent adjuster under AS 21.27;

17 (16) serving and executing process issued by a court by a person
18 designated under AS 22.20.130;

19 (17) a school bus driver license under AS 28.15.046;

20 (18) licensure as an operator or an instructor for a commercial driver
21 training school under AS 28.17;

22 (19) registration as a broker-dealer, agent, investment adviser
23 representative, or investment adviser under AS 45.56.300 - 45.56.350;

24 (20) licensure, license renewal, certification, certification renewal, or
25 payment from the Department of Health [AND SOCIAL SERVICES] of an individual
26 and an entity subject to the requirements for a criminal history check under
27 AS 47.05.310, including

28 (A) a public home care provider described in AS 47.05.017;

29 (B) a provider of home and community-based waiver services
30 financed under AS 47.07.030(c);

31 (C) a case manager to coordinate community mental health

services under AS 47.30.530;

(D) an entity listed in AS 47.32.010(b) and (c), including an owner, officer, director, member, partner, employee, volunteer, or contractor of an entity; or

(E) an individual or entity not described in (A) - (D) of this paragraph that is required by statute or regulation to be licensed or certified by the Department of Health [AND SOCIAL SERVICES] or that is eligible to receive payments, in whole or in part, from the Department of Health [AND SOCIAL SERVICES] to provide for the health, safety, and welfare of persons who are served by the programs administered by the Department of Health;

(21) licensure, license renewal, certification, or certification renewal by the Department of Family and Community Services of an individual or entity, or payment from the Department of Family and Community Services to an individual or entity, subject to the requirements for a criminal history check under AS 47.05.310 for a foster home, child placement agency, and runaway shelter listed in AS 47.32.010(c), including an owner, officer, director, member, partner, employee, volunteer, or contractor of an entity [AND SOCIAL SERVICES].

* **Sec. 3.** AS 12.65.120(a) is amended to read:

(a) The state child fatality review team is established in the Department of Health [AND SOCIAL SERVICES] to assist the state medical examiner. The team is composed of

(1) the following persons, or that person's designee:

(A) the state medical examiner;

(B) a state prosecutor with experience in homicide prosecutions, appointed by the attorney general;

(C) an investigator with the state troopers who has experience in conducting investigations of homicide, child abuse, or child neglect, appointed by the commissioner of public safety;

(D) a social worker with the Department of **Family and Community Services** [HEALTH AND SOCIAL SERVICES] who has

1 experience in conducting investigations of child abuse and neglect, appointed
 2 by the commissioner of **family and community services** [HEALTH AND
 3 SOCIAL SERVICES];

4 (2) the following persons, or that person's designee, appointed by the
 5 commissioner of health [AND SOCIAL SERVICES]:

6 (A) a physician licensed under AS 08.64 who

7 (i) specializes in neonatology or perinatology; or

8 (ii) is certified by the American Board of Pediatrics;

9 (B) a municipal law enforcement officer with experience in
 10 conducting investigations of homicide, child abuse, or child neglect;

11 (C) other persons, including educators, whose experience and
 12 expertise would, as determined by the commissioner of health [AND SOCIAL
 13 SERVICES], contribute to the effectiveness of the team.

14 * **Sec. 4.** AS 14.03.078(b) is amended to read:

15 (b) By December 31 of each year, the department shall provide to the Alaska
 16 Mental Health Trust Authority established by **AS 44.25.200** [AS 47.30.011] a report
 17 on the progress of school districts in the state toward the objective of AS 14.30.278(b),
 18 based on performance indicators included in the most current plan submitted by the
 19 state to the United States Secretary of Education as required under 20 U.S.C. 1412(a).

20 * **Sec. 5.** AS 14.30.231 is amended to read:

21 **Sec. 14.30.231. Advisory panel.** The Governor's Council on Disabilities and
 22 Special Education established under **AS 44.29.600** [AS 47.80] shall serve as the state
 23 advisory panel, the function of which is to provide information and guidance for the
 24 development of appropriate programs of special education and related services for
 25 children with disabilities.

26 * **Sec. 6.** AS 14.30.610 is amended to read:

27 **Sec. 14.30.610. Governing board.** The agency shall be governed by the
 28 Governor's Council on Disabilities and Special Education **(AS 44.29.600)**
 29 [(AS 47.80.030)].

30 * **Sec. 7.** AS 18.29.110 is amended to read:

31 **Sec. 18.29.110. Employer payments.** An employer approved for participation

in the program shall make a nonrefundable quarterly payment to the department for the benefit of the employer's health care professional employee. The employer payment may come from any available source, including a philanthropic institution, health foundation, government agency, community organization, or private individual.

The payment amount

(1) must be equal to the health care professional's program payment amount established by the commissioner;

(2) may be adjusted based on the employer's ability to pay, as determined by the commissioner and in consultation with the advisory council; and

(3) must include the fee established under AS 44.29.022 or AS 44.30.030 for services provided under this chapter.

* **Sec. 8.** AS 18.35.301(c) is amended to read:

(c) An individual may not smoke outdoors

(1) within 10 feet of playground equipment located at a public or private school or a state or municipal park while children are present;

(2) in a seating area for an outdoor arena, stadium, or amphitheater;

(3) at a place of employment or health care facility that has declared the entire campus or outside grounds or property to be smoke-free;

(4) within

(A) 10 feet of an entrance to a bar or restaurant that serves alcoholic beverages;

(B) 20 feet of an entrance, open window, or heating or ventilation system air intake vent at an enclosed area at a place where smoking is prohibited under this section; or

(C) a reasonable distance, as determined by the owner or operator, of an entrance, open window, or heating or ventilation system air intake vent of

(i) a vessel covered by this section; or

(ii) a long term care facility as defined in AS 44.25.390

[AS 47.62.090].

* **Sec. 9.** AS 18.35.321(b) is amended to read:

(b) The program of education under (a) of this section may be provided in combination with the comprehensive smoking education, tobacco use prevention, and tobacco control program established in AS 44.29.020(a)(12) [AS 44.29.020(a)(14)].

* **Sec. 10.** AS 23.15.095(b) is amended to read:

(b) By December 31 of each year, the commissioner shall provide to the Alaska Mental Health Trust Authority established by AS 44.25.200 [AS 47.30.011] a report on the agency's progress toward the objective under (a) of this section.

* **Sec. 11.** AS 23.15.550(a) is amended to read:

(a) The Alaska Workforce Investment Board is established in the department. The board consists of the following voting members, not to exceed 26:

- (1) the lieutenant governor or the lieutenant governor's designee;
- (2) the commissioners of commerce, community, and economic development, education and early development, health [AND SOCIAL SERVICES], and labor and workforce development, or each respective commissioner's designee;
- (3) one representative from the University of Alaska;
- (4) four additional representatives of education, with one from local public education, one from secondary vocational education, one from a postsecondary vocational education institution, and one from adult basic education;
- (5) four representatives of business and industry;
- (6) four representatives of organized labor whom the governor shall appoint from lists of nominees submitted by recognized state labor organizations; the governor may reject a list submitted under this paragraph and request that another list be submitted;
- (7) at least one representative from an organization representing employment and training needs of Alaska Natives;
- (8) at least one representative of a community-based service organization;
- (9) at least one representative who has personal or professional experience with developmental disabilities;
- (10) at least one veteran; in this paragraph, "veteran" has the meaning given in AS 43.20.048(f);

(11) at least one and up to four additional members of the private sector to ensure a private sector majority and regional and local representation on the board.

* **Sec. 12.** AS 24.20.235(a) is amended to read:

(a) Every two years, the legislative finance division shall deliver to the chair of the finance committee in each house of the legislature a report analyzing the indirect expenditure report created under AS 43.05.095 for the appropriate agencies listed in this subsection. The first review shall occur in the calendar year set out after each agency's name, as follows, and subsequent reviews of each agency shall occur every six years:

(1) Department of Commerce, Community, and Economic Development, 2015;

(2) Department of Fish and Game, 2015;

(3) Department of Health [AND SOCIAL SERVICES], **2027** [2015];

(4) Department of Labor and Workforce Development, 2015;

(5) Department of Revenue, 2015;

(6) Alaska Court System, 2017;

(7) Department of Administration, 2017;

(8) Department of Education and Early Development, 2017;

(9) Department of Environmental Conservation, 2017;

(10) Department of Natural Resources, 2017;

(11) Department of Transportation and Public Facilities, 2017;

(12) **Department of Family and Community Services, 2027;**

(13) all remaining agencies, 2019.

* **Sec. 13.** AS 25.27.125(b) is amended to read:

(b) The annual estimated balance in the account maintained by the commissioner of administration under AS 37.05.142 may be used by the legislature to make appropriations [TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES] to carry out the purposes of AS 47.14.100 - 47.14.130 and AS 47.27.

* **Sec. 14.** AS 26.23.071(b) is amended to read:

(b) The commission consists of the commissioners of commerce, community,

1 and economic development, environmental conservation, fish and game, health [AND
 2 SOCIAL SERVICES], labor and workforce development, natural resources, public
 3 safety, and transportation and public facilities, or the designees of the commissioners,
 4 the adjutant general of the Department of Military and Veterans' Affairs or a designee,
 5 and seven members of the public appointed by the governor, two of whom must be
 6 members of a local emergency planning committee for an emergency planning district
 7 that is predominantly rural in character and two of whom must be members of a local
 8 emergency planning committee for an emergency planning district that is
 9 predominantly urban in character. Two of the other three members of the public who
 10 are appointed to the commission must be members of the governing body of, or the
 11 mayor of, a political subdivision that has a local emergency planning committee or a
 12 person who, in the opinion of the governor, is otherwise appropriate to represent the
 13 political subdivision. The United States Department of Defense - Alaska Command,
 14 the Federal Emergency Management Agency, the United States Environmental
 15 Protection Agency, and the United States Coast Guard may each appoint a
 16 representative to serve on the commission in an ex-officio, nonvoting capacity. To the
 17 extent practicable, the commission must include members with expertise in the
 18 emergency response field.

19 * **Sec. 15.** AS 37.05.146(c)(77) is amended to read:

20 (77) the following fees, receipts, income, and monetary recoveries
 21 collected by the Department of Health [AND SOCIAL SERVICES]:

22 (A) receipts of the Department of Health [AND SOCIAL
 23 SERVICES], Bureau of Vital Statistics;

24 (B) monetary recoveries of Medicaid expenditures from
 25 recipients, third parties, and providers under AS 47;

26 (C) the state's share of overpayments collected under
 27 AS 47.05.080;

28 (D) [INCOME RECEIVED FROM A STATE OR FEDERAL
 29 AGENCY FOR CHILDREN IN FOSTER CARE UNDER AS 47.14.100;

30 (E)] fees received or collected under AS 44.29.022 for nursing
 31 and planning services provided at health centers, genetic screening clinics and

specialty clinics, the certification of x-ray machines, the alcohol safety action program, and other public health programs and services;

(E) [(F)] fees received under AS 18.08.080 for the certification or licensure of emergency medical technicians, emergency medical dispatchers, mobile intensive care paramedics, and emergency medical technician instructors;

(F) [(G)] fees received **by entities listed** under **AS 47.32.010(b)** [AS 47.32];

(G) [(H)] the state's share of child support collections for reimbursement of the cost of the Alaska temporary assistance program as provided under AS 25.27.120, 25.27.130, and AS 47.27.040; and

(H) [(I)] monetary recoveries under AS 09.58 (Alaska Medical Assistance False Claim and Reporting Act);

* **Sec. 16.** AS 37.05.146(c) is amended by adding a new paragraph to read:

(80) the following fees, receipts, income, and monetary recoveries collected by the Department of Family and Community Services:

(A) income received from a state or federal agency for children in foster care under AS 47.14.100;

(B) fees received by entities listed under AS 47.32.010(c).

* **Sec. 17.** AS 37.05.580(a) is amended to read:

(a) There is created as a special account in the general fund the tobacco use education and cessation fund into which shall be deposited 20 percent annually of the revenue derived from the settlement of State of Alaska v. Philip Morris, Incorporated, et al, No. 1JU-97-915 CI (Alaska Super. 1997). The purpose of the tobacco use education and cessation fund is to provide a source to finance the comprehensive smoking education, tobacco use prevention, and tobacco control program authorized by **AS 44.29.020(a)(12)** [AS 44.29.020(a)(14)].

* **Sec. 18.** AS.37.05.580(b) is amended to read:

(b) The legislature may make appropriations from the tobacco use education and cessation fund for the comprehensive smoking education, tobacco use prevention, and tobacco control program established under **AS 44.29.020(a)(12)**

1 [AS 44.29.020(a)(14)].

2 * **Sec. 19.** AS 37.14.001 is amended to read:

3 **Sec. 37.14.001. Mental health trust.** In carrying out its trust obligations under
4 the Mental Health Enabling Act of 1956, the state acts through the governor, the
5 legislature, and the Alaska Mental Health Trust Authority **(AS 44.25.200)**
6 [(AS 47.30.011)].

7 * **Sec. 20.** AS 37.14.007(a) is amended to read:

8 (a) The Alaska Mental Health Trust Authority, established by **AS 44.25.200**
9 [AS 47.30.011], is the trustee of the trust established under the Alaska Mental Health
10 Enabling Act of 1956, P.L. 84-830, 70 Stat. 709.

11 * **Sec. 21.** AS 37.14.007(b) is amended to read:

12 (b) In exercising the powers, duties, and responsibilities as trustee, the
13 authority is under a duty to the public and the trust beneficiaries to

14 (1) administer the trust consistent with AS 37.14.009 in the interest of
15 the beneficiaries;

16 (2) keep and render clear and accurate accounts with respect to the
17 administration of the trust;

18 (3) make public and available complete and accurate information as to
19 the nature and amount of the trust property;

20 (4) exercise a high degree of care in administering the trust;

21 (5) take reasonable steps to take and keep control of the trust property;

22 (6) use care and skill to preserve the trust property;

23 (7) take reasonable steps to realize on claims that are held in trust;

24 (8) defend against actions that may result in a loss to the trust estate,
25 unless under all the circumstances, considering the other duties owed to the trust, it is
26 reasonable not to make the defense;

27 (9) separately account for trust property;

28 (10) ensure that trust property is designated as property of the trust;

29 (11) use care and skill to make the trust property productive; however,
30 nothing in this paragraph shall prevent the state from using trust property directly or
31 indirectly, by contractual stipulation or otherwise, as a component of the state's mental

1 health trust program; and

2 (12) deal impartially with the different trust beneficiaries as provided
3 in AS 44.25.290 [AS 47.30.056].

4 * **Sec. 22.** AS 37.14.099(1) is amended to read:

5 (1) "authority" means the Alaska Mental Health Trust Authority
6 established under AS 44.25.200 [AS 47.30.011];

7 * **Sec. 23.** AS 39.25.110(34) is amended to read:

8 (34) the chief executive officer and employees of the Alaska Mental
9 Health Trust Authority employed under AS 44.25.230(b) [AS 47.30.026(b)];

10 * **Sec. 24.** AS 39.50.200(b)(62) is amended to read:

11 (62) the Board of Trustees of the Alaska Mental Health Trust
12 Authority AS 44.25.210 [(AS 47.30.016)];

13 * **Sec. 25.** AS 43.61.010(f) is amended to read:

14 (f) The marijuana education and treatment fund is established in the general
15 fund. In addition to the accounting under (c) of this section, the Department of
16 Administration shall separately account for 25 percent of the tax collected under this
17 section and deposit it into the marijuana education and treatment fund. The
18 Department of Administration shall deposit interest earned on the fund into the general
19 fund. Money in the fund does not lapse. The legislature may use the annual estimated
20 balance in the fund to make appropriations to the Department of Health [AND
21 SOCIAL SERVICES] for the comprehensive marijuana use education and treatment
22 program established under AS 44.29.020(a)(14) [AS 44.29.020(a)(17)].

23 * **Sec. 26.** AS 44.17.005 is amended to read:

24 **Sec. 44.17.005. Offices and departments.** There are in the state government
25 the following principal offices and departments:

- 26 (1) Office of the Governor
- 27 (2) Department of Administration
- 28 (3) Department of Law
- 29 (4) Department of Revenue
- 30 (5) Department of Education and Early Development
- 31 (6) Department of Health [AND SOCIAL SERVICES]

- 1 (7) Department of Labor and Workforce Development
- 2 (8) Department of Commerce, Community, and Economic
- 3 Development
- 4 (9) Department of Military and Veterans' Affairs
- 5 (10) Department of Natural Resources
- 6 (11) Department of Fish and Game
- 7 (12) Department of Public Safety
- 8 (13) Department of Transportation and Public Facilities
- 9 (14) Department of Environmental Conservation
- 10 (15) Department of Corrections
- 11 **(16) Department of Family and Community Services.**

12 * **Sec. 27.** AS 44.25 is amended by adding new sections to read:

13 **Article 4. Alaska Mental Health Trust Authority.**

14 **Sec. 44.25.200. Alaska Mental Health Trust Authority.** (a) The Alaska
 15 Mental Health Trust Authority is established as a public corporation of the state within
 16 the Department of Revenue.

17 (b) The purpose of the authority is to ensure an integrated comprehensive
 18 mental health program and to administer the office of the long term care ombudsman
 19 established in AS 44.25.300.

20 (c) The authority

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

23 (2) may sue and be sued;

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

26 (4) shall insure or indemnify and protect the board, a member of the
 27 board, or an agent or employee of the authority against financial loss and expense,
 28 including reasonable legal fees and costs, arising out of a claim, demand, suit, or
 29 judgment by reason of alleged negligence, alleged violation of civil rights, or alleged
 30 wrongful act resulting in death or bodily injury to a person or accidental damage to or
 31 destruction of property if the board member, agent, or employee, at the time of the

1 occurrence, was acting under the direction of the authority within the course or scope
2 of the duties of the board member, agent, or employee;

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

5 (6) shall administer the office of the long term care ombudsman
6 established in AS 44.25.300.

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

9 **Sec. 44.25.210. Board establishment, membership, quorum, fees, and**
10 **expenses.** (a) The authority shall be governed by its board of trustees.

11 (b) The board consists of seven members appointed by the governor and
12 confirmed by the legislature. The members appointed under this subsection shall be
13 appointed

14 (1) based upon their ability in financial management and investment,
15 in land management, or in services for the beneficiaries of the trust;

16 (2) after the governor has considered a list of persons prepared by a
17 panel of six persons who are beneficiaries, or who are the guardians, family members,
18 or representatives of beneficiaries; the panel shall consist of

19 (A) one person selected by the Alaska Mental Health Board
20 established by AS 44.29.800;

21 (B) one person selected by the Governor's Council on
22 Disabilities and Special Education established by AS 44.29.600;

23 (C) one person selected by the Advisory Board on Alcoholism
24 and Drug Abuse established by AS 44.29.100;

25 (D) one person selected by the Alaska Commission on Aging
26 established by AS 44.29.750;

27 (E) one person selected by the Alaska Native Health Board;
28 and

29 (F) one person selected by the authority.

30 (c) A member of the board appointed by the governor under (b) of this section
31 may not

1 (1) be an officer or employee of the state; or

2 (2) within the preceding two years or during the member's term of
3 office have an interest in, served on the governing board of, or been employed by an
4 organization that has received, during that same period, money from the mental health
5 trust settlement income account under a grant or contract for services.

6 (d) A quorum of the board is four members.

7 (e) A member of the board is entitled to

8 (1) an honorarium of \$200 for each day or any part of a day spent at a
9 meeting of the board, at a meeting of a subcommittee of the board, or as a
10 representative of the board; and

11 (2) per diem and travel expenses authorized for boards and
12 commissions under AS 39.20.180.

13 **Sec. 44.25.220. Term of office, vacancies, removal, and reappointment.** (a)

14 The members of the board serve staggered five-year terms. A member shall continue
15 to serve until the member's successor is appointed and confirmed.

16 (b) A vacancy occurring in the membership of the board shall be filled within
17 60 days by appointment of the governor for the unexpired portion of the vacated term.

18 (c) The governor may remove a member of the board only for cause, including
19 incompetence, neglect of duty, misconduct in office, poor attendance, or lack of
20 contribution to the board's work. A member being removed for cause shall be given a
21 copy of the charges and afforded an opportunity to publicly present a defense in
22 person or by counsel upon not less than 10 days' written notice. If a member is
23 removed for cause, the governor shall file with the lieutenant governor a complete
24 statement of all charges made against the member and the governor's findings based
25 on the charges, together with a complete record of the proceedings. The removal of a
26 member for cause constitutes a final administrative order. A member seeking to appeal
27 the governor's removal of a member for cause under this subsection shall file a notice
28 of appeal with the superior court under AS 44.62.560.

29 (d) Except for a trustee who has served two consecutive five-year terms, a
30 member of the board may be reappointed. A member of the board who has served two
31 consecutive five-year terms is not eligible for reappointment to the board until one

1 year has intervened.

2 **Sec. 44.25.230. Officers and staff.** (a) The board shall annually elect a
3 presiding officer and other officers it considers necessary from among its membership.

4 (b) The board shall employ a chief executive officer who shall be selected by
5 the board. The chief executive officer shall be compensated at no less than range 26 of
6 the pay plan for state employees under AS 39.27.011(a). The chief executive officer
7 may

8 (1) hire additional employees;

9 (2) appoint hearing officers to perform the responsibilities set out in
10 AS 44.25.240(b)(4); and

11 (3) contract for the services of consultants and others.

12 (c) The chief executive officer is directly responsible to the board.

13 (d) The chief executive officer and employees hired under this section are in
14 the exempt service under AS 39.25.110.

15 **Sec. 44.25.240. Regulations.** (a) The board shall adopt regulations under
16 AS 44.62 (Administrative Procedure Act) consistent with state law and the fiduciary
17 responsibilities imposed by law on members of boards of directors of corporations
18 having trust responsibilities.

19 (b) The regulations shall address, but are not limited to,

20 (1) the requirements of AS 44.25.290(h) and (j);

21 (2) procedures by which an aggrieved person or group who believe
22 they have not received services that should be provided from the trust may apply to the
23 authority for redress;

24 (3) provisions that allow and encourage entities providing trust funded
25 services to integrate those services with other community human services funded by
26 other sources;

27 (4) administrative adjudication procedures, including but not limited to

28 (A) the acceptance of applications under (3) of this subsection;

29 (B) investigations;

30 (C) hearings; and

31 (D) the issuance of administrative orders, as necessary;

1 (5) provisions that establish a process for long-range planning for
2 expenditures from the mental health trust settlement income account; and

3 (6) criteria for determining the nature and extent of necessary services
4 and related expenses to be funded by the trust.

5 **Sec. 44.25.250. Duties of the board.** The board shall

6 (1) preserve and protect the trust corpus under AS 37.14.009;

7 (2) coordinate with other state agencies involved with programs
8 affecting persons in need of mental health services;

9 (3) review and consider the recommendations submitted under
10 AS 44.29.140(a)(2), 44.29.660(13), 44.29.790(a)(8), and 44.29.850(6);

11 (4) adopt bylaws governing its meetings, selection of officers,
12 proceedings, and other aspects of board procedure;

13 (5) make an annual written report of its activities to the governor and
14 the public and notify the legislature that the report is available; and

15 (6) fulfill its obligations under AS 44.25.270.

16 **Sec. 44.25.260. Board advisors.** The commissioners of health, natural
17 resources, and revenue, or their respective designees, are advisors to the board.

18 **Sec. 44.25.270. Budget recommendations; reports.** (a) The board shall
19 annually, not later than September 15, submit to the governor and the Legislative
20 Budget and Audit Committee a budget for the next fiscal year and a proposed plan of
21 implementation based on the integrated comprehensive mental health program plan
22 prepared under AS 47.30.660(a)(1). The budget must include the authority's
23 determination of the amount

24 (1) recommended for expenditure from the general fund during the
25 next fiscal year to meet the operating and capital expenses of the integrated
26 comprehensive mental health program;

27 (2) in the mental health trust settlement income account, if any, that is
28 not reasonably necessary to meet the projected operating and capital expenses of the
29 integrated comprehensive mental health program that may be transferred into the
30 general fund; and

31 (3) of the expenditures the authority intends to make under

AS 37.14.041 and 37.14.045, including the specific purposes and amounts of any grants or contracts as part of the state's integrated comprehensive mental health program.

(b) When the authority submits its proposed budget under (a) of this section, the authority shall also provide a report to the Legislative Budget and Audit Committee, the governor, the Office of Management and Budget, the commissioner of health, and all entities providing services with money in the mental health trust settlement income account, and shall make the report available to the public. The report must describe at least the following:

(1) the assets, earnings, and expenditures of the trust as of the end of the preceding fiscal year;

(2) comparisons of the trust's assets, earnings, and expenditures with the prior five fiscal years;

(3) projections of the trust's assets, earnings, and expenditures for the next five fiscal years;

(4) the authority's budget recommendations submitted under (a) of this section, and its reasons for making those recommendations;

(5) the authority's guidelines for the establishment of services; the provision of services shall be based on the principle that services paid for from the trust are provided to recipients as close to the recipient's home and family as practical with due consideration of demographics, mental health service requirements, use of mental health services, economic feasibility, and capital expenditures required for provision of minimum levels of service;

(6) forecasts of the number of persons needing services;

(7) projections of the resources required to provide the necessary services and facilities; and

(8) reviews of the status of the integrated comprehensive mental health program, including evaluation of program goals, objectives, targets and timelines, and overall effectiveness.

Sec. 44.25.280. Submissions requiring use of trust money. An agency or entity proposing an expenditure of money by the trust shall present its proposal to the

1 authority under regulations adopted under AS 44.25.240.

2 **Sec. 44.25.290. Use of money in the mental health trust settlement income**
 3 **account.** (a) The money in the mental health trust settlement income account
 4 established in AS 37.14.036 shall be used as provided in AS 37.14.041, including to

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

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

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

9 (b) Expenditures under (a)(1) of this section must provide for a reasonable
 10 level of necessary services to persons who

11 (1) are mentally ill;

12 (2) have an intellectual disability, a developmental disability, or both;

13 (3) are chronic alcoholics suffering from psychoses;

14 (4) as a result of senility, suffer major mental illness; and

15 (5) need mental health services, as the legislature may determine.

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

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

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

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

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

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

28 (1) schizophrenia;

29 (2) delusional (paranoid) disorder;

30 (3) mood disorders;

31 (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, "persons who have an intellectual disability, developmental disability, or both" includes persons with the following neurologic or mental disorders:

(1) cerebral palsy;
 (2) epilepsy;
 (3) autistic disorder;
 (4) severe organic brain impairment;
 (5) significant developmental delay during early childhood indicating risk of developing a disorder listed in this subsection;
 (6) other severe and persistent intellectual disability or developmental disability 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;

1 (6) alcoholic depressive disorder;

2 (7) other severe and persistent disorders associated with a history of
3 prolonged or excessive drinking or episodes of drinking out of control and manifested
4 by behavioral changes and symptoms similar to those manifested by persons with
5 disorders listed in this subsection.

6 (g) In (b)(4) of this section, "persons who as a result of senility, suffer major
7 mental illness" includes persons with the following mental disorders:

8 (1) primary degenerative dementia of the Alzheimer type;

9 (2) multi-infarct dementia;

10 (3) senile dementia;

11 (4) presenile dementia;

12 (5) other severe and persistent mental disorders manifested by
13 behaviors and symptoms similar to those manifested by persons with disorders listed
14 in this subsection.

15 (h) The authority shall adopt regulations defining the disorders identified in
16 this section to reflect revisions in the diagnostic nomenclature of the health
17 professions serving the beneficiaries of the trust. The authority shall review and revise
18 the regulations as necessary. Regulations adopted under this subsection must be in the
19 long term best interest of the trust and of persons with disorders equivalent to those
20 identified in (b) and (c) of this section.

21 (i) In this section, "integrated comprehensive mental health program"

22 (1) means public health programs and services that, on December 16,
23 1994, are separately recognizable and administered, without regard to the
24 administrative unit directly responsible for the delivery of the service; among the
25 services included are services for the mentally ill, community mental health services,
26 services for the developmentally disabled, alcoholism services, and services for
27 children, youth, adults, and seniors with mental disorders;

28 (2) includes, at a minimum, each of the following services as
29 appropriate:

30 (A) emergency services on a 24-hour basis;

31 (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.

Sec. 44.25.295. Definitions. In AS 44.25.200 - 44.25.295,

(1) "authority" means the Alaska Mental Health Trust Authority

1 established by AS 44.25.200;

2 (2) "board" means the board of trustees of the authority;

3 (3) "trust" means the trust established by the Alaska Mental Health
4 Enabling Act of 1956, P.L. 84-830, 70 Stat. 709.

5 **Article 5. Office of the Long Term Care Ombudsman.**

6 **Sec. 44.25.300. Office established.** (a) The office of the long term care
7 ombudsman is established in the Alaska Mental Health Trust Authority
8 (AS 44.25.200).

9 (b) The ombudsman shall be hired by the authority. A member of the authority
10 who has a financial interest in a long term care facility in the state, or who has any
11 other conflict of interest, may not participate in the hiring of the ombudsman. The
12 ombudsman is a full-time position in the classified service. The ombudsman shall be
13 compensated at no less than Range 21 of the pay plan for state employees under
14 AS 39.27.011.

15 (c) The ombudsman may not have a financial interest in a long term care
16 facility in the state. The authority shall adopt regulations to ensure that the
17 ombudsman, and employees and volunteers of the office, do not have a conflict of
18 interest or an appearance of a conflict of interest.

19 **Sec. 44.25.310. Duties and powers of the long term care ombudsman.** (a)
20 The ombudsman shall investigate and resolve a complaint made by or on behalf of an
21 older Alaskan who resides in a long term care facility in the state if the complaint
22 relates to a decision, action, or failure to act by a provider or a representative of a
23 provider of long term care services, or by a public agency or social services agency,
24 that may adversely affect the health, safety, welfare, or rights of the older Alaskan. At
25 the discretion of the ombudsman, the ombudsman may investigate and resolve a
26 complaint made by or on behalf of a resident who is not an older Alaskan if the
27 complaint relates to a decision, action, or failure to act by a provider or a
28 representative of a provider of long term care services, or by a public agency or social
29 services agency, that may adversely affect the health, safety, welfare, or rights of the
30 resident.

31 (b) The ombudsman may investigate and resolve a complaint made by or on

1 behalf of an older Alaskan relating to the long term care or residential circumstances
 2 of the older Alaskan. Complaints under this subsection may relate to any issue not
 3 covered under (a) of this section, including the older Alaskan's landlord, senior citizen
 4 housing, a public assistance program, a public grant program for services to older
 5 Alaskans, public utilities, health care facilities, and health care providers.

6 (c) The ombudsman may

7 (1) subpoena witnesses, compel their attendance, require the
 8 production of evidence, administer oaths, and examine any person under oath in
 9 connection with a complaint described under (a) of this section; the powers described
 10 in this paragraph shall be enforced by the superior court;

11 (2) pursue administrative, legal, or other appropriate remedies on
 12 behalf of a resident of a long term care facility in the state.

13 **Sec. 44.25.320. Training and certification of staff.** (a) The ombudsman shall
 14 provide for the training and certification of office staff, including volunteers and other
 15 representatives of the office. Training must include instruction in federal, state, and
 16 local laws and policies relating to long term care facilities in the state, and in
 17 investigative techniques. The ombudsman may require other appropriate training. The
 18 ombudsman may decertify a person under this section for good cause in accordance
 19 with regulations adopted by the authority.

20 (b) An employee, volunteer, or other representative of the office may not
 21 investigate a complaint under AS 44.25.310 unless certified as having completed
 22 training under this section and approved by the ombudsman as qualified to investigate
 23 the complaint.

24 **Sec. 44.25.330. Access to long term care facilities, residents, and records.**

25 (a) A person may not deny access to a long term care facility or to a resident of a long
 26 term care facility by the ombudsman or an employee, volunteer, or other
 27 representative of the office.

28 (b) Notwithstanding the provisions of AS 44.25.310(c)(1), the ombudsman
 29 may obtain medical or other records of a resident of a long term care facility in the
 30 state only with the consent of the resident or the person's resident representative or
 31 legal guardian or, if the resident is unable or incompetent to consent and does not have

1 a resident representative, only with a subpoena or court order.

2 **Sec. 44.25.340. Confidentiality.** (a) Records obtained or maintained by the
3 ombudsman are confidential, are not subject to inspection or copying under
4 AS 40.25.110 - 40.25.120 and, except as provided in (b) of this section, may be
5 disclosed only at the discretion of the ombudsman.

6 (b) The identity of a complainant or an older Alaskan or resident of a long
7 term care facility on whose behalf a complaint is made may only be disclosed with the
8 consent of the identified person or the person's legal guardian or resident
9 representative or by court order. However, if an older Alaskan is unable to provide
10 consent and does not have a legal guardian, or if a resident of a long term care facility
11 is unable to provide consent and does not have a resident representative, the
12 ombudsman may disclose the identity of an identified person for the purpose of
13 making a referral to an agency or person, if the ombudsman or an employee or
14 volunteer of the office

15 (1) has reasonable cause to believe that an action, inaction, or decision,
16 including an action, inaction, or decision by a resident representative or a legal
17 guardian of an older Alaskan, may adversely affect the health, safety, welfare, or
18 rights of the older Alaskan or resident;

19 (2) has reasonable cause to believe the referral is in the best interest of
20 the older Alaskan or resident;

21 (3) obtains the approval of the ombudsman for the disclosure and
22 referral; and

23 (4) does not have evidence that the older Alaskan or resident would
24 disagree with the referral.

25 **Sec. 44.25.350. Immunity from liability.** (a) A person who, in good faith,
26 makes a complaint described in AS 44.25.310 is immune from civil or criminal
27 liability that might otherwise exist for making the complaint.

28 (b) The ombudsman, or an employee, volunteer, or other representative of the
29 office, is immune from civil or criminal liability for the good faith performance of
30 official duties.

31 **Sec. 44.25.360. Interference with the long term care ombudsman and**

1 **retaliation prohibited.** (a) A person may not intentionally interfere with the
 2 ombudsman, or an employee, volunteer, or representative of the office, in the
 3 performance of official duties under AS 44.25.310.

4 (b) If a person makes a good faith complaint described in AS 44.25.310, an
 5 employer or supervisor of the person, or a public or private agency or entity that
 6 provides benefits, services, or housing to the person, may not discharge, demote,
 7 transfer, reduce the pay or benefits or work privileges of, prepare a negative work
 8 performance evaluation of, deny or withhold benefits or services, evict, or take other
 9 detrimental action against the person because of the complaint. The person making the
 10 complaint may bring a civil action for compensatory and punitive damages against an
 11 employer, supervisor, agency, or entity that violates this subsection. In the civil action
 12 there is a rebuttable presumption that the detrimental action was retaliatory if it was
 13 taken within 90 days after the complaint was made.

14 (c) A person who violates this section is guilty of a class B misdemeanor.

15 **Sec. 44.25.370. Legal counsel for the long term care ombudsman.** The
 16 attorney general shall provide legal advice and representation in connection with any
 17 matter relating to the powers, duties, and operation of the office, and in any legal
 18 action brought against the ombudsman or an employee, volunteer, or other
 19 representative of the office. If the attorney general cannot provide legal advice or
 20 representation because of a conflict of interest, the ombudsman may employ private
 21 legal counsel.

22 **Sec. 44.25.380. Cooperative agreements.** The authority shall enter into
 23 cooperative agreements concerning the operations of the office, including protocols
 24 for investigations, with state and local agencies that have jurisdiction over long term
 25 care facilities or over the abuse and neglect of older Alaskans or residents of long term
 26 care facilities.

27 **Sec. 44.25.390. Definitions.** In AS 44.25.300 - 44.25.390,

28 (1) "authority" means the Alaska Mental Health Trust Authority
 29 established in AS 44.25.200;

30 (2) "long term care facility" means an assisted living home, as defined
 31 in AS 47.32.900, and a nursing facility, as defined in AS 47.32.900;

- 1 (3) "office" means the office of the long term care ombudsman;
- 2 (4) "older Alaskan" means a person who is 60 years of age or older and
- 3 who resides in the state;
- 4 (5) "ombudsman" means the long term care ombudsman hired under
- 5 AS 44.25.300;
- 6 (6) "resident" means a person who resides in a long term care facility
- 7 in the state;
- 8 (7) "resident representative" means
- 9 (A) an individual chosen by a resident to act on behalf of the
- 10 resident to
- 11 (i) support the resident in decision making;
- 12 (ii) access medical, social, or other personal information
- 13 of the resident;
- 14 (iii) manage financial matters; or
- 15 (iv) receive notifications;
- 16 (B) a person authorized by federal or state law to act on behalf
- 17 of a resident.
- 18 (8) "senior citizen housing" has the meaning given "senior housing" in
- 19 AS 18.56.799.

20 * **Sec. 28.** AS 44.29.020 is amended to read:

21 **Sec. 44.29.020. Duties of department.** (a) The Department of Health [AND

22 SOCIAL SERVICES] shall administer [THE] state programs [OF PUBLIC HEALTH

23 AND SOCIAL SERVICES], including

- 24 (1) maternal and child health services;
- 25 (2) preventive medical services;
- 26 (3) public health nursing services;
- 27 (4) nutrition services;
- 28 (5) health education;
- 29 (6) laboratories;
- 30 (7) mental health treatment and diagnosis, except for mental health
- 31 treatment and diagnosis under AS 47.30.660 - 47.30.915;

1 (8) [MANAGEMENT OF STATE INSTITUTIONS, EXCEPT FOR
2 ADULT PENAL INSTITUTIONS;

3 (9)] medical facilities;

4 (9) [(10)] adult public assistance;

5 (10) [(11)] the Alaska temporary assistance program;

6 (11) [(12)] CHILD WELFARE SERVICES;

7 (13)] general relief;

8 (12) [(14)] a comprehensive smoking education, tobacco use
9 prevention, and tobacco control program; to the maximum extent possible, the
10 department shall administer the program required under this paragraph by grant to or
11 contract with one or more organizations in the state; the department's program must
12 include

13 (A) a community-based tobacco use prevention and cessation
14 component addressing the needs of youth and adults that includes use of
15 cessation aids such as a nicotine patch or a nicotine gum tobacco substitute;

16 (B) youth-based efforts that involve youth in the design and
17 implementation of tobacco control efforts;

18 (C) anti-tobacco counter-marketing targeting both youth and
19 adult populations designed to communicate messages to help prevent youth
20 initiation of tobacco use, promote cessation among tobacco users, and educate
21 the public about the lethal effects of exposure to secondhand smoke;

22 (D) tobacco use surveys of youth and adult populations
23 concerning knowledge, awareness, attitude, and use of tobacco products; and

24 (E) an enforcement component;

25 (13) [(15)] THE ALASKA PIONEERS' HOME AND THE ALASKA
26 VETERANS' HOME;

27 (16)] licensure and regulation of child care facilities;

28 (14) [(17)] a comprehensive marijuana use education and treatment
29 program; to the extent possible, the department shall administer the program required
30 under this paragraph by grant to or contract with one or more organizations in the
31 state; the department's program must include

1 (A) a community-based marijuana misuse prevention
2 component; the community-based component must provide for a youth
3 services grant program to

4 (i) reduce initiation and promote cessation of marijuana
5 use by youth, reduce youth access to marijuana products, and reduce
6 exposure of youth to impaired driving dangers related to marijuana use;

7 (ii) provide recreational, educational, and character-
8 building programs for youth outside school hours; and

9 (iii) address marijuana use prevention through outcome-
10 based curricula, adult and peer mentoring, and opportunities for
11 positive, prosocial leisure and recreational activities;

12 (B) marijuana public education designed to communicate
13 messages to help prevent youth initiation of marijuana use, educate the public
14 about the effects of marijuana use, and educate the public about marijuana
15 laws;

16 (C) surveys of

17 (i) youth and adult populations concerning knowledge,
18 awareness, attitude, and use of marijuana products;

19 (ii) the need for trained professionals working in
20 organizations described in this paragraph;

21 (D) the development of plans to address the need for trained
22 professionals and to assist in implementing a training program for those
23 professionals;

24 (E) monitoring of population health status related to the
25 consequences of marijuana use; and

26 (F) substance abuse screening, brief intervention, and referral
27 to treatment.

28 (b) The Department of Health [AND SOCIAL SERVICES] shall comply with
29 AS 15.07.055 to serve as a voter registration agency to the extent required by state and
30 federal law, including 42 U.S.C. 1973gg (National Voter Registration Act of 1993).

31 (c) The Department of Health [AND SOCIAL SERVICES] shall cooperate

1 with the Department of Public Safety in enforcement of the prohibition on the
 2 possession, offer, display, marketing, advertising, or sale of illicit synthetic drugs
 3 under AS 17.21.

4 * **Sec. 29.** AS 44.29.022(a) is amended to read:

5 (a) The commissioner of health [AND SOCIAL SERVICES] may establish by
 6 regulation a schedule of reasonable fees for services provided by the Department of
 7 Health [AND SOCIAL SERVICES] under AS 44.29.020(a)(1) - (7) and (12), for
 8 services provided under [AS 44.29.020(a)(1) - (8) AND (14), AS 47.10, AS 47.12,
 9 AS 47.14, AS 47.30.655 - 47.30.910, AND] AS 47.80.100 - 47.80.170, and for the
 10 administration of public health programs under AS 18. The fee established for a
 11 service may not exceed the actual cost of providing the service. The commissioner
 12 may define or establish the "actual cost of providing a service" by regulation. The
 13 Department of Health [AND SOCIAL SERVICES] shall charge and collect the fees
 14 established under this subsection. The department may waive collection of a fee upon
 15 a finding that collection is not economically feasible or in the public interest.

16 * **Sec. 30.** AS 44.29.022(d) is amended to read:

17 (d) A regulation that establishes a fee for services under AS 44.29.020(a)(7)
 18 that are part of the integrated comprehensive mental health program under
 19 AS 44.25.200 - 44.25.295, AS 44.29.800 - 44.29.890, and AS 47.30 may be adopted
 20 under this section after consultation with the Alaska Mental Health Trust Authority.

21 * **Sec. 31.** AS 44.29.022(e) is amended to read:

22 (e) The commissioner of health [AND SOCIAL SERVICES] shall consult
 23 with stakeholders regarding the reasonableness of fees when developing a schedule of
 24 reasonable fees under (a) of this section for services under AS 44.29.020(a)(12)
 25 [AS 44.29.020(a)(14)] or programs under AS 18 for which there is no regulation in
 26 effect establishing a schedule of reasonable fees. The consultation must include at
 27 least one public meeting and must occur before the commissioner provides notice of
 28 proposed action under AS 44.62.190. The commissioner shall provide notice of the
 29 public meeting at least 30 days before the meeting in the same manner as required
 30 under AS 44.62.190(a) for a notice of proposed action.

31 * **Sec. 32.** AS 44.29.024(c) is amended to read:

(c) A regulation that establishes a schedule of reasonable fees for services provided by a contractor or grantee that are part of the integrated comprehensive mental health program established under AS 44.25.200 - 44.25.295, AS 44.29.800 - 44.29.890, and AS 47.30 may be adopted under this section after consultation with the Alaska Mental Health Trust Authority.

* **Sec. 33.** AS 44.29.140(a) is amended to read:

(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 44.25.290(b)(3) [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 44.25.240 [AS 47.30.031].

* **Sec. 34.** AS 44.29.140(c) is amended to read:

(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 44.25.290(b)(3) [AS 47.30.056(b)(3)].

* **Sec. 35.** AS 44.29 is amended by adding new sections to read:

Article 8. Governor's Council on Disabilities and Special Education.

Sec. 44.29.600. Governor's council on disabilities and special education.

There is established the Governor's Council on Disabilities and Special Education. For budgetary purposes, the council is located within the Department of Health but is the interdepartmental planning and coordinating agency of the Department of Health, the Department of Education and Early Development, and other departments that deliver services to persons who are experiencing a disability. In addition, except as provided in AS 44.29.700 - 44.29.730, the council is the state planning council and interagency coordinating council for purposes of federal laws relating to persons who are experiencing a disability.

Sec. 44.29.610. Composition. (a) The council consists of no fewer than 18 nor more than 26 members appointed by the governor in a manner that satisfies the requirements for a state interagency coordinating council under 20 U.S.C. 1482 and a state planning council under 42 U.S.C. 6024.

(b) In the appointment of all members other than state agency members, due regard shall be given to geographically balanced representation of areas of the state and to representation of persons with a variety of different mental and physical disabilities.

Sec. 44.29.620. Term of office. (a) Council members serve staggered terms of three years.

(b) A vacancy occurring in the membership of the council shall be filled by appointment of the governor for the unexpired portion of the vacated term.

(c) Council members serve at the pleasure of the governor, notwithstanding their terms of office.

(d) It is the legislative intent that the governor replace any member who, by poor attendance or lack of contribution to the council's work, demonstrates ineffectiveness as a council member.

Sec. 44.29.630. Compensation, per diem, and expenses. Members of the council receive no salary but are entitled to per diem and reimbursement for travel and

1 other expenses as authorized by law for boards.

2 **Sec. 44.29.640. Officers and staff.** (a) The council, by a majority of its
3 membership, shall elect a chairman and other officers it considers necessary from
4 among its membership, to serve on a yearly basis.

5 (b) The council shall have a paid staff provided by the department, including
6 an executive director selected by the council. The executive director is in the partially
7 exempt service and may hire additional employees in the classified service of the state.
8 The department shall provide for the assignment of personnel to the council to ensure
9 that the council has the capacity to fulfill its responsibilities. The personnel shall be
10 directly responsible to the council for performance of their duties.

11 **Sec. 44.29.650. Bylaws.** The council, on approval of a majority of its
12 membership, shall adopt and amend bylaws governing its composition, proceedings
13 and other activities consistent with AS 44.29.600 - 44.29.670 and including, but not
14 limited to, provisions concerning a quorum to transact council business and other
15 aspects of procedure, frequency and location of meetings, and establishment, functions
16 and membership of council committees.

17 **Sec. 44.29.660. Responsibilities.** The council shall

18 (1) serve as a forum by which issues and benefits regarding current and
19 potential services to disabled persons may be discussed by consumer, public, private,
20 professional, and lay interests;

21 (2) advocate the needs of disabled persons before the executive and
22 legislative branches of the state government and before the public;

23 (3) advise the executive and legislative branches of the state
24 government and the private sector on programs and policies pertaining to current and
25 potential services to disabled persons and their families;

26 (4) submit periodic reports to the commissioner of health, the
27 commissioner of education and early development, and to other appropriate
28 departments, on the effects of current federal and state programs regarding services to
29 disabled persons; these reports must include program performance reports to the
30 governor, the federal government, and state agencies as required under 20 U.S.C. 1482
31 and 42 U.S.C. 15025;

1 (5) in conjunction with the Department of Health and the Department
2 of Education and Early Development, develop, prepare, adopt, periodically review,
3 and revise as necessary an annual state plan prescribing programs that meet the needs
4 of persons with developmental disabilities as required under 42 U.S.C. 15024;

5 (6) review and comment to commissioners of state departments on all
6 state plans and proposed regulations relating to programs for persons who are
7 experiencing disabilities before the adoption of a plan or regulation; for this purpose,
8 the appropriate departments shall submit the plans and proposed regulations to the
9 council;

10 (7) recommend the priorities and specifications for the use of funds
11 received by the state under 20 U.S.C. 1471 - 1482 and 42 U.S.C. 15001 - 15083;

12 (8) submit annually to the commissioner of health, the commissioner
13 of education and early development, and the commissioner of commerce, community,
14 and economic development a proposed interdepartmental program budget for services
15 to disabled persons that includes, insofar as possible, projected revenues and
16 expenditures for programs implemented by state agencies, local governmental
17 agencies, and private organizations; the interdepartmental program budget is an
18 informational supplement to the regular annual budgetary submissions of the
19 departments to the Office of the Governor;

20 (9) provide information and guidance for the development of
21 appropriate special educational programs and services for a child with a disability as
22 defined in AS 14.30.350;

23 (10) monitor and evaluate budgets or other implementation plans and
24 programs for disabled persons to assure nonduplication of services and encourage
25 efficient and coordinated use of federal, state, and private resources in the provision of
26 services; members of the council, with the approval of the council, have access to
27 information in the possession of state agencies subject to disclosure restrictions
28 imposed by state or federal confidentiality or privacy laws;

29 (11) perform other duties required under applicable federal laws or
30 AS 14.30.231 and as the governor may assign;

31 (12) govern the special education service agency and may hire

1 personnel necessary to operate the agency; and

2 (13) provide to the Alaska Mental Health Trust Authority for its
3 review and consideration recommendations concerning the integrated comprehensive
4 mental health program for the people of the state who are described in
5 AS 44.25.290(b)(2) and the use of the money in the mental health trust settlement
6 income account in a manner consistent with regulations adopted under AS 44.25.240.

7 **Sec. 44.29.670. Legislative findings related to persons with disabilities;**
8 **policy.** (a) The legislature finds that

9 (1) self-direction and autonomy enhance quality of life, support
10 independence, build self-confidence, and generate skills that help people protect
11 themselves from abuse;

12 (2) the people of the state share a vision of a flexible system of support
13 for persons with physical and mental disabilities that allows persons with physical and
14 mental disabilities to participate actively, with assistance based on each person's
15 strengths and abilities, in managing their own support services so that all persons with
16 physical and mental disabilities can achieve a meaningful life in their homes, jobs, and
17 communities; and

18 (3) as a part of this vision, professional staff and support services
19 should be made available to families of persons with physical and mental disabilities
20 throughout the state now and into the future.

21 (b) It is the policy of the state that the department and the legislature consider
22 the vision of support services described in (a) of this section when determining the
23 need for new and existing services for persons with physical and mental disabilities
24 and establishing priorities among those needs. It is also the policy of the state to
25 encourage and enable persons with physical and mental disabilities to participate fully
26 in the social and economic life of the state.

27 (c) Nothing in this section

28 (1) creates a right;

29 (2) supersedes another law relating to eligibility for programs for
30 persons with physical or mental disabilities; or

31 (3) authorizes the department to apply for a waiver under 42 U.S.C.

1 1396n(j) to provide medical assistance payments for self-directed personal assistance
2 services.

3 **Article 9. Statewide Independent Living Council.**

4 **Sec. 44.29.700. Statewide independent living council.** There is established
5 the Statewide Independent Living Council. For budgetary purposes, the council is
6 located in the Department of Health. The department shall provide reasonable and
7 necessary professional and technical assistance when requested by the council.

8 **Sec. 44.29.710. Composition; terms; compensation.** (a) The governor shall
9 appoint members to the council who meet the applicable requirements of 29 U.S.C.
10 796d after soliciting personal applications and after soliciting recommendations from
11 the public, from organizations representing a broad range of individuals experiencing
12 disabilities, and from organizations interested in individuals experiencing disabilities.
13 The council shall select a chairperson from among its voting members.

14 (b) The members shall be appointed to staggered terms of three years, except
15 that a person appointed to fill a vacancy shall be appointed for the remaining years of
16 the prior member's term. A member may not serve more than two consecutive full
17 terms. Notwithstanding their terms of office, the members serve at the pleasure of the
18 governor.

19 (c) Members of the council who are not state employees are entitled to per
20 diem and travel expenses as authorized for members of boards and commissions under
21 AS 39.20.180. In addition, if required by federal law, a member is entitled to

22 (1) reimbursement of the necessary expenses of attending council
23 meetings and performing council duties, including expenses for child care and
24 personal assistance services;

25 (2) compensation of up to \$150 for each day of performing council
26 duties and each day spent traveling to attend a council meeting if the member is not
27 employed or must forfeit wages from other employment in order to perform council
28 duties or travel to a council meeting.

29 **Sec. 44.29.720. Powers and duties.** (a) The council shall perform the duties
30 set out in 29 U.S.C. 796d in a manner that will maximize the state's receipt of federal
31 financial assistance for independent living services and centers of independent living

1 for residents with severe disabilities, including the following duties:

2 (1) joint development of the state plan required under 29 U.S.C. 796c
3 and evaluation of the implementation of the plan;

4 (2) development of a plan for the provision of resources, including
5 staff and personnel, that may be necessary to carry out the council's functions with
6 funds from the federal government and other public and private sources; and

7 (3) coordination of the council's activities with other state agencies that
8 address the needs of specific disability populations and issues under federal law.

9 (b) The council may

10 (1) hold hearings and forums as determined by the council to be
11 necessary to carry out its duties;

12 (2) solicit and accept money or other resources on behalf of the state
13 from any public or private source.

14 **Sec. 44.29.730. Definition.** In AS 44.29.700 - 44.29.730, "council" means the
15 Statewide Independent Living Council established under AS 44.29.700.

16 **Article 10. Alaska Commission on Aging.**

17 **Sec. 44.29.750. Alaska Commission on Aging.** (a) The Alaska Commission
18 on Aging is established in the Department of Health. The members of the commission
19 include

20 (1) the commissioner of health or the commissioner's designee;

21 (2) the commissioner of commerce, community, and economic
22 development or the commissioner's designee;

23 (3) a senior services provider, regardless of age, appointed by the
24 governor;

25 (4) the chair of the Alaska Pioneers' Homes Advisory Board under
26 AS 44.30.100; and

27 (5) seven persons selected on the basis of their knowledge and
28 demonstrated interest in the concerns of older Alaskans, appointed by the governor in
29 accordance with (b) of this section.

30 (b) After requesting from senior citizens' organizations the names of persons
31 who are qualified for and interested in serving on the commission, the governor shall

1 appoint the members of the commission under (a)(5) of this section. Appointments
 2 shall be made by the governor to assure representation of low-income persons and
 3 minorities, and representation from rural and urban areas of the state, and to secure
 4 statewide geographical representation on the commission. At least six of the persons
 5 appointed by the governor shall be 60 years of age or older. At least two of these
 6 persons shall be 65 years of age or older. Each member appointed by the governor
 7 shall be a resident of the state.

8 (c) The persons appointed under (a)(3) and (a)(5) of this section serve
 9 overlapping four-year terms, and serve at the pleasure of the governor. A member may
 10 be reappointed, but a member appointed under (a)(3) or (a)(5) of this section may not
 11 serve more than two consecutive terms or eight consecutive years, whichever is
 12 longer.

13 (d) If a person appointed under (a)(3) or (a)(5) of this section fails to attend
 14 three consecutive meetings of the commission, a majority of the members of the
 15 commission may request the governor to terminate the membership of the member and
 16 to fill the vacancy.

17 (e) A vacancy in the membership of persons appointed under (a)(3) and (a)(5)
 18 of this section shall be filled by appointment by the governor. The person appointed
 19 serves for the unexpired portion of the term.

20 **Sec. 44.29.760. Meetings and officers.** (a) The commission shall meet at the
 21 call of the chair, at the request of a majority of the members, or at a regularly
 22 scheduled time as determined by a majority of the members. The commission shall
 23 meet at least four times each year.

24 (b) A majority of the members of the commission constitutes a quorum for
 25 conducting business and exercising the powers of the commission.

26 (c) The commission shall elect one of its members as chairperson, and may
 27 select other officers it considers necessary.

28 **Sec. 44.29.770. Compensation.** Members of the commission receive no
 29 compensation for their services, but are entitled to per diem and travel allowances
 30 authorized by law for other boards and commissions under AS 39.20.180.

31 **Sec. 44.29.780. Executive director.** The executive director of the commission

1 shall formulate and submit to the department a comprehensive statewide plan that
 2 identifies the concerns and needs of older Alaskans and present that plan to the
 3 commission.

4 **Sec. 44.29.790. Powers, duties, and limitations.** (a) The commission shall

5 (1) subject to review by the department, approve a comprehensive
 6 statewide plan that identifies and addresses the concerns and needs of older Alaskans
 7 and, with reference to the approved plan, prepare and submit to the governor and
 8 legislature an annual analysis and evaluation of the services that are provided to older
 9 Alaskans;

10 (2) make recommendations directly to the governor and the legislature
 11 with respect to legislation, regulations, and appropriations for programs or services
 12 that benefit older Alaskans;

13 (3) encourage the development of municipal commissions serving
 14 older Alaskans and community-oriented programs and services for the benefit of older
 15 Alaskans;

16 (4) employ an executive director who serves at the pleasure of the
 17 commission;

18 (5) help older Alaskans lead dignified, independent, and useful lives;

19 (6) request and receive reports and audits from state agencies and local
 20 institutions concerned with the conditions and needs of older Alaskans;

21 (7) give assistance, on request, to the senior housing office in the
 22 Alaska Housing Finance Corporation in administration of the senior housing loan
 23 program under AS 18.56.710 - 18.56.799 and in the performance of the office's other
 24 duties under AS 18.56.700; and

25 (8) provide to the Alaska Mental Health Trust Authority, for its review
 26 and consideration, recommendations concerning the integrated comprehensive mental
 27 health program for persons who are described in (d) of this section and the use of the
 28 money in the mental health trust settlement income account in a manner consistent
 29 with regulations adopted under AS 44.25.240.

30 (b) To accomplish its duties, the commission may

31 (1) review, evaluate, and comment upon state programs concerned

1 with the problems and the needs of older Alaskans;

2 (2) collect facts and statistics, and make studies of conditions and
3 problems pertaining to the employment, health, housing, financial security, social
4 welfare, and other concerns that bear upon the well-being of older Alaskans;

5 (3) provide information about public programs that would be of
6 interest or benefit to older Alaskans;

7 (4) appoint special committees, which may include persons who are
8 not members of the commission, to complete necessary studies;

9 (5) promote community education efforts regarding the problems and
10 concerns of older Alaskans;

11 (6) contract for necessary services;

12 (7) consult and cooperate with persons, organizations, and groups
13 interested in or concerned with programs of assistance to older Alaskans;

14 (8) advocate improved programs of benefit to older Alaskans; and

15 (9) recommend standards for levels of services for older Alaskans for
16 programs administered by the department.

17 (c) The commission may not investigate, review, or undertake any
18 responsibility for the longevity bonus program under AS 47.45.010 - 47.45.160 or the
19 Alaska Pioneers' Home or Alaska Veterans' Home under AS 47.55.

20 (d) When the commission formulates a comprehensive statewide plan under
21 (a) of this section, it shall include within the plan specific reference to the concerns
22 and needs of older Alaskans who have a disorder described in AS 44.25.290(b)(4).

23 **Sec. 44.29.795. Definitions.** In AS 44.29.750 - 44.29.795,

24 (1) "commission" means the Alaska Commission on Aging;

25 (2) "department" means the Department of Health;

26 (3) "older Alaskan" means a resident who is 60 years of age or older.

27 **Article 11. Alaska Mental Health Board.**

28 **Sec. 44.29.800. Alaska Mental Health Board.** The Alaska Mental Health
29 Board is established. For budgetary purposes, the board is located within the
30 Department of Health. The board is the state planning and coordinating agency for the
31 purposes of federal and state laws relating to the mental health program of the state.

1 The purpose of the board is to assist the state in ensuring an integrated comprehensive
2 mental health program.

3 **Sec. 44.29.810. Composition; non-voting members.** (a) The board consists of
4 not fewer than 12 nor more than 16 members appointed by the governor, with due
5 regard for the demographics of the state and balanced geographic representation of the
6 state. The membership and committees of the board shall fulfill the requirements of
7 P.L. 99-660, as amended.

8 (b) Not less than one-half of the members shall be persons with a mental
9 disorder identified in AS 44.25.290(b)(1) or members of their families.

10 (c) The board members

11 (1) shall include the director of the division of the department
12 responsible for mental health; and

13 (2) may include representatives of the principal state agencies with
14 respect to education, vocational rehabilitation, criminal justice, housing, social
15 services, medical assistance, substance abuse, and aging.

16 (d) Board members appointed under (c) of this section may not vote on
17 matters before the board.

18 (e) The board members shall include at least two licensed mental health
19 professionals who represent public and private providers of mental health services and
20 at least one member who is admitted to practice law in the state. Members appointed
21 under this subsection may also be family members identified under (b) of this section.

22 (f) For the purpose of this section, "mental health professional" has the
23 meaning given in AS 47.30.915.

24 **Sec. 44.29.820. Terms of office; vacancies; removal.** (a) Board members
25 serve staggered terms of three years.

26 (b) A vacancy occurring in the membership of the board shall be filled by
27 appointment of the governor for the unexpired portion of the vacated term.

28 (c) Members may be removed only for cause, including poor attendance or
29 lack of contribution to the board's work.

30 **Sec. 44.29.830. Officers and staff.** (a) The board, by a majority of its
31 membership, shall annually elect a chair and other officers it considers necessary from

1 among its membership.

2 (b) The board shall have a paid staff provided by the Department of Health,
3 including an executive director who shall be selected by the board. The executive
4 director is in the partially exempt service and may hire additional employees in the
5 classified service of the state. The department shall provide for the assignment of
6 personnel to the board to ensure the board has the capacity to fulfill its responsibilities.
7 The executive director of the board shall be directly responsible to the board in the
8 performance of the director's duties.

9 **Sec. 44.29.840. Bylaws.** The board, on approval of a majority of its
10 membership and consistent with state law, shall adopt and amend bylaws governing its
11 composition, proceedings, and other activities consistent with state law, including
12 provisions concerning a quorum to transact board business and other aspects of
13 procedure, frequency and location of meetings, and establishment, functions, and
14 membership of committees.

15 **Sec. 44.29.850. Duties of the board.** The board is the state planning and
16 coordinating body for the purpose of federal and state laws relating to mental health
17 services for persons with mental disorders identified in AS 44.25.290(b)(1). On behalf
18 of those persons, the board shall

19 (1) prepare and maintain a comprehensive plan of treatment and
20 rehabilitation services;

21 (2) propose an annual implementation plan consistent with the
22 comprehensive plan and with due regard for the findings from evaluation of existing
23 programs;

24 (3) provide a public forum for the discussion of issues related to the
25 mental health services for which the board has planning and coordinating
26 responsibility;

27 (4) advocate the needs of persons with mental disorders before the
28 governor, executive agencies, the legislature, and the public;

29 (5) advise the legislature, the governor, the Alaska Mental Health Trust
30 Authority, and other state agencies in matters affecting persons with mental disorders,
31 including

(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 persons described in AS 44.25.290(b)(1) and the use of money in the mental health trust settlement income account in a manner consistent with regulations adopted under AS 44.25.240; and

(7) submit periodic reports regarding its planning, evaluation, advocacy, and other activities.

Sec. 44.29.860. Compensation, per diem, and expenses. The board members appointed under AS 44.29.810(b) and (e) are not entitled to a salary, but are entitled to per diem, reimbursement for travel, and other expenses authorized by law for boards and commissions under AS 39.20.180.

Sec. 44.29.890. Definitions. In AS 44.29.800 - 44.29.890,

(1) "board" means the Alaska Mental Health Board established in AS 44.29.800;

(2) "department" means the Department of Health.

* **Sec. 36.** AS 44 is amended by adding a new chapter to read:

Chapter 30. Department of Family and Community Services.

Article 1. Organization.

Sec. 44.30.010. Commissioner of family and community services. The principal executive officer of the Department of Family and Community Services is the commissioner of family and community services.

Sec. 44.30.020. Duties of department. (a) The Department of Family and Community Services shall administer the state programs of child welfare, institutional management, and delinquency, including

(1) mental health treatment and diagnosis under AS 47.30.660 -

1 47.30.915;

2 (2) management of state institutions, except for adult penal institutions;

3 (3) child welfare and delinquency services;

4 (4) the Alaska Pioneers' Home and the Alaska Veterans' Home.

5 (b) As applicable, the Department of Family and Community Services shall
6 cooperate with the Department of Public Safety in enforcement of the prohibition on
7 the possession, offer, display, marketing, advertising, or sale of illicit synthetic drugs
8 under AS 17.21.

9 **Sec. 44.30.030. Fees for department services.** (a) The commissioner of
10 family and community services may establish by regulation a schedule of reasonable
11 fees for services provided by the Department of Family and Community Services
12 under AS 44.30.020(2), AS 47.10, AS 47.12, AS 47.14, and AS 47.30.660 -
13 47.30.915. The fee established for a service may not exceed the actual cost of
14 providing the service. The commissioner may define or establish the "actual cost of
15 providing a service" by regulation. The Department of Family and Community
16 Services shall charge and collect the fees established under this subsection. The
17 department may waive collection of a fee upon a finding that collection is not
18 economically feasible or in the public interest.

19 (b) The commissioner of family and community services may establish by
20 regulation and the department may charge reasonable fees for department publications
21 and research data to cover the cost of reproduction, printing, mailing, and distribution.

22 (c) A regulation that establishes a fee for services related to the community
23 behavioral health system of care that are part of the integrated comprehensive mental
24 health program under AS 44.25.200 - 44.25.295, AS 44.29.800 - 44.29.890, and
25 AS 47.30 may be adopted under this section after consultation with the Alaska Mental
26 Health Trust Authority.

27 **Sec. 44.30.040. Fees for services of contractors or grantees.** (a) The
28 commissioner of family and community services may establish by regulation a
29 schedule of reasonable fees for services provided by a contractor or grantee of the
30 Department of Family and Community Services under AS 47. The fee established for
31 a service may not exceed the actual cost of providing the service. The commissioner

1 may define or establish the "actual cost of providing a service" by regulation.

2 (b) The Department of Family and Community Services may require the
3 recipient of a grant or a contractor under a grant to charge the fees established under
4 (a) of this section for services provided by the recipient or contractor and to use the
5 fees collected for the program providing the services.

6 (c) A regulation that establishes a schedule of reasonable fees for services
7 provided by a contractor or grantee that are part of the integrated comprehensive
8 mental health program under AS 44.25.200 - 44.25.295, AS 44.29.800 - 44.29.890,
9 and AS 47.30 may be adopted under this section after consultation with the Alaska
10 Mental Health Trust Authority.

11 **Article 2. Alaska Pioneers' Homes Advisory Board.**

12 **Sec. 44.30.100. Alaska Pioneers' Homes Advisory Board.** There is created
13 the Alaska Pioneers' Homes Advisory Board in the Department of Family and
14 Community Services.

15 **Sec. 44.30.110. Purpose of the board.** The board shall conduct annual
16 inspections of the property and procedures of the Alaska Pioneers' Homes and
17 recommend to the governor changes and improvements. The board shall meet on an
18 annual basis to review admissions procedures and to consider complaints.

19 **Sec. 44.30.120. Composition of the board.** (a) The Alaska Pioneers' Homes
20 Advisory Board consists of

21 (1) five members appointed by the governor from among citizens of
22 the state;

23 (2) one member appointed by the governor who is a veteran of active
24 service in the armed forces of the United States, including the Alaska National Guard
25 or the Alaska Territorial Guard;

26 (3) one member who is the chair of the Alaska Commission on Aging
27 established in AS 44.29.750; and

28 (4) one member who is chair of the Alaska Veterans Advisory Council
29 established in AS 44.35.

30 (b) The term of office of a member of the board appointed under (a)(1) of this
31 section is four years. A member of the board may not serve more than eight

consecutive years. A chair shall be elected by the voting members of the board. The members of the board appointed under (a)(1) and (2) of this section serve at the pleasure of the governor.

Sec. 44.30.130. Compensation, per diem, or expenses. Members of the board receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards.

* **Sec. 37.** AS 44.62.330(a)(41) is amended to read:

(41) Department of Health and Department of Family and Community Services [AND SOCIAL SERVICES] relating to the civil history databases under AS 47.05.330 - 47.05.390;

* **Sec. 38.** AS 44.64.030(a)(47) is amended to read:

(47) AS 47.32 (licensing by the Department of Health and the Department of Family and Community Services [SOCIAL SERVICES]);

* **Sec. 39.** AS 44.66.010(a)(4) is amended to read:

(4) Alaska Commission on Aging (AS 44.29.750) [(AS 47.45.200)] - June 30, 2024;

* **Sec. 40.** AS 44.66.020(a) is amended to read:

(a) Every year, the legislative audit division shall ensure that the review team conducts a performance review of the appropriate programs of the agencies listed in this subsection. Programs that are administered by more than one agency shall be reviewed with the agency that the Legislative Budget and Audit Committee designates. Reviews may be conducted before the dates set out in this subsection at the discretion of the Legislative Budget and Audit Committee. The first review shall occur in the calendar year set out after each agency's name, as follows, and subsequent reviews of each agency, or part of an agency, shall occur every 10 years:

(1) Department of Corrections, 2014;

(2) Department of Health [AND SOCIAL SERVICES], 2015;

(3) Department of Education and Early Development, including the foundation formula, 2016;

(4) Office of the Governor, 2017;

(5) agencies of the legislative branch, 2017;

- (6) Alaska Court System, 2017;
- (7) University of Alaska, 2018;
- (8) Department of Transportation and Public Facilities, 2019;
- (9) Department of Administration, 2020;
- (10) Department of Commerce, Community, and Economic Development, 2020;
- (11) Department of Fish and Game, 2021;
- (12) Department of Environmental Conservation, 2021;
- (13) Department of Natural Resources, 2021;
- (14) Department of Revenue, 2022;
- (15) Department of Law, 2022;
- (16) Department of Public Safety, 2022;
- (17) Department of Military and Veterans' Affairs, 2023;
- (18) Department of Labor and Workforce Development, 2023;
- (19) Department of Family and Community Services, 2025.**

* **Sec. 41.** AS 47.05.010 is amended to read:

Sec. 47.05.010. Duties of Department of Health [DEPARTMENT]. The Department of Health [AND SOCIAL SERVICES] shall

- (1) administer adult public assistance, the Alaska temporary assistance program, and all other assistance programs, and receive and spend money made available to it;
- (2) adopt regulations necessary for the conduct of its business and for carrying out federal and state laws granting adult public assistance, temporary cash assistance, diversion payments, or self-sufficiency services for needy families under the Alaska temporary assistance program, and other assistance;
- (3) establish minimum standards for personnel employed by the department and adopt necessary regulations to maintain those standards;
- (4) require those bonds and undertakings from persons employed by it that, in its judgment, are necessary, and pay the premiums on them;
- (5) cooperate with the federal government in matters of mutual concern pertaining to adult public assistance, the Alaska temporary assistance

1 program, and other forms of public assistance;

2 (6) make the reports, in the form and containing the information, that
3 the federal government from time to time requires;

4 (7) [COOPERATE WITH THE FEDERAL GOVERNMENT, ITS
5 AGENCIES, OR INSTRUMENTALITIES IN ESTABLISHING, EXTENDING,
6 AND STRENGTHENING SERVICES FOR THE PROTECTION AND CARE OF
7 HOMELESS, DEPENDENT, AND NEGLECTED CHILDREN IN DANGER OF
8 BECOMING DELINQUENT, AND RECEIVE AND EXPEND FUNDS
9 AVAILABLE TO THE DEPARTMENT BY THE FEDERAL GOVERNMENT, THE
10 STATE, OR ITS POLITICAL SUBDIVISIONS FOR THAT PURPOSE;

11 (8)] cooperate with the federal government in adopting state plans to
12 make the state eligible for federal matching in appropriate categories of assistance, and
13 in all matters of mutual concern, including adoption of the methods of administration
14 that are found by the federal government to be necessary for the efficient operation of
15 welfare programs;

16 (8) [(9)] adopt regulations, not inconsistent with law, defining need,
17 prescribing the conditions of eligibility for assistance, and establishing standards for
18 determining the amount of assistance that an eligible person is entitled to receive; the
19 amount of the assistance is sufficient when, added to all other income and resources
20 available to an individual, it provides the individual with a reasonable subsistence
21 compatible with health and well-being; an individual who meets the requirements for
22 eligibility for assistance shall be granted the assistance promptly upon application for
23 it;

24 (9) [(10)] grant to a person claiming or receiving assistance and who is
25 aggrieved because of the department's action or failure to act, reasonable notice and an
26 opportunity for a fair hearing by the office of administrative hearings (AS 44.64.010),
27 and the department shall adopt regulations relative to this;

28 (10) [(11)] enter into reciprocal agreements with other states relative to
29 public assistance [, WELFARE SERVICES, AND INSTITUTIONAL CARE] that are
30 considered advisable;

31 (11) [(12)] establish the requirements of residence for public assistance

1 [, WELFARE SERVICES, AND INSTITUTIONAL CARE] that are considered
 2 advisable, subject to the limitations of other laws of the state, or law or regulation
 3 imposed as conditions for federal financial participation;

4 (12) [(13)] establish the divisions and local offices that are considered
 5 necessary or expedient to carry out a duty or authority assigned to it and appoint and
 6 employ the assistants and personnel that are necessary to carry on the work of the
 7 divisions and offices, and fix the compensation of the assistants or employees, except
 8 that a person engaged in business as a retail vendor of general merchandise, or a
 9 member of the immediate family of a person who is so engaged, may not serve as an
 10 acting, temporary, or permanent local agent of the department, unless the
 11 commissioner of health [AND SOCIAL SERVICES] certifies in writing to the
 12 governor, with relation to a particular community, that no other qualified person is
 13 available in the community to serve as local welfare agent; for the purposes of this
 14 paragraph, a “member of the immediate family” includes a spouse, child, parent,
 15 brother, sister, parent-in-law, brother-in-law, or sister-in-law;

16 (13) [(14)] provide education and health-related services and referrals
 17 designed to reduce the number of out-of-wedlock pregnancies and the number of
 18 induced pregnancy terminations in the state;

19 (14) [(15)] investigate reports of abuse, neglect, or misappropriation of
 20 property by certified nurse aides in facilities licensed by the department under
 21 AS 47.32;

22 (15) [(16)] establish state policy relating to and administer federal
 23 programs subject to state control as provided under 42 U.S.C. 3001 - 3058ee (Older
 24 Americans Act of 1965), as amended, and related federal regulations;

25 (16) [(17)] administer the older Alaskans service grants under
 26 AS 47.65.010 - 47.65.050 and the adult day care and family respite care grants under
 27 AS 47.65.100 [;

28 (18) ACTIVELY SEEK TO RECRUIT QUALITY FOSTER
 29 PARENTS AND ADOPTIVE PARENTS WHEN A SHORTAGE OF QUALITY
 30 FOSTER PARENTS OR ADOPTIVE PARENTS EXISTS].

31 * **Sec. 42.** AS 47.05.090(a) is amended to read:

(a) The Department of Health and the Department of Family and Community services [AND SOCIAL SERVICES] may cooperate and, on behalf of the state, enter into the Interstate Compact on Adoption and Medical Assistance and supplementary agreements with agencies of other states for the provision of adoption and medical assistance under AS 47.07 and other provisions of this title for eligible children with special needs.

* **Sec. 43.** AS 47.05 is amended by adding a new section to article 1 to read:

Sec. 47.05.190. Definitions. In AS 47.05.010 - 47.05.190,

(1) "commissioner" means the commissioner of the Department of Health;

(2) "department" means the Department of Health.

* **Sec. 44.** AS 47.05.300(a) is amended to read:

(a) The provisions of AS 47.05.310 - 47.05.390 apply to any individual or entity that is required by statute or regulation to be licensed or certified [BY THE DEPARTMENT] or that is eligible to receive payments, in whole or in part, from the Department of Health or the Department of Family and Community Services [DEPARTMENT] to provide for the health, safety, and welfare of persons who are served by the programs administered by those departments [THE DEPARTMENT].

* **Sec. 45.** AS 47.05.310(a) is amended to read:

(a) If an individual has been charged with, convicted of, found not guilty by reason of insanity for, or adjudicated as a delinquent for, a crime that is inconsistent with the standards for licensure or certification established by the department with licensing or certification authority for the individual by regulation, that individual may not own an entity, or be an officer, director, partner, member, or principal of the business organization that owns an entity. In addition, an entity may not

(1) allow that individual to operate the entity;

(2) hire or retain that individual at the entity as an employee, independent contractor, or unsupervised volunteer of the entity;

(3) allow that individual to reside in the entity if not a recipient of services; or

(4) allow that individual to be present in the entity if the individual

1 would have regular contact with individuals who receive services from the entity,
 2 unless that individual is a family member of or visitor of an individual who receives
 3 services from the entity.

4 * **Sec. 46.** AS 47.05.310(b) is amended to read:

5 (b) The department with licensing or certification authority for an entity or
 6 individual may not issue or renew a license or a certification for an entity or an
 7 individual that is in violation of (a) of this section or that would be in violation based
 8 on the information received as part of the application process.

9 * **Sec. 47.** AS 47.05.310(d) is amended to read:

10 (d) An entity or an individual shall provide to the department with licensing
 11 or certification authority for the entity or individual a release of information
 12 authorization for a criminal history check under this section for each individual who is
 13 not a recipient of services from the entity, who is not in the custody of the applicable
 14 department, and, after the entity applies for or has been issued a license, license
 15 renewal, certification, or certification renewal by the applicable department,

16 (1) who intends to become an owner of the entity, or an officer,
 17 director, partner, member, or principal of the business organization that owns the
 18 entity;

19 (2) whom the entity intends to hire or retain as the operator of the
 20 entity's business;

21 (3) whom the entity intends to hire or retain as an employee,
 22 independent contractor, or unsupervised volunteer of the entity; or

23 (4) who will be present in the entity or at the places of operation of the
 24 entity, and would have regular contact with individuals who receive services from the
 25 entity, but who is not a family member or visitor of an individual who receives
 26 services from the entity.

27 * **Sec. 48.** AS 47.05.310(e) is amended to read:

28 (e) An individual for whom a release of information authorization has been
 29 provided to the department with licensing or certification authority for the
 30 individual shall submit the individual's fingerprints to that [THE] department, with
 31 the fee established under AS 12.62.160, for a report of criminal justice information

under AS 12.62 and for submission by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The Department of Public Safety shall provide the report of criminal justice information and the results of the national criminal history record check to the applicable department for its use in considering an application for a license, license renewal, certification, or certification renewal, or in considering other approval or selection regarding an entity or individual, for compliance with the standards established in this section. The department with licensing or certification authority for the individual may waive the requirement for fingerprint submission if an individual is unable to provide fingerprints due to a medical or physical condition that is documented by a licensed physician.

* **Sec. 49.** AS 47.05.310(f) is amended to read:

(f) The provisions of this section do not apply if the department with licensing or certification authority for the individual or entity grants an exception from a requirement of (a) - (e) of this section under a regulation adopted by that [THE] department or if the department with licensing or certification authority for the individual or entity grants a variance under AS 47.05.360.

* **Sec. 50.** AS 47.05.310(g) is amended to read:

(g) The Department of Health and the Department of Family and Community Services [DEPARTMENT] shall adopt regulations listing those criminal offenses that are inconsistent with the standards for licensure or certification by each [THE] department.

* **Sec. 51.** AS 47.05.310(h) is amended to read:

(h) For purposes of this section, in place of nonissuance or nonrenewal of a license or certification, an entity or individual that is not required to be licensed or certified by either [THE] department or a person wishing to become an entity or individual that is not required to be licensed or certified by either [THE] department is ineligible to receive a payment, in whole or in part, from the applicable department to provide for the health, safety, and welfare of persons who are served by the programs administered by that [THE] department if the entity or individual is in violation of this section or would be in violation of this section based on information received by the

1 applicable department as part of an application, approval, or selection process.

2 * **Sec. 52.** AS 47.05.310(l) is amended to read:

3 (l) The **Department of Family and Community Services** [DEPARTMENT]
4 may issue or renew a foster home license under AS 47.32 or provide payments under
5 AS 47.14.100(b) or (d) to an entity, individual service provider, or person if the
6 applicant or a person who resides in the home is barred from licensure or payment
7 under (c), (i)(2), or (i)(3) of this section and

8 (1) a person in the home is an adult family member or family friend of
9 a child in the custody or supervision of the state under AS 47.10;

10 (2) the **Department of Family and Community Services**
11 [DEPARTMENT] finds that placing the child with the entity, individual service
12 provider, or person is in the best interests of the child; and

13 (3) the conduct that is the basis of the finding under (c), (i)(2), or (i)(3)
14 of this section occurred at least 10 years before the date the **Department of Family**
15 **and Community Services** [DEPARTMENT] receives the application for licensure or
16 renewal or makes a payment to the entity, individual service provider, or person.

17 * **Sec. 53.** AS 47.05.320 is amended to read:

18 **Sec. 47.05.320. Criminal history use standards.** The **Department of Health**
19 **and the Department of Family and Community Services** [DEPARTMENT] shall
20 by regulation establish standards for the consideration and use by **that** [THE]
21 department, an entity, or an individual service provider of the criminal history of an
22 individual obtained under AS 47.05.310.

23 * **Sec. 54.** AS 47.05.325(a) is amended to read:

24 (a) The **Department of Health and the Department of Family and**
25 **Community Services** [DEPARTMENT] shall establish by regulation civil history
26 standards for denial of issuance or renewal of a license or certification for an
27 individual or for an entity **within that department's licensing or certification**
28 **authority** if the individual who is applying for a license, license renewal, certification,
29 or certification renewal is

30 (1) a biological or adoptive parent, guardian, custodian, or Indian
31 custodian of a child who is or was the subject of a child-in-need-of-aid petition under

1 AS 47.10 and the individual had custody of the child at the time the child was the
2 subject of a petition; or

3 (2) the subject of a finding or circumstance described in
4 AS 47.05.330(a).

5 * **Sec. 55.** AS 47.05.325(c) is amended to read:

6 (c) An entity or an individual shall provide to the department **with licensing**
7 **or certification authority for that entity or individual** a release of information
8 authorization for a civil history check under this section for each individual who is not
9 a recipient of services from the entity, who is not in the custody of the **applicable**
10 department, and, after the entity applies for or has been issued a license, license
11 renewal, certification, or certification renewal by the **applicable** department,

12 (1) who intends to become an owner of the entity, or an officer,
13 director, partner, member, or principal of the business organization that owns the
14 entity;

15 (2) whom the entity intends to hire or retain as the operator of the
16 entity's business;

17 (3) whom the entity intends to hire or retain as an employee,
18 independent contractor, or unsupervised volunteer of the entity; or

19 (4) who will be present in the entity or at the places of operation of the
20 entity, and would have regular contact with individuals who receive services from the
21 entity, but who is not a family member of or visitor of an individual who receives
22 services from the entity.

23 * **Sec. 56.** AS 47.05.325(d) is amended to read:

24 (d) For purposes of this section, in place of nonissuance or nonrenewal of a
25 license or certification, an entity or individual that is not required to be licensed or
26 certified by **either** [THE] department or a person wishing to become an entity or
27 individual that is not required to be licensed or certified by **either** [THE] department is
28 instead ineligible to receive a payment, in whole or in part, from the **applicable**
29 department to provide for the health, safety, and welfare of persons who are served by
30 the programs administered by **that** [THE] department if the entity or individual is in
31 violation of this section or would be in violation of this section based on information

received by the applicable department as part of an application, approval, or selection process.

* **Sec. 57.** AS 47.05.325(e) is amended to read:

(e) The Department of Health and the Department of Family and Community Services [DEPARTMENT] shall by regulation identify other governmental agencies or political subdivisions of the state that can request from that department information that is required under this section for a similar purpose.

* **Sec. 58.** AS 47.05.325(f) is amended to read:

(f) The provisions of this section do not apply if the applicable department grants an exception from the requirements of (a) or (b) of this section under a regulation adopted by that [THE] department or if that [THE] department grants a variance under AS 47.05.360.

* **Sec. 59.** AS 47.05.325(h) is amended to read:

(h) The Department of Health and the Department of Family and Community Services [DEPARTMENT] shall by regulation establish standards for the consideration and use by that [THE] department, an entity, or an individual of the civil history of an individual obtained under this section.

* **Sec. 60.** AS 47.05.330(a) is amended to read:

(a) The Department of Health and the Department of Family and Community Services [DEPARTMENT] shall by regulation identify each database that [THE] department will review when conducting a civil history check under AS 47.05.325 to identify each individual

(1) whom a court or the applicable department has found

(A) to have committed abuse, neglect, undue influence, or exploitation of a vulnerable adult;

(B) under AS 47.32 or regulations adopted under AS 47.32, to have significantly adversely affected the health, safety, or welfare of an individual who is receiving a service from an entity licensed under AS 47.32; a finding described in this subparagraph includes a decision to revoke, suspend, or deny a license or license renewal, or the relinquishment of a license as part of a settlement agreement;

(2) who has been subject to criminal or civil penalties for a violation of AS 09.58, AS 47.05, AS 47.06, AS 47.07, AS 47.08, or regulations adopted under AS 09.58, AS 47.05, AS 47.06, AS 47.07, or AS 47.08;

(3) about whom the applicable department or a court has made a substantiated finding of child abuse or neglect under AS 47.10 or AS 47.14;

(4) who was a biological or adoptive parent, guardian, custodian, or Indian custodian of a child at the time the child was the subject of a child-in-need-of-aid petition under AS 47.10;

(5) who, in the course of employment with the state, has been terminated from employment or has had an allegation of assaultive, abusive, neglectful, or exploitive behavior or actions substantiated;

(6) who, in this state or another jurisdiction, for reasons related to abuse, neglect, undue influence, exploitation, or other reasons that are inconsistent with standards for the protection of public health, safety, or welfare, has had a professional license, certification, or similar professional designation revoked, suspended, or denied, or has had a request for renewal of a professional license, certification, or similar professional designation denied;

(7) whom another state or jurisdiction has identified on a civil registry or database substantially similar to the databases identified under this section for reasons substantially similar to the reasons identified in (1) - (6) of this subsection.

* **Sec. 61.** AS 47.05.340 is amended to read:

Sec. 47.05.340. Regulations. The Department of Health and the Department of Family and Community Services [DEPARTMENT] shall adopt regulations to implement AS 47.05.300 - 47.05.390 for the entities and individuals for which that department has licensing or certification authority.

* **Sec. 62.** AS 47.05.350 is amended to read:

Sec. 47.05.350. Use of information; immunity. An entity that obtains information about an employee under a criminal history check under AS 47.05.310 or a civil history check under AS 47.05.325 may use that information only as provided for in regulations adopted by the department with licensing or certification authority for that entity under this chapter. However, if an entity reasonably relies on the

information provided under the regulations adopted by the applicable department to deny employment to an individual who was selected for hire as an employee, including during a period of provisional employment, the entity is not liable in an action brought by the individual based on the employment determination resulting from the information.

* **Sec. 63.** AS 47.05.360 is amended to read:

Sec. 47.05.360. Variance request; final decision. (a) An individual or entity subject to the provisions of AS 47.05.310 or 47.05.325 may request a variance from the provisions of AS 47.05.310 or 47.05.325 under procedures established by the department with licensing or certification authority for that individual or entity by regulation. The procedures must include the establishment of a variance committee to consider requests for variances. A request for a variance may include a request that the applicable department issue a written explanation of incorrect information contained in the civil history databases identified under AS 47.05.330.

(b) An individual or entity that is dissatisfied with a decision by a variance committee may, not more than 30 days after the committee issues the decision, apply to the commissioner of the department with licensing or certification authority for that individual or entity for reconsideration of the decision. A determination by the applicable commissioner is a final agency decision for purposes of appeal to the superior court.

(c) The department with licensing or certification authority for that individual or entity shall disclose information and records pertaining to a child subject to AS 47.10 or AS 47.17 to a variance committee as provided under AS 47.10.093(b).

* **Sec. 64.** AS 47.05.390 is repealed and reenacted to read:

Sec. 47.05.390. Definitions. In AS 47.05.300 - 47.05.390, unless the context otherwise requires,

(1) "criminal justice information" has the meaning given in AS 12.62.900;

(2) "entity" means an entity listed in AS 47.32.010(b) or (c) or an individual service provider as described in AS 47.05.300 and includes an owner,

officer, director, member, or partner of the entity;

(3) "individual service provider" means an individual described in AS 47.05.300(a), and includes those listed in AS 47.05.300(b);

(4) "license" includes a provisional license;

(5) "unsupervised" means that an individual who is licensed under AS 47.32, after submitting a criminal history background check, is not physically present to observe the volunteer at the entity.

* **Sec. 65.** AS 47 is amended by adding a new chapter to read:

Chapter 06. Child Welfare, Social Services, and Institutions.

Article 1. General Administration.

Sec. 47.06.010. Duties of Department of Family and Community Services.

The Department of Family and Community Services shall

(1) administer applicable public assistance programs and receive and spend money made available to it;

(2) adopt regulations necessary for the conduct of its business and for carrying out federal and state laws;

(3) establish minimum standards for personnel employed by the department and adopt necessary regulations to maintain those standards;

(4) require those bonds and undertakings from persons employed by it that, in its judgment, are necessary, and pay the premiums on them;

(5) make the reports, in the form and containing the information, that the federal government from time to time requires;

(6) cooperate with the federal government, its agencies, or instrumentalities in establishing, extending, and strengthening services for the protection and care of homeless, dependent, and neglected children in danger of becoming delinquent, and receive and expend funds available to the department by the federal government, the state, or its political subdivisions for that purpose;

(7) cooperate with the federal government in adopting state plans to make the state eligible for federal matching in appropriate categories of assistance, and in all matters of mutual concern, including adoption of the methods of administration that are found by the federal government to be necessary for the efficient operation of

1 welfare programs;

2 (8) adopt regulations, not inconsistent with law, defining need,
3 prescribing the conditions of eligibility for assistance, and establishing standards for
4 determining the amount of assistance that an eligible person is entitled to receive; the
5 amount of the assistance is sufficient when, added to all other income and resources
6 available to an individual, it provides the individual with a reasonable subsistence
7 compatible with health and well-being; an individual who meets the requirements for
8 eligibility for assistance shall be granted the assistance promptly upon application for
9 it;

10 (9) grant to a person claiming or receiving assistance and who is
11 aggrieved because of the department's action or failure to act, reasonable notice and an
12 opportunity for a fair hearing by the office of administrative hearings (AS 44.64.010),
13 and the department shall adopt regulations relative to this;

14 (10) enter into reciprocal agreements with other states relative to
15 applicable public assistance, welfare services, and institutional care that are considered
16 advisable;

17 (11) establish the requirements of residence for applicable public
18 assistance, welfare services, and institutional care that are considered advisable,
19 subject to the limitations of other laws of the state, or law or regulation imposed as
20 conditions for federal financial participation;

21 (12) establish the divisions and local offices that are considered
22 necessary or expedient to carry out a duty or authority assigned to it and appoint and
23 employ the assistants and personnel that are necessary to carry on the work of the
24 divisions and offices, and fix the compensation of the assistants or employees, except
25 that a person engaged in business as a retail vendor of general merchandise, or a
26 member of the immediate family of a person who is so engaged, may not serve as an
27 acting, temporary, or permanent local agent of the department, unless the
28 commissioner of family and community services certifies in writing to the governor,
29 with relation to a particular community, that no other qualified person is available in
30 the community to serve as local welfare agent; for the purposes of this paragraph, a
31 "member of the immediate family" includes a spouse, child, parent, brother, sister,

parent-in-law, brother-in-law, or sister-in-law;

(13) actively seek to recruit quality foster parents and adoptive parents when a shortage of quality foster parents or adoptive parents exists.

Sec. 47.06.020. Purpose and policy related to children. The purpose of this title as it relates to children is to secure for each child the care and guidance, preferably in the child's own home, that will serve the moral, emotional, mental, and physical welfare of the child and the best interests of the community; to preserve and strengthen the child's family ties unless efforts to preserve and strengthen the ties are likely to result in physical or emotional damage to the child, removing the child from the custody of the parents only as a last resort when the child's welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and, when the child is removed from the family, to secure for the child adequate custody and care and adequate planning for permanent placement of the child. It is the policy of the state to acknowledge and take into account the principles of early childhood and youth brain development and, whenever possible, consider the concepts of early adversity, toxic stress, childhood trauma, and the promotion of resilience through protective relationships, supports, self-regulation, and services.

Sec. 47.06.025. Legislative findings related to children. The legislature finds that

(1) parents have the following rights and responsibilities relating to the care and control of their child while the child is a minor:

(A) the responsibility to provide the child with food, clothing, shelter, education, and medical care;

(B) the right and responsibility to protect, nurture, train, and discipline the child, including the right to direct the child's medical care and the right to exercise reasonable corporal discipline;

(C) the right to determine where and with whom the child shall live;

(D) the right and responsibility to make decisions of legal or financial significance concerning the child;

(E) the right to obtain representation for the child in legal

1 actions; and

2 (F) the responsibility to provide special safeguards and care,
3 including appropriate prenatal and postnatal protection for the child;

4 (2) it is the policy of the state to strengthen families and to protect
5 children from child abuse and neglect; the state recognizes that, in some cases,
6 protection of a child may require removal of the child from the child's home; however,

7 (A) except in those cases involving serious risk to a child's
8 health or safety, the Department of Family and Community Services and the
9 Department of Health should provide time-limited family support services to
10 the child and the child's family in order to offer parents the opportunity to
11 remedy parental conduct or conditions in the home that placed the child at risk
12 of harm so that a child may return home safely and permanently; and

13 (B) the state also recognizes that when a child is removed from
14 the home, visitation between the child and the child's parents or guardian and
15 family members reduces the trauma for the child and enhances the likelihood
16 that the child will be able to return home; therefore, whenever a child is
17 removed from the parental home, the Department of Family and Community
18 Services should encourage frequent, regular, and reasonable visitation of the
19 child with the child's parent or guardian and family members;

20 (3) it is the policy of the state to recognize that, when a child is a ward
21 of the state, the child is entitled to reasonable safety, adequate care, and adequate
22 treatment and that the Department of Family and Community Services as legal
23 custodian and the child's guardian ad litem as guardian of the child's best interests and
24 their agents and assignees, each should make reasonable efforts to ensure that the child
25 is provided with reasonable safety, adequate care, and adequate treatment for the
26 duration of time that the child is a ward of the state;

27 (4) it is in the best interests of a child who has been removed from the
28 child's own home for the state to apply the following principles in resolving the
29 situation:

30 (A) the child should be placed in a safe, secure, and stable
31 environment;

1 (B) the child should not be moved unnecessarily;

2 (C) a planning process should be followed to lead to permanent
3 placement of the child;

4 (D) every effort should be made to encourage psychological
5 attachment between the adult caregiver and the child;

6 (E) frequent, regular, and reasonable visitation with the parent
7 or guardian and family members should be encouraged;

8 (F) parents and guardians must actively participate in family
9 support services so as to facilitate the child's being able to remain in the home;
10 when children are removed from the home, the parents and guardians must
11 actively participate in family support services to make return of their children
12 to the home possible; and

13 (G) to the extent practicable, the Department of Family and
14 Community Services should enable a child's contact with previous out-of-
15 home caregivers when appropriate and in the best interests of the child;

16 (5) numerous studies establish that

17 (A) children undergo a critical attachment process before the
18 time they reach six years of age;

19 (B) a child who has not attached with an adult caregiver during
20 this critical stage will suffer significant emotional damage that frequently leads
21 to chronic psychological problems and antisocial behavior when the child
22 reaches adolescence and adulthood; and

23 (C) it is important to provide for an expedited placement
24 procedure to ensure that all children, especially those under the age of six
25 years, who have been removed from their homes are placed in permanent
26 homes expeditiously.

27 **Sec. 47.06.030. Material incorporated by reference.** Under
28 AS 44.62.245(a)(2), in adopting or amending a regulation that incorporates a
29 document or other material by reference, the department may incorporate future
30 amended versions of the document or other material if the document or other material
31 is

1 (1) the federal poverty guidelines for the state prepared by the United
2 States Department of Health and Human Services; or

3 (2) the diagnostic and statistical manual of mental disorders published
4 by the American Psychiatric Association.

5 **Sec. 47.06.040. Consent to conditions of federal programs.** In order to take
6 advantage of the training grants provisions of 42 U.S.C. 301 - 1397f (Social Security
7 Act), as amended, the state, through the department, consents and agrees to all
8 conditions required by federal statute and regulation necessary for the state to
9 participate fully in the training grants or other programs.

10 **Sec. 47.06.050. Authorization of the Interstate Compact on Adoption and**
11 **Medical Assistance.** (a) The Department of Family and Community Services and the
12 Department of Health, in cooperation, may, on behalf of the state, enter into the
13 Interstate Compact on Adoption and Medical Assistance and supplementary
14 agreements with agencies of other states for the provision of adoption and medical
15 assistance under AS 47.07 and other provisions of this title for eligible children with
16 special needs.

17 (b) In this section, "state" includes a state, territory, possession, or
18 commonwealth of the United States.

19 **Sec. 47.06.060. Monthly reports concerning children.** By the 15th day of
20 each month, the Department of Family and Community Services shall provide a report
21 summarizing child protection activities carried out during the previous calendar month
22 and the status of children committed to the department's custody, including
23 information on the number and type of reports of child abuse and neglect received, the
24 outcome of investigations completed, the number of placements of children committed
25 to the department's custody, and the number of foster homes licensed. The report shall
26 be made accessible to the public through the Internet.

27 **Sec. 47.06.070. Contracts.** (a) The department may contract with a person or
28 local government for the delivery of services to be provided by the department under
29 AS 47.06.010 if the commissioner of family and community services determines the
30 service will be provided at less cost to the state or will be provided in a more effective
31 manner.

(b) Services that may be provided by contract under this section include accepting applications for assistance, conducting interviews, making eligibility determinations, and issuing benefits, but do not include adoption of program standards or other matters involving the exercise of agency discretion.

(c) A contract authorized under this section is exempt from the competitive bid requirements of AS 36.30 (State Procurement Code). In awarding a contract under this section the department shall request proposals in accordance with regulations of the Department of Administration under AS 36.30 (State Procurement Code).

(d) This section does not limit the authority provided by law for the department to contract for the delivery of services other than those provided under AS 47.06.010.

Sec. 47.06.080. Cooperation with federal government. It is the public policy of the state to cooperate and coordinate with the United States government and its agencies in providing for and administering federal and state laws for adult public assistance and the other assistance that is provided for or extended to the people of the state.

Sec. 47.06.095. Definition. In AS 47.06.010 - 47.06.095, unless the context otherwise requires, "department" means Department of Family and Community Services.

* **Sec. 66.** AS 47.10.005 is amended to read:

Sec. 47.10.005. Construction. The provisions of this chapter shall be liberally construed to

(1) achieve the end that a child coming within the jurisdiction of the court under this chapter may receive the care, guidance, treatment, and control that will promote the child's welfare and the parents' participation in the upbringing of the child to the fullest extent consistent with the child's best interests; and

(2) follow the findings set out in AS 47.06.025 [AS 47.05.065].

* **Sec. 67.** AS 47.24.013(a) is amended to read:

(a) If a report received under AS 47.24.010 pertains to the undue influence, abandonment, exploitation, abuse, neglect, or self-neglect of a vulnerable adult that is alleged to have been committed by or to have resulted from the negligence of the staff

1 or a volunteer of an out-of-home care facility, including a facility licensed under
 2 AS 47.32, in which the vulnerable adult resides, the department may forward the
 3 report to the long term care ombudsman for investigation under AS 44.25.310
 4 [AS 47.62.015].

5 * **Sec. 68.** AS 47.24.013(c) is amended to read:

6 (c) Upon receipt of a report under (a) or (b) of this section, the long term care
 7 ombudsman and the department shall

8 (1) conduct an investigation as appropriate under AS 44.25.310
 9 [AS 47.62.015] or this title, respectively;

10 (2) coordinate and cooperate in their responses to and investigations of
 11 the report if their jurisdictions overlap [;

12 (3) REPEALED].

13 * **Sec. 69.** AS 47.24.013(d) is amended to read:

14 (d) If the long term care ombudsman directly receives a report regarding the
 15 undue influence, abandonment, exploitation, abuse, neglect, or self- neglect of a
 16 vulnerable adult in an out-of-home care facility, the ombudsman may provide the
 17 report, and the results of the ombudsman's actions or investigations regarding the
 18 report, to the department's vulnerable adult centralized intake office. The ombudsman
 19 shall obtain the informed consent of the vulnerable adult or the vulnerable adult's
 20 resident representative before providing the report to the department. The department
 21 may investigate the report as described in AS 47.24.015 if the department determines
 22 that action is appropriate. In this subsection, "resident representative" has the meaning
 23 given in AS 44.25.390 [AS 47.62.090].

24 * **Sec. 70.** AS 47.24.070 is amended to read:

25 **Sec. 47.24.070. Required review of proposed regulations.** Before adoption
 26 by the department, regulations to implement this chapter shall be provided to the
 27 Alaska Commission on Aging established under AS 44.29.750 [AS 47.45.200] for
 28 review.

29 * **Sec. 71.** AS 47.30.470 is amended to read:

30 **Sec. 47.30.470. Powers and duties of department.** The department shall

31 (1) ascertain and keep current a list of all institutions in the state that

1 have available facilities for the care and treatment of alcoholics and drug abusers;

2 (2) encourage the development and advancement of standards of
3 treatment of alcoholics and drug abusers in institutions;

4 (3) promote and encourage educational activities to make the public
5 aware of the effects of intemperate use of alcoholic beverages and drugs, and promote
6 and encourage the education of the general public about scientific facts regarding
7 alcoholism and drug abuse;

8 (4) identify and utilize whatever facilities and services are available or
9 can be made available through community organization for carrying out the purposes
10 of this section, including identification and utilization for detoxification of under-
11 utilized hospital beds;

12 (5) engage in research and educational activities that will aid in the
13 understanding of alcoholism and drug abuse and in the treatment of alcoholics and
14 drug abusers;

15 (6) administer a community grant-in-aid program for alcoholism and
16 drug abuse;

17 (7) submit an annual report concerning alcoholism and drug abuse in
18 the state and the grant-in-aid program within 10 days after the convening of the
19 legislature in each regular session;

20 (8) prepare that part of the plan for the integrated comprehensive
21 mental health program under AS 44.25.290 [AS 47.30.056] that relates to the services
22 and facilities that are necessary for the care and treatment of persons identified as
23 chronic alcoholics suffering from psychoses, as defined in AS 44.25.290(b)(3) and (f)
24 [AS 47.30.056(b)(3) AND (f)]; in preparing the plan of services for persons identified
25 in this paragraph, the department shall coordinate with the Alaska Mental Health Trust
26 Authority and the Advisory Board on Alcoholism and Drug Abuse;

27 (9) use money awarded to the department by grant or contract from the
28 mental health trust settlement income account established under AS 37.14.036 and
29 appropriated from the general fund to provide the necessary services identified in (8)
30 of this section and in accordance with AS 44.25.290 [AS 47.30.056].

31 * **Sec. 72.** AS 47.30.523(a) is amended to read:

1 (a) It is the policy of the state that

2 (1) the community mental health program provide a comprehensive
3 and integrated system of community-based facilities, supports, and mental health
4 services, including child and adolescent screening and diagnosis, inpatient, outpatient,
5 prevention, consultation, and education services;

6 (2) persons most in need of community mental health services receive
7 appropriate services as provided under AS 44.25.290 [AS 47.30.056];

8 (3) the community mental health program be coordinated, to the
9 maximum extent possible, with the programs established under AS 47.37, AS 47.65,
10 AS 47.80, and other programs affecting the well being of persons in need of mental
11 health services.

12 * **Sec. 73.** AS 47.30.530(b) is amended to read:

13 (b) In performing its duties under (a) of this section, the department shall
14 coordinate with the Alaska Mental Health Trust Authority established in AS 44.25.200
15 [AS 47.30.011].

16 * **Sec. 74.** AS 47.30.540(b) is amended to read:

17 (b) An entity designated by the department to receive money under
18 AS 47.30.520 - 47.30.620 shall ensure a broad base of community support as
19 evidenced by a governing board reasonably representative of the professional, civic,
20 and citizen groups in the community and including persons with mental disorders or
21 family members of persons with mental disorders. No more than two members, or 40
22 percent of the membership, whichever is greater, may be providers of services under
23 the program. In order to receive money under AS 47.30.520 - 47.30.620, a local
24 community entity shall agree

25 (1) to give priority to mental health programs and services consistent
26 with the priorities set out in AS 44.25.290 [AS 47.30.056] and that provide the
27 maximum services for the least expenditure of money from the mental health trust
28 settlement income account;

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

31 (3) to conform to a state cost accounting system showing the true cost

1 of services rendered, collect fees for services according to a schedule based on an
 2 analysis of reasonable ability to pay, and provide that a person may not be refused
 3 services because of inability to pay for those services;

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

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

9 (6) to furnish the authority and the department satisfactory needs
 10 assessments for the population and area it serves and an annual update of a long-range
 11 planning and budget statement that describes program goals for the coming year, the
 12 steps and resources necessary to implement the goals, the projected means by which
 13 these resources will be secured, and the procedures necessary to evaluate the program;

14 (7) to furnish the department with confidential and other information
 15 about recipients of services paid for, in whole or part, under AS 47.30.520 - 47.30.620
 16 and comply with regulations of the department regarding the submission of this
 17 information; and

18 (8) to notify the department immediately of emergency situations
 19 involving recipients of services paid for, in whole or in part, under AS 47.30.520 -
 20 47.30.620 and comply with regulations of the department regarding this notification;
 21 for purposes of this paragraph, "emergency situations" include the disappearance,
 22 injury, or death of a recipient.

23 * **Sec. 75.** AS 47.30.545 is amended to read:

24 **Sec. 47.30.545. Populations to be served.** The entities designated by the
 25 department to receive money under AS 47.30.540(b) shall provide one or more of the
 26 services that are set out in AS 44.25.290(i) [AS 47.30.056(i)] to persons identified in
 27 AS 44.25.290 [AS 47.30.056].

28 * **Sec. 76.** AS 47.30.610(1) is amended to read:

29 (1) "authority" means the Alaska Mental Health Trust Authority
 30 established in AS 44.25.200 [AS 47.30.011];

31 * **Sec. 77.** AS 47.30.610(4) is amended to read:

(4) "trust" has the meaning given in AS 44.25.295 [AS 47.30.061].

* **Sec. 78.** AS 47.30.660 is amended to read:

Sec. 47.30.660. Cooperative powers [POWERS] and duties of the Department of Family and Community Services and the Department of Health [DEPARTMENT]. (a) The **Department of Family and Community Services and the Department of Health, in cooperation,** [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 44.25.290(i) [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 44.25.240(b)(5) [AS 47.30.031(b)(5)]; 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 of Family and Community Services and the Department of Health** [DEPARTMENT], in fulfilling **each department's** [ITS] duties under this section and through **each department's divisions** [ITS DIVISION] responsible for mental health, shall, **as applicable,**

(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;

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

5 (3) administer AS 47.30.660 - 47.30.915;

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

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

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

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

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

21 (9) prescribe the form of applications, records, reports, requests for
22 release, and consents to medical or psychological treatment required by AS 47.30.660
23 - 47.30.915;

24 (10) require reports from the head of a treatment facility concerning
25 the care of patients;

26 (11) visit each treatment facility at least annually to review methods of
27 care or treatment for patients;

28 (12) investigate complaints made by a patient or an interested party on
29 behalf of a patient;

30 (13) delegate upon mutual agreement to another officer or agency of it,
31 or a political subdivision of the state, or a treatment facility designated, any of the

1 duties and powers imposed upon it by AS 47.30.660 - 47.30.915;

2 (14) after consultation with the Alaska Mental Health Trust Authority,
3 adopt regulations to implement the provisions of AS 47.30.660 - 47.30.915;

4 (15) provide technical assistance and training to providers of mental
5 health services; and

6 (16) set standards under which each designated treatment facility shall
7 provide programs to meet patients' medical, psychological, social, vocational,
8 educational, and recreational needs.

9 * **Sec. 79.** AS 47.32.010 is repealed and reenacted to read:

10 **Sec. 47.32.010. Purpose and applicability.** (a) The purpose of this chapter is
11 to establish centralized licensing and related administrative procedures for the delivery
12 of services in this state by the entities listed in (b) and (c) of this section. These
13 procedures are intended to promote safe and appropriate services by setting standards
14 for licensure that will reduce predictable risk; improve quality of care; foster
15 individual and patient rights; and otherwise advance public health, safety, and welfare.

16 (b) The following entities are subject to this chapter and regulations adopted
17 under this chapter by the Department of Health:

- 18 (1) ambulatory surgical centers;
- 19 (2) assisted living homes;
- 20 (3) child care facilities;
- 21 (4) freestanding birth centers;
- 22 (5) home health agencies;
- 23 (6) hospices, or agencies providing hospice services or operating
24 hospice programs;
- 25 (7) hospitals;
- 26 (8) intermediate care facilities for individuals with an intellectual
27 disability or related condition;
- 28 (9) maternity homes;
- 29 (10) nursing facilities;
- 30 (11) residential child care facilities;
- 31 (12) residential psychiatric treatment centers;

1 (13) rural health clinics;

2 (14) crisis stabilization centers.

3 (c) The following entities are subject to this chapter and regulations adopted
4 under this chapter by the Department of Family and Community Services:

5 (1) child placement agencies;

6 (2) foster homes;

7 (3) runaway shelters.

8 (d) The provisions of AS 47.05.300 - 47.05.390, regarding criminal history,
9 criminal history checks, criminal history use standards, and civil history databases,
10 apply to entities listed in (b) and (c) of this section, as provided in AS 47.05.300.

11 * **Sec. 80.** AS 47.32.020(a) is amended to read:

12 (a) An entity may not operate a facility described in AS 47.32.010(b) **or (c)**
13 without first obtaining a license under this chapter unless the entity is exempt under
14 regulations adopted under AS 47.32.030 or is exempt under (c) of this section.

15 * **Sec. 81.** AS 47.32.020(b) is amended to read:

16 (b) If an entity encompasses more than one type of activity listed in
17 AS 47.32.010(b) **or (c)**, the entity shall apply for and receive a separate license under
18 this chapter **from either the Department of Health or the Department of Family**
19 **and Community Services** before operating that type of activity unless exempt under
20 regulations adopted **by the applicable department** under AS 47.32.030.

21 * **Sec. 82.** AS 47.32.030 is amended to read:

22 **Sec. 47.32.030. Powers of the Department of Health and the Department of**
23 **Family and Community Services [DEPARTMENT]; delegation to municipality.**

24 (a) **For each entity over which it has licensing authority under AS 47.32.010, the**
25 **applicable** [THE] department may

26 (1) administer and enforce the provisions of this chapter;

27 (2) coordinate and develop policies, programs, and planning related to
28 licensure and operation of entities listed in AS 47.32.010(b) **or (c)** as defined by
29 regulation;

30 (3) adopt regulations necessary to carry out the purposes of this
31 chapter, including regulations that

1 (A) establish fees for licensing of each type of entity listed in
2 AS 47.32.010(b) or (c);

3 (B) impose requirements for licensure, including standards for
4 license renewal, that are in addition to the requirements of this chapter or of
5 any other applicable state or federal statute or regulation;

6 (C) impose requirements and standards on licensed entities that
7 are in addition to those imposed by this chapter or by any other applicable state
8 or federal statute or regulation, including

9 (i) requirements and standards necessary for an entity or
10 the state to receive money from the applicable department from any
11 source, including federal money;

12 (ii) record-keeping requirements;

13 (iii) reporting requirements; and

14 (iv) requirements and standards regarding health, safety,
15 and sanitation;

16 (D) provide for waivers, variances, and exemptions from the
17 requirements of this chapter, including the requirement to obtain a license, if
18 the applicable department finds it necessary for the efficient administration of
19 this chapter; and

20 (E) establish requirements for the operation of entities licensed
21 by the applicable department under this chapter;

22 (4) investigate

23 (A) entities described in AS 47.32.010(b) or (c);

24 (B) applicants for licensure, including individuals named in an
25 application; and

26 (C) other persons that the applicable department has reason to
27 believe are operating an entity required to be licensed under this chapter, or are
28 residing or working in an entity for which licensure has been sought under this
29 chapter; this subparagraph does not apply to persons receiving services from an
30 entity for which licensure has been sought under this chapter;

31 (5) inspect and monitor licensed entities for compliance with this

chapter, regulations adopted under this chapter, and any other applicable statutes or regulations;

(6) enter into contracts and agreements necessary to carry out the functions, powers, and duties of the applicable department under this chapter;

(7) enter into agreements with private entities, municipalities, and individuals to investigate and make recommendations to the applicable department regarding the licensure and monitoring of entities under this chapter;

(8) require an individual who is or will be operating an entity to complete training related to the operation of the entity;

(9) waive the application requirements for an entity seeking licensure if the entity submits documentation to the applicable department verifying that it

(A) has a license issued by an organization or other agency that has licensing authority under state or federal law if the standards for that licensure are approved by the applicable department under this chapter or regulations adopted under this chapter;

(B) has accreditation from a nationally recognized organization if the standards for that accreditation are equal to or more stringent than the standards for licensure under this chapter or regulations adopted under this chapter; or

(C) is an entity that federal law does not require to be licensed.

(b) The Department of Health [DEPARTMENT] shall delegate the department's authority to regulate child care facilities to a municipality that has adopted an ordinance providing for child care licensing under home rule powers under AS 29.10.010 or as authorized under AS 29.35.200 - 29.35.210. The Department of Health [DEPARTMENT] shall make the delegation described in this subsection within 90 days after receiving a written request from the municipality to delegate the authority. A municipality receiving a delegation under this subsection may adopt additional requirements for child care facilities operating within the boundaries of the municipality if the requirements meet or exceed the requirements under state law.

(c) The issuance of a license by the applicable department does not obligate the department to place or maintain an individual in an entity or through an entity, or

1 to provide financial support to an entity.

2 (d) The **Department of Health** [DEPARTMENT] may not require a licensed
3 entity to increase services for the sole purpose of accommodating a physician's
4 practice of prescribing, dispensing, or administering an investigational drug, biological
5 product, or device, or providing related treatment, to a patient. In this subsection,
6 "investigational drug, biological product, or device" has the meaning given in
7 AS 08.64.367.

8 * **Sec. 83.** AS 47.32.040 is amended to read:

9 **Sec. 47.32.040. Application for license.** A person shall apply to the
10 **applicable** department for a license under this chapter. The application must be made
11 to the **applicable** department on a form provided by **that** [THE] department or in a
12 format approved by **that** [THE] department, and must be accompanied by

13 (1) any fee established by regulation; and

14 (2) documents and information required by regulation.

15 * **Sec. 84.** AS 47.32.050 is amended to read:

16 **Sec. 47.32.050. Provisional license; biennial license.** (a) **After an entity**
17 **submits an application under AS 47.32.040, the department with licensing**
18 **authority over that entity may issue a provisional license. Before issuing a**
19 **provisional license, the department must conduct an** [THE DEPARTMENT MAY
20 ISSUE A PROVISIONAL LICENSE TO AN ENTITY FOR WHICH
21 APPLICATION IS MADE UNDER AS 47.32.040 IF, AFTER] inspection and
22 investigation **to determine** [, THE DEPARTMENT DETERMINES] that the
23 application and the entity meet the requirements of this chapter, regulations adopted
24 under this chapter, and any other applicable statutes or regulations. A provisional
25 license is valid for a period not to exceed one year, except that the **authorizing**
26 department may extend a provisional license for one additional period not to exceed
27 one year.

28 (b) Before expiration of a provisional license issued under (a) of this section,
29 the **authorizing** department shall inspect and investigate the entity to determine
30 whether the entity is operating in compliance with this chapter, regulations adopted
31 under this chapter, and any other applicable statutes or regulations. After inspection

1 and investigation under this subsection and before expiration of a provisional license,
 2 the **authorizing** department shall issue a biennial license for the entity if the
 3 department finds that

4 (1) the entity meets the requirements for biennial licensure established
 5 in this chapter, regulations adopted under this chapter, and other applicable statutes
 6 and regulations;

7 (2) a ground for nonrenewal of a license does not exist; and

8 (3) any applicable fee has been paid.

9 (c) The department **issuing a license** may place one or more conditions on a
 10 provisional or biennial license issued under this section in order to further the purposes
 11 of this chapter.

12 * **Sec. 85.** AS 47.32.060 is amended to read:

13 **Sec. 47.32.060. License renewal.** (a) At least 90 days before expiration of a
 14 biennial license, a licensed entity that intends to remain licensed shall submit an
 15 application for renewal of the license on a form provided by the **applicable**
 16 department or in a format approved by the **applicable** department, accompanied by

17 (1) all documents and information identified in regulation as being
 18 required for renewal of the license; and

19 (2) any fee established by regulation.

20 (b) Before expiration of a biennial license, the **authorizing** department or its
 21 representative may inspect an entity that is the subject of a renewal application to
 22 determine whether the entity is operating in compliance with this chapter, regulations
 23 adopted under this chapter, and other applicable statutes or regulations. After any
 24 inspection and investigation under this subsection and before expiration of the biennial
 25 license, the **authorizing** department shall renew a biennial license if the department
 26 finds that

27 (1) the licensed entity meets the requirements for renewal;

28 (2) a ground for nonrenewal of a license does not exist; and

29 (3) any applicable fee has been paid.

30 (c) If an application for renewal of a license is submitted but the **authorizing**
 31 department is unable to complete its review of the application before the expiration of

1 the biennial license, the license is automatically extended for six months or until the
 2 department completes its review and either approves or denies the application,
 3 whichever occurs earlier.

4 (d) The authorizing department may place one or more conditions on a
 5 renewed license issued under this section to further the purposes of this section.

6 (e) The department shall adopt regulations establishing the grounds for
 7 nonrenewal of a license for each entity that department licenses under
 8 AS 47.32.010 for purposes of AS 47.32.050 and this section.

9 * **Sec. 86.** AS 47.32.070 is amended to read:

10 **Sec. 47.32.070. Notice of denial or conditions; appeal.** (a) If the applicable
 11 department denies an application for or places conditions on a provisional or biennial
 12 license or license renewal, that [THE] department shall provide the applicant or entity
 13 with a notice of the action by certified mail. The notice must contain a written
 14 statement of the reason for the action and information about requesting a hearing
 15 under (b) of this section.

16 (b) An applicant or entity that receives a notice of action under (a) of this
 17 section may appeal the department's decision by requesting a hearing within 15 days
 18 after receipt of the notice. The appeal must be on a form provided by the applicable
 19 department or in a format approved by the applicable department.

20 (c) In considering whether to deny an application for or place a condition on a
 21 license, the department reviewing the application shall consider the licensing history
 22 of the applicant, including any enforcement action under this chapter.

23 * **Sec. 87.** AS 47.32.080 is amended to read:

24 **Sec. 47.32.080. Posting; license not transferable.** (a) A license issued under
 25 this chapter shall be posted in a conspicuous place on the licensed premises. Any
 26 notice of a variance issued by the authorizing department shall be posted near the
 27 license.

28 (b) A license issued under this chapter is not transferable unless authorized by
 29 the authorizing department.

30 * **Sec. 88.** AS 47.32.090(a) is amended to read:

31 (a) A person who believes that an entity has violated an applicable statute or

1 regulation or a condition of a license issued under this chapter may file a verbal or
 2 written complaint with the department that has licensing authority for that type of
 3 entity under AS 47.32.010.

4 * **Sec. 89.** AS 47.32.090(b) is amended to read:

5 (b) The department with licensing authority under (a) of this section may
 6 investigate a complaint filed under this section. The department with licensing
 7 authority under (a) of this section may decline to investigate a complaint if that
 8 [THE] department reasonably concludes and documents that the complaint is without
 9 merit based on information available to that [THE] department at the time of the
 10 complaint. The department with licensing authority under (a) of this section may
 11 consolidate complaints if that [THE] department concludes that a single investigation
 12 would further the efficient administration of this chapter.

13 * **Sec. 90.** AS 47.32.090(d) is amended to read:

14 (d) The department with licensing authority under (a) of this section may
 15 investigate an employee, contractor, or volunteer of a licensed entity and may
 16 substantiate that the individual engaged in conduct that would significantly affect the
 17 health, safety, or welfare of an individual who is receiving a service from the entity. If
 18 the conduct is substantiated against an employee, contractor, or volunteer, the
 19 investigating department shall issue a notice of the finding to the person and include
 20 the person in the appropriate civil history database identified under AS 47.05.330.
 21 Before a substantiated finding against an employee, contractor, or volunteer may be
 22 included in a civil history database and provided as part of a check under
 23 AS 47.05.325, the department that made the finding shall provide the applicant
 24 notice of the finding and an opportunity to appeal the finding. The Department of
 25 Health and the Department of Family and Community Services [DEPARTMENT]
 26 shall adopt regulations to implement this subsection for the entities licensed by that
 27 department. In this subsection, 'volunteer' includes an individual placed in a facility
 28 for training, educational, or internship purposes.

29 * **Sec. 91.** AS 47.32.100 is amended to read:

30 **Sec. 47.32.100. Cooperation with investigation.** An entity shall cooperate
 31 with an investigation initiated by the department with licensing authority for that

1 **entity under AS 47.32.010.** An investigated entity shall

2 (1) permit representatives of the **investigating** department to inspect
3 the entity; review records, including files of individuals who received services from
4 the entity; interview staff; and interview individuals receiving services from the entity;
5 and

6 (2) upon request, provide the **investigating** department with
7 information and documentation regarding compliance with applicable statutes and
8 regulations.

9 * **Sec. 92.** AS 47.32.110 is amended to read:

10 **Sec. 47.32.110. Right of access and inspection.** (a) A designated agent or
11 employee of **a** [THE] department **with licensing authority under AS 47.32.010** shall
12 have right of access to an entity **within that department's licensing authority**

13 (1) to determine whether an application for licensure or renewal is
14 appropriate;

15 (2) to conduct a complaint investigation;

16 (3) to conduct a standard inspection;

17 (4) to inspect documents, including personnel records, accounts, the
18 building, or the premises;

19 (5) to interview staff or residents; or

20 (6) if the department **with licensing authority for that entity** has
21 reasonable cause to believe that the entity is operating in violation of this chapter or
22 the regulations adopted under this chapter.

23 (b) If an entity denies access **to an agent or employee of the department**
24 **with licensing authority for that entity under AS 47.32.010**, the department may
25 petition the court for an order permitting access, or the department may seek to revoke
26 the entity's license under AS 47.32.140.

27 (c) Upon petition of the department **with licensing authority for the entity**
28 **under AS 47.32.010** and after a hearing held upon reasonable notice to the entity, the
29 court shall issue an order to an officer or employee of **that** [THE] department
30 authorizing the officer or employee to enter for any of the purposes described in (a) of
31 this section.

1 * **Sec. 93.** AS 47.32.120 is amended to read:

2 **Sec. 47.32.120. Report.** (a) Within 10 working days after completing an
3 investigation or inspection under AS 47.32.090 - 47.32.110, the department **that**
4 **conducted the investigation or inspection** shall prepare a report of the results of the
5 investigation or inspection and mail a copy of the report to the entity. The report shall
6 include a description of

7 (1) any violation, including a citation to each statute or regulation that
8 has been violated; and

9 (2) any enforcement action the department intends to take under
10 AS 47.32.130 or 47.32.140.

11 (b) An entity that receives a copy of a report under this section may submit a
12 written response to the report to the department **that prepared the report**. The
13 **applicable** department may require an entity to submit a response to a report received
14 under this section.

15 (c) Within 14 days after the entity receives a copy of the report under this
16 section, upon request of the complainant, **the department that prepared the report**
17 shall provide a copy of the report to the complainant.

18 * **Sec. 94.** AS 47.32.130 is amended to read:

19 **Sec. 47.32.130. Enforcement action: immediate revocation or suspension.**

20 (a) If the **applicable** department's report of investigation or inspection under
21 AS 47.32.120 concludes that the department **with licensing authority for the entity**
22 **under AS 47.32.010** has reasonable cause to believe that a violation of an applicable
23 statute or regulation has occurred that presents an immediate danger to the health,
24 safety, or welfare of an individual receiving services from the entity, the department
25 **with licensing authority**, without an administrative hearing and without providing an
26 opportunity to cure or correct the violation, may immediately revoke or suspend the
27 entity's license or, if the entity is not licensed under this chapter, may revoke the
28 entity's ability to become licensed under this chapter or to provide services as an entity
29 exempted under this chapter. A suspension or revocation under this subsection takes
30 effect immediately upon initial notice to the entity from the **applicable** department, is
31 in addition to any enforcement action under AS 47.32.140, and continues until a final

determination under (c) of this section or AS 47.32.150.

(b) Notice under this section shall be provided as follows:

(1) the department **with licensing authority** shall provide initial notice to the entity at the time the department determines that an immediate suspension or revocation is required; initial notice may be oral, except that, if an entity representative is not present at the entity, the department shall post written notice on the front door of the entity; the initial notice must provide information regarding the entity's appeal rights;

(2) the department **with licensing authority** shall provide formal written notice to the entity within 14 working days after the immediate revocation or suspension decision; formal written notice must include

(A) a copy of the **applicable** department's report under AS 47.32.120, a statement of the entity's right to submit a written response to the report, and any **regulatory** [DEPARTMENT] requirement that the entity submit a written response to the report;

(B) a description of any enforcement action the department **with licensing authority** intends to take under AS 47.32.140(d) or (f); and

(C) information regarding the entity's appeal rights.

(c) An entity to which a notice has been provided under this section may appeal the **applicable** department's decision to impose the enforcement action, including an enforcement action the department **with licensing authority** intends to take under AS 47.32.140(d) or (f), by filing a written request for a hearing, on a form provided by the **applicable** department, within 15 days after receipt of the notice. If a hearing is not timely requested under this subsection, the [DEPARTMENT'S] notice **provided under (b) of this section** constitutes a final administrative order for which the **applicable** department may seek the court's assistance in enforcing.

* **Sec. 95.** AS 47.32.140(a) is amended to read:

(a) If the [DEPARTMENT'S] report of investigation or inspection under AS 47.32.120 concludes that the department **with licensing authority** has reasonable cause to believe that a violation of an applicable statute or regulation has occurred, **that** [THE] department shall provide notice to the entity of the violation and an

1 opportunity to cure the violation within a reasonable time specified in the notice [BY
 2 THE DEPARTMENT]. The notice also must include a copy of the applicable
 3 department's report under AS 47.32.120, a statement that the entity may submit a
 4 written response to the report, any regulatory [DEPARTMENT] requirement that the
 5 entity submit a written response to the report, a description of any enforcement action
 6 that [THE] department intends to take under (d) or (f) of this section, and information
 7 regarding the entity's appeal rights.

8 * **Sec. 96.** AS 47.32.140(b) is amended to read:

9 (b) An entity receiving a notice under (a) of this section, or a notice under
 10 AS 47.32.130(b)(2) that contains the information specified in AS 47.32.130(b)(2)(B),
 11 shall submit a plan of correction to the applicable department for approval. Once it
 12 has cured its violations, the entity shall submit to that [THE] department an allegation
 13 of compliance. Upon receipt of the allegation of compliance, the applicable
 14 department may conduct a follow-up investigation or inspection to determine
 15 compliance. The department that provides notice of a violation may take one or
 16 more enforcement actions under (d) and (f) of this section regardless of whether the
 17 entity achieves compliance under this subsection.

18 * **Sec. 97.** AS 47.32.140(c) is amended to read:

19 (c) If the department that provides notice of a violation believes that an
 20 entity has not voluntarily corrected the violation or entered into a plan of correction
 21 approved under (b) of this section [WITH THE APPROVAL OF THE
 22 DEPARTMENT], that [THE] department may require that the entity participate in a
 23 plan of correction under that department's regulations [OF THE DEPARTMENT].
 24 Once the entity has cured its violations, it shall submit to the applicable department an
 25 allegation of compliance. Upon receipt of the allegation of compliance, the applicable
 26 department may conduct a follow-up investigation or inspection to determine
 27 compliance. The department that provides notice of a violation may take one or
 28 more enforcement actions under (d) and (f) of this section regardless of whether the
 29 entity achieves compliance under this subsection.

30 * **Sec. 98.** AS 47.32.140(d) is amended to read:

31 (d) The department with licensing authority for an entity may take one or

1 more of the following enforcement actions under this section:

2 (1) delivery of a warning notice to the licensed entity and to any
3 additional person who was the subject of the investigation or inspection;

4 (2) modification of the term or scope of the entity's existing license,
5 including changing a biennial license to a provisional license or adding a condition to
6 the license;

7 (3) suspension of the entity's operations for a period of time set by the
8 department **with licensing authority**;

9 (4) suspension of or a ban on the entity's provision of services to
10 individuals not already receiving services from the entity for a period of time set by
11 the department **with licensing authority**;

12 (5) nonrenewal of the entity's license;

13 (6) revocation of the entity's license or, if the entity is not licensed
14 under this chapter, revocation of the entity's ability to become licensed under this
15 chapter;

16 (7) issuance of an order requiring closure, immediate or otherwise, of
17 the entity regardless of whether the entity is licensed or unlicensed;

18 (8) denial of payments under AS 47.07 for the entity's provision of
19 services to an individual not already receiving services from the entity;

20 (9) assumption of either temporary or permanent management of the
21 entity or pursuit of a court-ordered receiver for the entity;

22 (10) reduction of the number of individuals receiving services from the
23 entity under the license;

24 (11) imposition of a penalty authorized under law;

25 (12) inclusion in a civil history database identified under
26 AS 47.05.330.

27 * **Sec. 99.** AS 47.32.140(e) is amended to read:

28 (e) The department **with licensing authority** may not take action under (d)(9)
29 of this section unless the commissioner **of that department** has reasonable cause to
30 believe that continued management by the entity while the entity is attempting to cure
31 a violation would be injurious to the health, safety, or welfare of an individual who is

1 receiving a service from the entity.

2 * **Sec. 100.** AS 47.32.140(f) is amended to read:

3 (f) In addition to any other enforcement actions the department **with licensing**
 4 **authority** may take under this section, **that** [THE] department may assess a civil fine
 5 against an entity for a violation of an applicable statute or regulation, taking into
 6 account the type and size of the entity and the type and severity of the violation. A fine
 7 assessed under this subsection may not exceed \$2,500 a day for each day of violation
 8 for a continuing violation or \$25,000 for a single violation.

9 * **Sec. 101.** AS 47.32.140(g) is amended to read:

10 (g) An entity to which a notice has been provided under this section regarding
 11 an enforcement action under (d) or (f) of this section may appeal the **applicable**
 12 department's decision to impose the enforcement action by filing a written request for
 13 a hearing, on a form provided by the **applicable** department, **not later than**
 14 [WITHIN] 15 days after receipt of the notice of the enforcement action.

15 * **Sec. 102.** AS 47.32.140(i) is amended to read:

16 (i) If a hearing is not timely requested under AS 47.32.130(c) or under (g) of
 17 this section, as applicable, the **applicable** department's notice regarding an
 18 enforcement action under (d) or (f) of this section constitutes a final administrative
 19 order. The **applicable** department may seek the court's assistance in enforcing the
 20 final administrative order.

21 * **Sec. 103.** AS 47.32.140(j) is amended to read:

22 (j) An entity against which an enforcement action under (d) or (f) of this
 23 section has been taken may not apply for a license or license renewal until after the
 24 time period set by the **applicable** department in its final administrative order under
 25 AS 47.32.130(c), this section, or AS 47.32.150, as applicable. If a time period has not
 26 been set, a final administrative order against the entity has the effect of a permanent
 27 revocation, and the entity may not apply for a license or license renewal. If the
 28 ownership, control, or management of an entity changes, the department **with**
 29 **licensing authority** may allow the entity to seek licensure if the entity submits
 30 documents showing the change.

31 * **Sec. 104.** AS 47.32.150(a) is amended to read:

(a) Upon receipt of a timely request for a hearing by an entity regarding an enforcement action under AS 47.32.130(a) or 47.32.140(d)(3), (5), (6), (7), or (9), the applicable department shall request the chief administrative law judge appointed under AS 44.64.020 to appoint an administrative law judge employed or retained by the office of administrative hearings to preside over a hearing conducted under this section. AS 44.62.330 - 44.62.630 and AS 44.64.060 apply to the hearing.

* **Sec. 105.** AS 47.32.150(b) is amended to read:

(b) Upon receipt of a timely request for a hearing by an entity regarding an enforcement action under AS 47.05.310, AS 47.32.070, or 47.32.140(d)(1), (2), (4), (8), (10), (11), or (12) or (f), the applicable department shall conduct a hearing in front of an officer appointed by the commissioner. A hearing under this subsection may be conducted on the record, in an informal manner, and may not be conducted under AS 44.62 or AS 44.64. The appointed hearing officer may be a state employee.

* **Sec. 106.** AS 47.32.150(d) is amended to read:

(d) A hearing conducted under this section shall take place within 120 days after the applicable department's receipt of the request for hearing. A hearing may be held on an expedited basis upon a showing of good cause. An expedited hearing shall be held within 60 days after the applicable department's receipt of the request for a hearing.

* **Sec. 107.** AS 47.32.160(a) is amended to read:

(a) The **Department of Health and the Department of Family and Community Services and the employees and agents of both departments** [DEPARTMENT, ITS EMPLOYEES, AND ITS AGENTS] are not liable for civil damages as a result of an act or omission in the licensure process, the monitoring of a licensed entity, or any activities under this chapter.

* **Sec. 108.** AS 47.32.180(b) is amended to read:

(b) With the exception of information that identifies a complainant or a recipient of services from an entity, a copy of a [THE] department's report of investigation or inspection under AS 47.32.120, an entity's written response to the report, and information regarding a department's [ANY DEPARTMENT] imposition of an enforcement action under AS 47.32.130 or 47.32.140 are public records under

AS 40.25.100 - 40.25.295. The departments [DEPARTMENT] shall make this information available to the public for inspection and copying within time frames specified in AS 40.25.100 - 40.25.295 or regulations adopted under AS 40.25.100 - 40.25.295 after the

(1) entity receives its copy of the report of investigation under AS 47.32.120, if the applicable department has determined that an enforcement action under AS 47.32.130 or 47.32.140 will not be taken regarding the entity;

(2) applicable department's notice of enforcement action under AS 47.32.130 or 47.32.140 becomes a final administrative order without a hearing under AS 47.32.130(c) or 47.32.140(i); or

(3) issuance of a decision following a hearing under AS 47.32.150.

* **Sec. 109.** AS 47.32.180(c) is amended to read:

(c) Notwithstanding any other provision of law, a [THE] department conducting a licensing investigation under this chapter may, upon request, share information obtained during the investigation with a law enforcement agency that is investigating a crime that is [ALSO] the subject of the [A] licensing investigation [OBTAINED DURING A CURRENT INVESTIGATION].

* **Sec. 110.** AS 47.32.190 is amended to read:

Sec. 47.32.190. Access to information. Notwithstanding any contrary provision of law, the divisions of each [THE] department assigned to implement this chapter shall have access to any information compiled or retained by other divisions of that [THE] department, regardless of the nature of the information or whether the information is considered confidential, in order to assist in administering the provisions of this chapter.

* **Sec. 111.** AS 47.32.200 is amended to read:

Sec. 47.32.200. Notices required of entities. (a) An entity shall provide the department with licensing authority for that entity with written notice of a change of mailing address at least 14 days before the effective date of the change.

(b) An entity shall notify the department with licensing authority for that entity within 24 hours after having knowledge that an administrator, employee, volunteer, or household member, as required by the type of entity under department

1 regulations, has been

2 (1) convicted of, has been charged by information or complaint with,
3 or is under indictment or presentment for an offense listed in regulations adopted
4 under AS 47.05.310 or a law or ordinance of this or another jurisdiction with similar
5 elements; or

6 (2) found to have neglected or abused a child as described in AS 47.10.

7 (c) An entity shall notify the department with licensing authority for that
8 entity within 24 hours after having knowledge of any allegation or suspicion of abuse,
9 neglect, or misappropriation of money or other property of an individual receiving
10 services from the entity. The entity shall conduct an investigation and make a written
11 report to that [THE] department within five days following notification to the
12 department under this subsection.

13 (d) Not less than 20 days before the effective date of a decision to relinquish
14 the entity's license, the entity shall notify the department with licensing authority for
15 that entity of the decision.

16 (e) Not more than one day after signing a contract for sale of the licensed
17 entity, the entity shall notify the department with licensing authority for that entity
18 of the sale.

19 (f) Not less than 30 days before an entity wishes to change the location of the
20 entity, the entity shall notify the department with licensing authority for that entity
21 of the change.

22 * **Sec. 112.** AS 47.32.900(2) is amended to read:

23 (2) "assisted living home"

24 (A) means a residential facility that serves three or more adults
25 who are not related to the owner by blood or marriage, or that receives state or
26 federal payment for services regardless of the number of adults served; the
27 department shall consider a facility to be an assisted living home if the facility

28 (i) provides housing and food services to its residents;

29 (ii) offers to provide or obtain for its residents
30 assistance with activities of daily living;

31 (iii) offers personal assistance as defined in

AS 47.33.990; or

(iv) provides or offers any combination of these services;

(B) does not include

(i) a correctional facility;

(ii) an emergency shelter;

(iii) a program licensed under AS 47.10.310 for runaway minors;

(iv) a type of entity listed in AS 47.32.010(b)(6) - (10) or (c)(2) [AS 47.32.010(b)(5), (8), (9), (10), (11), or (12)];

* **Sec. 113.** AS 47.32.900(7) is amended to read:

(7) "entity" means an entity listed in AS 47.32.010(b) or (c);

* **Sec. 114.** AS 47.33.060(d) is amended to read:

(d) An assisted living home may not adopt a house rule that unreasonably restricts a right of a resident provided for under this chapter or under any other provision of law. A provider of residential supported-living and habilitation services, as determined by the Department of Health [DEPARTMENT] in regulation, shall allow visitation consistent with 42 C.F.R. 441.301(c)(4)(vi)(D).

* **Sec. 115.** AS 47.33.310(b) is amended to read:

(b) An assisted living home shall post in a prominent place in the home

(1) a copy of the rights set out in AS 47.33.300;

(2) the name, address, and phone number of the long term care ombudsman hired under AS 44.25.300 [AS 47.62.010] and, if relevant to residents, of the advocacy agency for persons with a developmental disability or mental illness;

(3) the telephone number of an information or referral service for vulnerable adults; and

(4) a copy of the grievance procedure established under AS 47.33.340.

* **Sec. 116.** AS 47.37.050(a) is amended to read:

(a) An interdepartmental coordinating committee is created, composed of the commissioners of health [AND SOCIAL SERVICES], education and early development, transportation and public facilities, labor and workforce development,

and public safety, and the director of the Alcoholic Beverage Control Board. The committee shall meet at least twice annually at the call of the commissioner of health [AND SOCIAL SERVICES] who is its chairman. The committee shall provide for the coordination and exchange of information on all programs relating to alcoholism or drug abuse and act as a permanent liaison among state departments engaged in activities affecting alcoholics, intoxicated persons, and drug abusers. The committee shall assist the commissioner of health [AND SOCIAL SERVICES] in formulating a comprehensive plan for prevention of alcoholism and drug abuse and for treatment of alcoholics, intoxicated persons, and drug abusers.

* **Sec. 117.** AS 47.40.100 is amended to read:

Sec. 47.40.100. Purchase of services for pregnant women. The Department of Health and the Department of Family and Community Services [SOCIAL SERVICES] shall pay within each department's respective appropriation the cost of prenatal services which are not available from an existing state or federal program other than medical services for a pregnant woman experiencing social and economic difficulties, including the costs of transportation to and from a maternity home or a foster home, counseling, adoption assistance, maternity home and foster home care, and parenting skills.

* **Sec. 118.** AS 47.40.110 is amended to read:

Sec. 47.40.110. Licensing and supervision. A person providing services purchased by the Department of Health or the Department of Family and Community Services [AND SOCIAL SERVICES] under AS 47.40.100 - 47.40.120 shall, if required to be licensed under AS 47.32, be licensed and supervised in the same manner as foster homes or [AND] maternity homes, as applicable, under AS 47.32.

* **Sec. 119.** AS 47.40.120 is amended to read:

Sec. 47.40.120. Regulations. The Department of Health and the Department of Family and Community Services [SOCIAL SERVICES] shall adopt regulations to implement AS 47.40.100 - 47.40.120 for purchases made by the respective departments.

* **Sec. 120.** AS 47.80.100(a) is amended to read:

(a) The Department of Health [AND SOCIAL SERVICES], the Department of Education and Early Development, and other departments of the state as appropriate, shall, in coordination, plan, develop, and implement a comprehensive system of services and facilities for persons with disabilities that is consistent with the state plan adopted under AS 44.29.660(5) [AS 47.80.090(5)] and is dispersed geographically within the state.

* **Sec. 121.** AS 47.80.135(b) is amended to read:

(b) By December 31 of each year, the commissioner of health [AND SOCIAL SERVICES] shall provide to the Alaska Mental Health Trust Authority established by AS 44.25.200 [AS 47.30.011] a report on the department's progress toward the objective under (a) of this section.

* **Sec. 122.** AS 47.80.900(1) is amended to read:

(1) "council" means the Governor's Council on Disabilities and Special Education created by AS 44.29.600 [AS 47.80.030];

* **Sec. 123.** AS 44.29.500, 44.29.510, 44.29.520, 44.29.530; AS 47.05.060, 47.05.065, 47.05.100; AS 47.30.011, 47.30.016, 47.30.021, 47.30.026, 47.30.031, 47.30.036, 47.30.041, 47.30.046, 47.30.051, 47.30.056, 47.30.061, 47.30.661, 47.30.662, 47.30.663, 47.30.664, 47.30.665, 47.30.666, 47.30.667, 47.30.669; AS 47.32.900(4), 47.32.900(6); AS 47.45.200, 47.45.210, 47.45.220, 47.45.230, 47.45.240, 47.45.290; AS 47.62.010, 47.62.015, 47.62.020, 47.62.025, 47.62.030, 47.62.035, 47.62.040, 47.62.050, 47.62.060, 47.62.090; AS 47.80.030, 47.80.040, 47.80.050, 47.80.060, 47.80.070, 47.80.080, 47.80.090, 47.80.095, 47.80.300, 47.80.310, 47.80.320, and 47.80.330 are repealed.

* **Sec. 124.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS. (a) Litigation, hearings, investigations, and other proceedings pending under a law repealed or amended by this Order, or in connection with a function transferred by this Order, continue in effect and may be completed, notwithstanding a transfer, under the applicable statute adopted by this Order and within the applicable agency named in this Order.

(b) Certificates, orders, and regulations in effect immediately before the effective date of a law affected by this Order that were issued or adopted under authority of a law amended

1 or repealed by this Order, or in connection with a function transferred by this Order, remain in
 2 effect for the term issued and shall be enforced by the agency to which the function is
 3 transferred under this Order until revoked, vacated, or amended by the agency to which the
 4 function is transferred.

5 (c) Wherever in Alaska Statutes affected by this Order there is a reference to
 6 regulations adopted under a section of law and there are no regulations adopted under that
 7 section because previous regulations adopted under another section are being enforced under
 8 (b) of this section, the reference shall be construed to refer to the previously adopted
 9 regulations until they are amended by the new agency.

10 (d) Contracts, rights, liabilities, and obligations created by or under a law repealed or
 11 amended by this Order, and in effect on the day before the effective date of the repeal or
 12 amendment, remain in effect notwithstanding this Order's taking effect.

13 (e) Records, equipment, appropriations, and other property of an agency of the state
 14 whose functions are transferred under this Order shall be transferred to implement the
 15 provisions of this Order.

16 * **Sec. 125.** The uncodified law of the State of Alaska is amended by adding a new section
 17 to read:

18 TRANSITION: CONTINUED ELIGIBILITY FOR CURRENT RECIPIENTS. A
 19 person who applied and was determined eligible for medical, public, or other assistance under
 20 a statute repealed or amended by this Order, or a function transferred by this Order, may
 21 continue to receive that assistance without reapplying for an eligibility determination so long
 22 as the person remains eligible for that assistance.

23 * **Sec. 126.** The uncodified law of the State of Alaska is amended by adding a new section
 24 to read:

25 TRANSITION: CURRENTLY LICENSED OR APPROVED ENTITY OR
 26 FACILITY. A facility or entity that is being operated under a valid license or under an
 27 approval issued under a statute repealed or amended by this Order, or a function transferred
 28 by this Order, may continue to operate under that license or approval as provided in this
 29 section.

30 * **Sec. 127.** The uncodified law of the State of Alaska is amended by adding a new section
 31 to read:

1 TRANSITION: FEDERALLY APPROVED STATE PLANS; WAIVERS. State plans
2 and waivers prepared by the Department of Health and Social Services and approved by the
3 United States Department of Health and Human Services that are in effect on the day before
4 the effective date of this Order remain in effect for the term issued and shall be enforced by
5 the agency to which the function is transferred under this Order until revoked, vacated, or
6 amended by the agency to which the function is transferred or by the United States
7 Department of Health and Human Services.

8 * **Sec. 128.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 TRANSITION: DEPARTMENT AGREEMENTS. Agreements entered into by the
11 Department of Health and Social Services in effect on the day before the effective date of this
12 Order, including memorandums of agreement or understanding, data use agreements, and
13 business associate agreements, remain in effect and continue under the terms of the agreement
14 and shall be enforced by the agency to which the function is transferred under this Order until
15 revoked, vacated, or amended by the parties to the agreement.

16 * **Sec. 129.** The uncodified law of the State of Alaska is amended by adding a new section
17 to read:

18 TRANSITION: TRIBAL COMPACT. The Alaska Tribal Child Welfare Compact
19 entered into by the Department of Health and Social Services remains in effect and continues
20 under the terms of the agreement and shall be enforced by the agency to which the function is
21 transferred under this Order until revoked, vacated, or amended by the parties to the
22 agreement.

23 * **Sec. 130.** The uncodified law of the State of Alaska is amended by adding a new section
24 to read:

25 PENDING PAYMENTS; APPLICATIONS; REQUESTS. (a) Medical, public, or
26 other assistance payments pending on the day before the effective date of this Order shall
27 remain in process and be transferred to implement the provisions of this Order.

28 (b) Applications pending with the Department of Health and Social Services on the
29 day before the effective date of this Order shall remain in process and be transferred to
30 implement the provisions of this Order, including applications for

31 (1) medical, public, or other assistance payments;

- (2) a license, certification, or enrollment;
- (3) background checks;
- (4) eligibility determinations;
- (5) grants.

(c) Public records and other requests pending on the day before the effective date of this Order shall remain in process and be transferred to implement the provisions of this Order.

*** Sec. 131.** The uncodified law of the State of Alaska is amended by adding a new section to read:

EMPLOYEES. On the effective date of this Order, employees in the Department of Health and Social Services whose duties have been transferred by law to

(1) the Department of Health under this Order shall be transferred to the Department of Health;

(2) the Department of Family and Community Services under this Order shall be transferred to the Department of Family and Community Services.

*** Sec. 132.** The uncodified law of the State of Alaska is amended by adding a new section to read:

BOARD AND COMMISSION MEMBERS. A public member of a board or commission that is transferred by this Order whose terms have not expired by the effective date of this Order may continue to serve the remainder of the member's term on the board or commission, notwithstanding the transfer.

*** Sec. 133.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. A department affected by this Order may proceed to adopt regulations to implement this Order. The regulations take effect under AS 44.62 (Administrative Procedure Act) but not before the effective date of the corresponding enabling statute.

*** Sec. 134.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INSTRUCTIONS TO REVISOR. The revisor of statutes is requested to change the references to "Department of Health and Social Services" to read "Department of Health" in

1 the following statutes:

- 2 (1) AS 04.16.049(i), 04.16.050(c);
- 3 (2) AS 04.21.080(14);
- 4 (3) AS 06.65.270, 06.65.280;
- 5 (4) AS 08.02.040(a);
- 6 (5) AS 08.11.120(b);
- 7 (6) AS 08.65.140;
- 8 (7) AS 08.68.700(f);
- 9 (8) AS 08.80.261(b);
- 10 (9) AS 09.10.075;
- 11 (10) AS 09.58.010(d), 09.58.015(a), 09.58.100(5);
- 12 (11) AS 09.65.161;
- 13 (12) AS 11.71.125(b);
- 14 (13) AS 11.76.105(b), 11.76.109(b);
- 15 (14) AS 12.65.020(g), 12.65.025(a), 12.65.025(b), 12.65.025(c), 12.65.025(d),
- 16 12.65.025(f), 12.65.100, 12.65.120(b), 12.65.120(c);
- 17 (15) AS 13.26.415(a), 13.26.460(g), 13.26.615(e), 13.26.635(a);
- 18 (16) AS 13.28.040(b);
- 19 (17) AS 13.52.300, 13.52.390(10);
- 20 (18) AS 13.55.010(b), 13.55.100(1);
- 21 (19) AS 14.30.065, 14.30.070(b), 14.30.127(b), 14.30.360(b);
- 22 (20) AS 15.07.055(a);
- 23 (21) AS 16.43.340(a);
- 24 (22) AS 17.20.135(2), 17.20.175(2), 17.20.180;
- 25 (23) AS 17.21.030(a);
- 26 (24) AS 17.22.090(1);
- 27 (25) AS 17.30.200(d);
- 28 (26) AS 17.37.070(5);
- 29 (27) AS 18.05.070;
- 30 (28) AS 18.07.111(7), 18.07.111(10);
- 31 (29) AS 18.08.089(d), 18.08.200(5);

- 1 (30) AS 18.09.010, 18.09.990(6);
- 2 (31) AS 18.10.260(2);
- 3 (32) AS 18.13.010(c);
- 4 (33) AS 18.15.250(c), 18.15.900;
- 5 (34) AS 18.16.010(a), 18.16.040;
- 6 (35) AS 18.20.130(1), 18.20.210(2), 18.20.390(1);
- 7 (36) AS 18.23.100, 18.23.325(2), 18.23.400(n);
- 8 (37) AS 18.25.120;
- 9 (38) AS 18.28.100(3);
- 10 (39) AS 18.29.190(2);
- 11 (40) AS 18.35.399(3);
- 12 (41) AS 18.45.030;
- 13 (42) AS 18.50.950(6);
- 14 (43) AS 18.55.255(c);
- 15 (44) AS 18.60.030, 18.60.100, 18.60.545(1), 18.60.835;
- 16 (45) AS 18.66.050(4), 18.66.050(12), 18.66.300, 18.66.400(b);
- 17 (46) AS 18.68.020(a);
- 18 (47) AS 21.09.242;
- 19 (48) AS 21.55.320(b);
- 20 (49) AS 21.65.105(b);
- 21 (50) AS 21.86.180(b);
- 22 (51) AS 23.15.280;
- 23 (52) AS 23.30.097(p), 23.30.238(a), 23.30.395(38);
- 24 (53) AS 23.40.075;
- 25 (54) AS 25.05.111, 25.05.381(2);
- 26 (55) AS 25.20.055(a), 25.20.055(d);
- 27 (56) AS 25.24.250(b);
- 28 (57) AS 25.27.020(a), 25.27.063(c);
- 29 (58) AS 28.10.181(z);
- 30 (59) AS 28.15.201(d), 28.15.211(d), 28.15.241(b), 28.15.253;
- 31 (60) AS 28.35.030(h), 28.35.032(I), 28.35.039(1);

- 1 (61) AS 29.35.530(c);
- 2 (62) AS 29.60.600(a);
- 3 (63) AS 33.30.028(a);
- 4 (64) AS 34.35.460(b), 34.35.481;
- 5 (65) AS 36.30.735, 36.30.850(b)(18);
- 6 (66) AS 39.25.110(13);
- 7 (67) AS 42.05.296(b);
- 8 (68) AS 43.23.170(a), 43.23.170(b), 43.23.240(a);
- 9 (69) AS 43.60.050(b);
- 10 (70) AS 43.61.010(d);
- 11 (71) AS 44.29.010, 44.29.020(b), 44.29.020(c), 44.29.022(b), 44.29.024(a),
- 12 44.29.024(b), 44.29.092, 44.29.094(h), 44.29.100, 44.29.230, 44.29.300(a);
- 13 (72) AS 44.42.410(e), 44.42.420(a), 44.42.420(b);
- 14 (73) AS 44.62.330(a)(15);
- 15 (74) AS 44.77.015(d)(2);
- 16 (75) AS 45.48.210(a);
- 17 (76) AS 47.05.290(4);
- 18 (77) AS 47.07.040, 47.07.900(7);
- 19 (78) AS 47.08.010(a), 47.08.010(b), 47.08.020, 47.08.150(a), 47.08.150(c),
- 20 47.08.150(e), 47.08.150(f);
- 21 (79) AS 47.20.290(3), 47.20.390(2);
- 22 (80) AS 47.24.010(a), 47.24.900(6);
- 23 (81) AS 47.25.095(5), 47.25.300(2), 47.25.615(4), 47.25.621(a), 47.25.621(c),
- 24 47.25.622, 47.25.623(b), 47.25.623(c), 47.25.626(a), 47.25.990(1);
- 25 (82) AS 47.27.040(b), 47.27.200(a), 47.27.900(4), 47.27.900(8), 47.27.990(8);
- 26 (83) AS 47.30.500(3), 47.30.610(2);
- 27 (84) AS 47.33.420;
- 28 (85) AS 47.37.270(3);
- 29 (86) AS 47.38.199(2);
- 30 (87) AS 47.45.020, 47.45.030(a), 47.45.050, 47.45.301(a), 47.45.309(1);
- 31 (88) AS 47.60.060;

(89) AS 47.65.290(3);

(90) AS 47.75.060(1);

(91) AS 47.80.030, 47.80.090(5), 47.80.900(2);

(92) AS 47.90.040.

* **Sec. 135.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INSTRUCTIONS TO REVISOR. The revisor of statutes is requested to change the references to "commissioner of health and social services" to read "commissioner of health" in the following statutes:

(1) AS 12.65.015(a), 12.65.015(c), 12.65.015(e), 12.65.120(b);

(2) AS 13.55.010(b);

(3) AS 14.30.070(c), 14.30.125;

(4) AS 14.40.088(b);

(5) AS 17.20.135(1), 17.20.175(1), 17.20.200(c), 17.20.220(a), 17.20.220(c), 17.20.230(b), 17.20.240, 17.20.250, 17.20.260, 17.20.280, 17.20.290(c), 17.20.330, 17.20.350, 17.20.360;

(6) AS 17.30.080(b), 17.30.080(c), 17.30.140;

(7) AS 18.05.070;

(8) AS 18.07.111(4);

(9) AS 18.08.200(3);

(10) AS 18.09.990(3);

(11) AS 18.10.260(1);

(12) AS 18.23.070(5), 18.23.325(1);

(13) AS 18.26.030;

(14) AS 18.29.190(1);

(15) AS 18.35.399(2);

(16) AS 18.50.950(4);

(17) AS 18.56.030(a);

(18) AS 19.40.060;

(19) AS 21.86.020(a), 21.86.020(b), 21.86.080(a), 21.86.100, 21.86.200(b), 21.86.220, 21.86.230(b), 21.86.290;

1 (20) AS 26.23.900(2);
 2 (21) AS 28.15.081(b);
 3 (22) AS 29.60.610;
 4 (23) AS 44.19.642(a);
 5 (24) AS 44.29.010, 44.29.024(a), 44.29.092, 44.29.110;
 6 (25) AS 44.77.015(c);
 7 (26) AS 44.85.010(a);
 8 (27) AS 46.03.110;
 9 (28) AS 47.05.290(3);
 10 (29) AS 47.08.010(b);
 11 (30) AS 47.20.390(1);
 12 (31) AS 47.27.990(7);
 13 (32) AS 47.33.050(a);
 14 (33) AS 47.37.270(2);
 15 (34) AS 47.38.199(1);
 16 (35) AS 47.45.010(b), 47.45.020, 47.45.030(a), 47.45.040, 47.45.070(a),
 17 47.45.080, 47.45.100, 47.45.130.

18 * **Sec. 136.** The uncoded law of the State of Alaska is amended by adding a new section
 19 to read:

20 INSTRUCTIONS TO REVISOR. The revisor of statutes is requested to change the
 21 references to "Department of Health and Social Services" to read "Department of Family and
 22 Community Services" in the following statutes:

- 23 (1) AS 08.68.700(g);
- 24 (2) AS 09.65.292(c);
- 25 (3) AS 11.41.425(a), 11.41.427(a), 11.41.470(4);
- 26 (4) AS 11.51.130(a);
- 27 (5) AS 11.71.100(a);
- 28 (6) AS 11.81.900(61), 11.81.900(62);
- 29 (7) AS 12.47.092(a);
- 30 (8) AS 12.62.120(b);
- 31 (9) AS 12.65.005(a), 12.65.130(a);

- 1 (10) AS 14.07.020(a);
- 2 (11) AS 18.07.111(8);
- 3 (12) AS 18.16.020(a);
- 4 (13) AS 18.20.499(2);
- 5 (14) AS 18.65.086(b);
- 6 (15) AS 21.36.485(b);
- 7 (16) AS 25.23.240(6);
- 8 (17) AS 33.30.011(a)(13);
- 9 (18) AS 43.23.005, 43.23.150(a), 43.23.150(b);
- 10 (19) AS 44.12.075;
- 11 (20) AS 47.10.092(a), 47.10.092(c), 47.10.092(d), 47.10.093(I), 47.10.141(b),
- 12 47.10.142(a), 47.10.990(8);
- 13 (21) AS 47.12.990(5);
- 14 (22) AS 47.14.990(6);
- 15 (23) AS 47.15.022(d), 47.15.035;
- 16 (24) AS 47.17.290(6);
- 17 (25) AS 47.18.900;
- 18 (26) AS 47.21.010(a), 47.21.010(b), 47.21.020(b);
- 19 (27) AS 47.30.915(4);
- 20 (28) AS 47.31.100(2);
- 21 (29) AS 47.32.032(a), 47.32.032(b), 47.32.032(c);
- 22 (30) AS 47.40.091(2);
- 23 (31) AS 47.55.010(a), 47.55.080, 47.55.900(1);
- 24 (32) AS 47.70.030(a), 47.70.030(b).

25 * **Sec. 137.** The uncoded law of the State of Alaska is amended by adding a new section
 26 to read:

27 INSTRUCTIONS TO REVISOR. The revisor of statutes is requested to change the
 28 references to "commissioner of health and social services" to read "commissioner of family
 29 and community services" in the following statutes:

- 30 (1) AS 11.56.310(a), 11.56.320(a);
- 31 (2) AS 12.47.090(b), 12.47.090(c), 12.47.090(h), 12.47.092(a), 12.47.092(b),

12.47.092(c), 12.47.092(e), 12.47.095(a), 12.47.095(b), 12.47.095(c), 12.47.095(d),
12.47.110(a);

(3) AS 12.62.100(a);

(4) AS 18.66.020(a);

(5) AS 25.23.240(4);

(6) AS 29.25.070(e);

(7) AS 33.36.140(b);

(8) AS 37.14.225;

(9) AS 47.10.080(d), 47.10.092(a), 47.10.093(i), 47.10.990(5);

(10) AS 47.12.320(a), 47.12.990(1);

(11) AS 47.14.400(c);

(12) AS 47.15.020;

(13) AS 47.30.915(2);

(14) AS 47.31.100(1);

(15) AS 47.55.010(a), 47.55.035.

* **Sec. 138.** The uncodified law of the State of Alaska is amended by adding a new section to read:

IMPLEMENTATION OF THIS ORDER. Under AS 44.62.125(b)(6), the regulations attorney shall implement this order, as necessary, in the administrative code.

* **Sec. 139.** This Order takes effect July 1, 2022.

DATED: _____

Mike Dunleavy

Governor