

**DEPARTMENT OF HEALTH  
AND SOCIAL SERVICES**



**DIVISION OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES**

**7 AAC 71**

**COMMUNITY MENTAL HEALTH SERVICES**

**As amended through March 16, 2001**

**CHAPTER 71. COMMUNITY MENTAL HEALTH SERVICES.**

**Article**

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**ARTICLE 1. SCOPE.**

**Section**

10. Applicability

**7 AAC 71.010. APPLICABILITY.** (a) 7 AAC 71 applies to a community mental health center receiving financial assistance under AS 47.30.520 - 47.30.620, the Community Mental Health Services Act.

(b) A nonprofit corporation or political subdivision that receives financial assistance under AS 47.30.520 - 47.30.620 and subcontracts with agencies or individuals to deliver mental health services must ensure that the agencies actually delivering the services comply with 7 AAC 71. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**ARTICLE 2. CONTRACTS FOR SERVICES.**

**Section**

- 20. Application process
- 25. Geographic planning areas
- 30. Governing boards and advisory boards
- 35. Execution of contract
- 40. Coordination and non-duplication of services
- 45. Capital expenditures

**7 AAC 71.020. APPLICATION PROCESS.** (a) Application for financial assistance under AS 47.30.520 - 47.30.620 must be made on a form provided by the division.

(b) The division will, in its discretion, assist an applicant in preparing the application and in complying with the requirements of 7 AAC 71. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530

**7 AAC 71.025. GEOGRAPHIC PLANNING AREAS.** (a) The division will maintain a list of geographic planning areas and the communities within each of those areas. A community mental health center receiving financial assistance or an applicant for financial assistance under AS 47.30.520 - 47.30.620 within a geographic planning area shall serve the entire area. Centers or applicants that are unable to provide services to the entire geographical planning area must submit to the division their reasons for proposing to serve only part of the geographical planning area. The division must review and approve these reasons prior to awarding financial assistance.

(b) Organizations applying for financial assistance under AS 47.30.520 - 47.30.620 shall, whenever possible, propose to provide services throughout an entire geographic planning area. If two or more organizations are each proposing to serve only a part of the planning area, the division, upon receipt of the organizations' letters of intent under 7 AAC 78.060, will notify each applicant of the intent of other applicants to serve a part of the same planning area. The affected applicants shall either develop a single areawide services application or document attempts to do so.

(c) An applicant shall submit a separate application for each geographic planning area for which financial assistance is sought. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.030. GOVERNING BOARDS AND ADVISORY BOARDS.** (a) A community mental health center receiving financial assistance under AS 47.30.520 - 47.30.620 must be governed by a board selected in accordance with the following criteria, except as provided for in (b) of this section:

(1) A governing board must be composed of at least five members who reside in the area served by the mental health center.

(2) A majority of the board members may not be providers of direct health care services or have been providers of direct health care services for the 12 months before appointment. No more than two members or 40 percent of the membership, whichever is greater, may be providers of direct health care services.

(3) As much as practicable, a governing board must be representative of the geographic planning area, including representatives of the

(A) major racial and linguistic groups; and

(B) various economic groups.

(4) A representative of a particular subgroup or class of members need not be an actual member of the subgroup or class if the representative is designated by an organization composed primarily of members of the subgroup or class.

(5) No employee of a grantee may be a member of the grantee's governing board.

(b) A native corporation, municipality, or other nonprofit entity that receives financial assistance under AS 47.30.520 - 47.30.620 which has an existing governing board must

(1) appoint and be advised by an advisory board; or

(2) if services are offered by a subcontractor, the subcontractor must either have its own board as specified in (a) of this section or be directed by the contractor's advisory board.

(c) Each advisory board must meet the requirements of representation in (a) of this section. An advisory board must participate in program planning, development and evaluation, and must advise the governing board with respect to policy, administration procedures, and other areas of community mental health.

(d) A governing board must select a program director or subcontractor. If an advisory board is required by (b) of this section, the selection and discharge of a project director is subject to the approval of the advisory board. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.035. EXECUTION OF CONTRACT.** (a) The division will distribute financial assistance under AS 47.30.520 - 47.30.620 to a local community entity whose application is approved under 7 AAC 71.110 only after the community entity enters into a written contract with the department.

(b) The contract must contain a written provision assuring that money made available under AS 47.30.520 - 47.30.620 will not supplant existing local funding support of community mental health services.

(c) If the contractor is, or is affiliated with, a political subdivision of the state, the contract must provide that local support of community mental health services will be continued at a level at least equal to that of the previous grant year. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.520 AS 47.30.540 AS 47.30.560  
AS 47.30.530 AS 47.30.550 AS 47.30.570

**7 AAC 71.040. COORDINATION AND NON-DUPLICATION OF SERVICES.** An applicant or contractor receiving financial assistance under AS 47.30.520 - 47.30.620 must work with other programs or entities in its service area providing the same category or scope of services to assure that service delivery is coordinated with other programs in order to minimize duplication of services and best meet the needs of the service area population. An applicant must document these attempts in the application for financial assistance. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.570

**7 AAC 71.045. CAPITAL EXPENDITURES.** Capital expenditures by contractors may not be paid, in whole or in part, by financial assistance provided under AS 47.30.520 - 47.30.620. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.570

**ARTICLE 3. STANDARDS FOR OPERATION OF A  
COMMUNITY MENTAL HEALTH CENTER.**

**Section**

- 100. Organization and administration
- 105. Policy and procedures manual
- 110. Fiscal administration
- 115. Personnel administration
- 120. Program evaluation
- 125. Quality assurance
- 130. Plan of services
- 135. Types of services and populations to be served
- 140. Availability and accessibility of services
- 145. Coordination and continuity of services
- 150. Center facility
- 155. Client records
- 160. Records retention
- 165. Waiver of requirements

**7 AAC 71.100. ORGANIZATION AND ADMINISTRATION.** A community mental health center must provide the division with

(1) a table of organization that identifies and describes all operating units of the program, defines the roles and responsibilities of all center staff, delineates the interrelationship of the governing body, advisory board, program director, and all center administrative and service staff, and that is reviewed and updated annually; and

(2) the name, address, and telephone number of the individual or entity ultimately responsible for operation of the center and the name and address of each member of its governing and advisory boards. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530

**7 AAC 71.105. POLICY AND PROCEDURES MANUAL.** (a) A center must have a policy and procedures manual that is approved by the governing board. It must be reviewed annually and revised as necessary.

(b) Provisions in the policy and procedures manual must be consistent internally and with applicable department and division policies and procedures.

(c) Written policies and procedures must be maintained in the following areas:

- (1) fiscal administration, including provisions required under 7 AAC 71.110;
- (2) personnel administration, including provisions required under 7 AAC 71.115;
- (3) evaluation and research procedures, including provisions of 7 AAC 71.120;
- (4) quality assurance and utilization review procedures, including provisions of 7 AAC 71.125;
- (5) provisions for service delivery to the physically handicapped, including provisions of 7 AAC 71.135;
- (6) procedures for serving major language and cultural population subgroups, including provisions of 7 AAC 71.135;
- (7) procedures for 24-hour availability of services according to 7 AAC 71.135;
- (8) procedure to ensure coordination and continuity of services to clients, including provisions of 7 AAC 71.140;
- (9) procedures for ensuring privacy in facilities, including provisions of 7 AAC 71.150;
- (10) client records, including provisions required under 7 AAC 71.155 - 7 AAC 71.160;
- (11) rights of clients, including provisions of 7 AAC 71.200 - 7 AAC 71.220; and
- (12) a plan for management of pharmaceuticals stored in the center. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530            AS 47.30.540

**7 AAC 71.110. FISCAL ADMINISTRATION.** To maximize revenues and to ensure proper fiscal management, a center must

(1) prepare and maintain a formal budget;

(2) maintain fiscal records and provide to the division fiscal reports at least quarterly on forms provided by the division;

(3) provide for an audit at least once every two years;

(4) develop a sliding fee scale based on an analysis of reasonable ability to pay;  
and

(5) establish procedures within the limits set by 7 AAC 71.140(g) to maximize collection of fees from service recipients and third-party insurers. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.115. PERSONNEL ADMINISTRATION.** (a) A center must have written and functioning policies and procedures to ensure consistency in personnel administration and staff competency in carrying out assigned tasks. These policies and procedures must include

(1) job descriptions for paid and volunteer staff members, including for each position

(A) a description of the duties, specific tasks and responsibilities;

(B) the salary range;

(C) a statement of minimum qualifications describing necessary training, experience, and other qualifications such as licensure; and

(D) the position title of the immediate supervisor of the position;

(2) provision for yearly written evaluations of all staff;

(3) procedures for recruitment and screening of job applicants;

(4) a description of the center's salary structure, including salary ranges and the method of determining salary increases; and

(5) a requirement that tasks which are restricted by law to specific disciplines will be performed only by qualified individuals.

(b) Changes in or exceptions to written job descriptions which materially alter the scope of the program are subject to prior approval of the division.

(c) A written job description for a program director is subject to approval by the division. A program director must be an experienced mental health professional with at least a Master's degree in a mental health field.

(d) A center must develop a staff training plan and provide or arrange for supervised practical experience, education, or training to increase the skill level of center staff. This staff training must include a least 30 hours of instruction each year. The training may be offered in the form of formalized education, case supervision, staff conferences, or other appropriate educational activities in the area of mental health and mental health administration. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.120. PROGRAM EVALUATION.** (a) A center must develop procedures necessary to evaluate the program and must conduct an evaluation annually.

(b) The evaluation must include

(1) information about demographic characteristics and diagnostic categories of clients served;

(2) computation of the time spent in each program area such as administration, direct client services, and consultation;

(3) assessment of community and client reaction to services, which may include questionnaires, surveys, or board reports; and

(4) the center's evaluation of the degree of achievement of the annual plan.  
(Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530

**7 AAC 71.125. QUALITY ASSURANCE.** (a) A center must have systematic procedures for the review of the quality of care and the use of services and facilities.

(b) There must be a written description of current quality assurance procedures that is reviewed and revised annually.

(c) At least two utilization reviews must be completed each year as described in 7 AAC 71.155(g). (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530

**7 AAC 71.130. PLAN OF SERVICES.** A center must have a written plan of services which

(1) the center staff reviews annually and revises as necessary to reflect changing community needs;

(2) includes the center's annual goals, the steps and resources necessary to implement the goals;

(3) includes a review of compliance with or reasons for exceptions to relevant regional and state planning documents; and

(4) includes a five-year plan for development and delivery of mental health services to the service area. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.135. TYPES OF SERVICES AND POPULATIONS TO BE SERVED.** (a) A center must serve, to the extent that mental health services are not available to them from other providers, the following populations in prioritized order:

(1) acutely disturbed persons;

(2) chronically, severely disturbed persons;

(3) children and adolescents;

(4) other persons or agencies requiring direct mental health intervention; and

(5) other persons or agencies requiring nondirect mental health services such as consultation or education.

(b) A center must provide the following services to the above listed populations in prioritized order:

(1) evaluation services, including

(A) diagnosis using the DSM-III classification; and

(B) evaluations for persons being considered for involuntary commitment under AS 47.30.700 - 47.30.915; this service is to include both court-ordered screening investigations and evaluations for commitment, if the necessary facilities and personnel are available; and

(2) treatment services, both voluntary and involuntary, which emphasize a brief therapy and crisis intervention model, including

(A) 24-hour inpatient psychiatric treatment for both voluntary and involuntary patients as close to the patient's home as possible; for involuntary patients, this service must include a written cooperative agreement with the Alaska Psychiatric Institute or other state-designated inpatient psychiatric facility; and

(B) outpatient care, including

(i) 24-hour direct emergency services for crisis intervention;

(ii) individual counseling/psychotherapy;

(iii) group counseling/psychotherapy;

(iv) case management and supportive care for chronic patients;

(v) referral services to other agencies; and

(vi) consultation and education services.

(3) The services required by (b) of this section may be provided either

(A) directly by the center; or

(B) by another provider through a contract with the center.

(Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**Editor's Notes** - A copy of the DSM-III, Diagnostic and Statistical Manual of Mental Disorders , mentioned in (b)(1)(A) of this section, may be reviewed at a regional office of the division.

**7 AAC 71.140. AVAILABILITY AND ACCESSIBILITY OF SERVICES.** (a) A center must make services available at times and locations which enable service area residents to use services.

(b) A center must

(1) have written procedures indicating how residents will have access to 24-hour mental health emergency services;

(2) provide regular services on evenings and weekends if the need for such services is determined by the local governing board; and

(3) include in its yearly plan provisions for serving those persons who cannot come to the center.

(c) Methods of obtaining services must be made known to other human services agencies and to area residents.

(d) Center services must be listed in the public telephone directory.

(e) If center services are not accessible to physically handicapped individuals, alternative means for these individuals to receive services must be included in the yearly plan.

(f) A center must establish procedures to make services available to clients in the languages of the major subgroups within the service area.

(g) A center may not deny services to any person because of inability to pay. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.145. COORDINATION AND CONTINUITY OF SERVICES.** (a) A center must

(1) have written procedures to ensure coordination and continuity of services to clients;

(2) document coordination of services within the center and between community agencies and the center through such mechanisms as referral agreements and case conferences;

(3) identify, initiate, and document working relationships with all in-patient facilities servicing the service area, to ensure that area residents have access to follow-up services; and

(4) document procedures for case management.

(b) To ensure coordination and continuity of services under (a) of this section, the center must enter into a written agreement with each

(1) evaluation or treatment facility designated under 7 AAC 72 that refers patients to the center after discharge; and

(2) state-operated hospital that refers patients to the center after discharge.

(c) An agreement under (b) of this section must state that the center will, after being notified by the facility or hospital of a patient's discharge, schedule an appointment at the center with the patient for

(1) clinical services within one week after the patient's discharge; and

(2) medication management services before depletion of any psychotropic medication dispensed or prescribed to the patient upon discharge, and that, whenever possible, medication management services are to include a psychiatric evaluation.

(d) If a single-point-of-entry psychiatric emergency facility is located in the area served by a center, the center shall, at a minimum, have in place with that facility a memorandum of understanding that includes terms identical to those required under (c) of this section.

(Eff. 9/1/82, Register 83; am 3/16/2001, Register 157)

**Authority:** AS 47.30.530                      AS 47.30.660  
AS 47.30.540                      AS 47.31.090

**7 AAC 71.150. CENTER FACILITY.** A center must

- (1) provide space for confidential interviews; and
- (2) comply with applicable state and local fire, health and safety ordinances, regulations, and statutes. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.155. CLIENT RECORDS.** (a) A center must maintain an organized record system which contains client information including all information required on the admission and discharge forms provided by the division.

(b) A client record must contain documentation of the initial and continued assessment of the client including

- (1) a description and evaluation of the present problem as seen by the client;
- (2) a mental status assessment;
- (3) health status and current medication;
- (4) developmental, social, and referral information; and
- (5) a diagnostic formulation of the client's problems.

(c) A client record must contain an identifiable, current treatment plan which includes

- (1) the goals of the service provided by the center;
- (2) a description of the services to be provided and the frequency and estimated duration of these services; and
- (3) copies of referrals to other individuals or agencies to meet these service goals when referrals are necessary.

(d) A client record must contain descriptive progress notes including all diagnostic and treatment services rendered and their results.

(e) A client record must be dated and signed by the person completing it.

(f) A client record must contain a closing summary at termination of service which must include the reason for termination, a summary of the course and results of treatment, and any follow-up plans or referral information.

(g) A center must provide for at least semi-annual utilization review of client records to determine that the records contain sufficient documentation to meet the requirements of this section.

(h) A center must submit information to the division under 7 AAC 71.400 - 7 AAC 71.449. (Eff. 9/1/82, Register 83; am 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.540

**7 AAC 71.160. RECORDS RETENTION.** (a) Administrative records of a center must be retained in accordance with department grant regulation 7 AAC 78.250 .

(b) Client records of the center must be retained for seven years following the discharge of the client. However, the records of a client under 19 years of age must be kept until at least two years after the client reaches age 19 or until seven years after the discharge of the client, whichever is later. (Eff. 9/1/82, Register 83)

**Authority:** AS 18.20.085 AS 47.30.530 AS 47.30.540

**7 AAC 71.165. WAIVER OF REQUIREMENTS.** (a) The commissioner of the department will, in his discretion, waive a requirement of 7 AAC 71.100 - 7 AAC 71.165 , if a center establishes an alternative method of satisfying the requirement.

(b) Application for waiver must be made in writing to the department and must include

(1) a statement of the requirement for which a waiver is requested;

(2) an explanation of the reasons why the requirement cannot be satisfied; and

(3) a description of the alternative method proposed to satisfy the requirement for which the waiver is requested.

(c) The department will answer all requests for waivers in writing. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530

**ARTICLE 4. CLIENT RIGHTS.**

**Section**

- 200. Legal rights
- 205. Informed consent
- 210. Bill of client rights
- 215. Confidentiality
- 220. Grievance procedures
- 300. Definitions

**7 AAC 71.200. LEGAL RIGHTS.** A person receiving treatment at a community mental health center which receives financial assistance under AS 47.30.520 - 47.30.620 has the same legal rights and responsibilities guaranteed to all persons by the Constitution and statutes of the United States and the State of Alaska. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.590

**7 AAC 71.205. INFORMED CONSENT.** (a) A center must obtain written, informed consent from a client for

- (1) experimental treatments;
- (2) nonstandard treatment; and
- (3) participation in education or demonstration programs such as the use of audio-visual equipment and one-way mirrors.

(b) All experimental or nonstandard treatment procedures must be documented in the client's record. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.590

**7 AAC 71.210. BILL OF CLIENT RIGHTS.** (a) A center must prepare a "bill of client's rights," including all rights in this section, which must be prominently posted in places of treatment.

(b) The "bill of client's rights" must contain the following information:

- (1) a client is entitled to participate in formulating, evaluating, and periodically reviewing his or her individualized written treatment plan, including requesting specific forms of therapy, being informed why requested forms of therapy are not made available, refusing specific forms of therapy that are offered, and being informed of treatment prognosis;

(2) a client has the right to review with a staff member, at a reasonable time, the client's treatment record; however, information confidential to other individuals may not be reviewed by the client;

(3) a client will be informed by the prescribing physician of the name, purpose, and possible side effects of medication prescribed as part of the client's treatment plan at the center;

(4) a client may request a copy of the treatment summary which should include follow-up plans;

(5) a client has a right to confidential treatment of all information pertaining to the client and the right of prior written approval for the release of identifiable information. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.590

**7 AAC 71.215. CONFIDENTIALITY.** (a) All records and information about a client must be kept confidential by the center except as provided in (b) of this section unless the center obtains an authorization for release of information from the patient or a legally designated representative of the patient.

(b) Information regarding a client may be released without consent only to

(1) a person authorized by court order;

(2) a designated hospital to which a client is involuntarily committed;

(3) direct service health or mental health personnel if a medical or psychological emergency arises;

(4) mental health professionals designated by the division to conduct program analysis or on-site reviews;

(5) center-authorized researches, if provision is made to preserve anonymity in the reported results;

(6) insurance, medical assistance, or other programs to the extent necessary for a client to make a claim, or for a claim to be made on behalf of a client;

(7) other persons to whom disclosure is required by law; and

(8) the division in accordance with 7 AAC 71.400 - 7 AAC 71.449.

(c) Records and information regarding a client may be released to an individual to whom the client or the client's parent, guardian, or other legally designated representative has given written consent for the disclosure. The consent must include

- (1) client's name;
- (2) first and last dates of authorization;
- (3) information to be released;
- (4) recipient of information; and
- (5) signature of client or other legally designated representative.

(d) Only the minimum identifiable client information necessary to the intended purpose may be released.

(e) A center must

(1) develop a plan for safeguarding confidential information and submit it to the division as part of the annual plan for services; and

(2) maintain all data that it is required to submit to the division under 7 AAC 71.400 - 7 AAC 71.449 in the manner required by 7 AAC 71.440(c). (Eff. 9/1/82, Register 83; am 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.540 AS 47.30.590

**7 AAC 71.220. GRIEVANCE PROCEDURES.** A center must establish a grievance procedure by which a client may seek redress of grievances. A copy of the grievance procedure must be filed with the department and posted at the center. (Eff. 9/1/82, Register 83)

**Authority:** AS 47.30.530 AS 47.30.590

**7 AAC 71.300. DEFINITIONS.** Repealed. (Eff. 9/1/82, Register 83; repealed 11/29/97, Register 144)

**ARTICLE 5. MANAGEMENT INFORMATION SYSTEM  
FOR MENTAL HEALTH PROGRAMS.**

**Section**

- 400. Management information system for mental health programs; required submission of data
- 405. Submission of data by providers
- 410. Obligation to submit accurate and complete data
- 415. Transmission of data
- 420. Confidential information
- 425. Use and disclosure of data and information
- 430. Access to system computer records
- 435. System record retention
- 440. Security of data
- 449. Definitions for 7 AAC 71.400 – 7 AAC 71.449

**7 AAC 71.400. MANAGEMENT INFORMATION SYSTEM FOR MENTAL HEALTH PROGRAMS; REQUIRED SUBMISSION OF DATA.** (a) The provisions of 7 AAC 71.400 - 7 AAC 71.449 apply to each of the following that provides mental health services to a client for the services that are paid for by the department:

(1) a community mental health center for which financial assistance is provided under AS 47.30.520 - 47.30.620;

(2) a nonprofit corporation or political subdivision to which financial assistance is provided under AS 47.30.520 - 47.30.620;

(3) an agency or individual providing mental health services to clients under a subcontract with a community mental health center described in (1) of this subsection or with a nonprofit corporation or political subdivision described in (2) of this subsection; or

(4) an evaluation facility or a treatment facility as those are defined in 7 AAC 72.

(b) A person described in (a) of this section shall submit to the division the data described in (c) of this section for inclusion in the division's management information system for mental health programs.

(c) For a client for which data must be submitted under (a) of this section, the data required to be submitted are:

(1) the client identification numbers of the client;

(2) client demographics;

- (3) the clinical status indicators for the client;
- (4) the diagnosis code or diagnosis codes applicable to the client;
- (5) the procedure code or procedure codes associated with direct treatment services for the client;
- (6) the costs associated with the provision of the mental health services to the client that are paid for by the department; and
- (7) the outcome measures applicable to the client. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530            AS 47.30.590            AS 47.30.660  
AS 47.30.540

**7 AAC 71.405. SUBMISSION OF DATA BY PROVIDERS.** (a) A provider required by 7 AAC 71.400 to provide data shall submit the data

- (1) in hard copy or by electronic transmission, as prescribed by the division;
- (2) in the format specified by the division; and
- (3) not later than the deadline specified by the division.

(b) On an application submitted to the director of the division in writing by a provider required by 7 AAC 71.400 to provide data, the director may

- (1) exempt the provider from the requirements of 7 AAC 71.400 - 7 AAC 71.449 if the director determines that compliance with the requirements would present a financial or administrative hardship to the provider; or
- (2) extend the deadline by which, under (a)(3) of this section, a provider is required to report the data if the director determines that the provider has shown good cause for the extension. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530            AS 47.30.590            AS 47.30.660  
AS 47.30.540

**7 AAC 71.410. OBLIGATION TO SUBMIT ACCURATE AND COMPLETE DATA.** The division

(1) shall take reasonable steps necessary to ensure the accuracy and completeness of the data submitted by providers under 7 AAC 71.400; and

(2) may require a provider to correct information submitted by the provider under 7 AAC 71.400 that is found to be inaccurate or incomplete. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.590 AS 47.30.660  
AS 47.30.540

**7 AAC 71.415. TRANSMISSION OF DATA.** (a) A provider required to submit data under 7 AAC 71.400 shall transmit the data using an algorithm assigned by the division. The division will change the construction of the algorithm as necessary in order to achieve 95 percent accuracy of information. If an algorithm includes a portion of a client's social security number, the portion of the social security number may only be included in the algorithm if it was properly obtained under P.L. 93-579, sec. 7, 88 Stat. 1909, or under another applicable federal or state law.

(b) Data required to be submitted under 7 AAC 71.400 - 7 AAC 71.449 that are electronically transmitted to the division by a provider must be encrypted using the specifications established by the department. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.590 AS 47.30.660  
AS 47.30.540

**7 AAC 71.420. CONFIDENTIAL INFORMATION.** (a) Data submitted to the division under 7 AAC 71.400 about an individual client is confidential information and is not subject to disclosure under AS 09.25.100 - 09.25.220.

(b) A person who discloses data submitted to the division under 7 AAC 71.400 - 7 AAC 71.449, except in accordance with 7 AAC 71.425, may be subject to sanction under AS 11.56.860. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.590 AS 47.30.660  
AS 47.30.540

**7 AAC 71.425. USE AND DISCLOSURE OF DATA AND INFORMATION.** (a)

Except as provided in (b) of this section, the division may disclose data or information that has been submitted to the division under 7 AAC 71.400 - 7 AAC 71.449 for inclusion in the system only in the form of non-identifying client aggregate data.

(b) The division will limit the use of client identification numbers to purposes directly related to the administration of mental health programs. However, notwithstanding this limitation, the division will

(1) furnish a provider a list of the provider's individual computer records, that may include client identification numbers, for use in error correction;

(2) disclose to the department information, that may include client identification numbers, for purposes of program oversight and program evaluation, and for purposes related to the department's resource allocation decision-making process; and

(3) allow access to computer records, that may include client identification numbers, under 7 AAC 71.430.

(c) When the use or disclosure of data or information that is authorized by (b) of this section includes a client identification number, the division may disclose or authorize use only that portion of the data or information that is necessary for the purpose of the disclosure.

(Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530                      AS 47.30.590                      AS 47.30.660  
AS 47.30.540

**7 AAC 71.430. ACCESS TO SYSTEM COMPUTER RECORDS.** (a) The division

will permit access to system computer records only by:

(1) division system and data processing staff that operate and maintain the system;

(2) staff designated by the division;

(3) staff of the department designated by the commissioner in order to obtain information for a purpose described in 7 AAC 71.425(b)(2); and

(4) a contractor hired by the department to perform maintenance, upgrading, or additions to the system's computer software or hardware.

(b) Access to computer system records by a person under (a)(2) - (4) of this section

(1) may only be given by the division director; and

(2) must be given by the director in writing.

(c) Before a person described in (a) of this section who has been authorized access to records under (b) of this section may have access to a computer record, the person shall sign a statement that indicates that the person has read and understands the provisions of 7 AAC 71.420. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.590 AS 47.30.660  
AS 47.30.540

**7 AAC 71.435. SYSTEM RECORD RETENTION.** (a) The division will retain hard-copy data submitted by a provider to the division for inclusion in the system for four months following data entry and verification. At the end of the retention period, the division will destroy the hard-copy data.

(b) Except as provided for hard-copy data by (a) of this section, the division will retain system data on computer disc drive or tape as long as is necessary to produce aggregate data for research, audit, or informational purposes. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.590 AS 47.30.660  
AS 47.30.540

**7 AAC 71.440. SECURITY OF DATA.** (a) When data are submitted under 7 AAC 71.400 - 7 AAC 71.449 for inclusion in the system

(1) in hard copy, except when the data is in use, the division shall maintain the data in a locked room, locked file cabinet, safe, or similar secure place;

(2) in an electronic transmitted form, the division shall secure access to the data by at least the use of multiple password protections with the passwords safeguarded from use by unauthorized persons.

(b) The division shall maintain system data on computer disc drive or tape and shall secure access to the data by at least the use of multiple password protections with the passwords safeguarded from use by unauthorized persons.

(c) A provider shall keep data submitted to the division in a manner that will permit the division to conduct a review in order to determine whether the data submitted by the provider under 7 AAC 71.400 is accurate or whether inaccurate or incomplete data should be corrected under 7 AAC 71.410(b). (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530                      AS 47.30.590                      AS 47.30.660  
AS 47.30.540

**7 AAC 71.449. DEFINITIONS FOR 7 AAC 71.400 - 7 AAC 71.449.** In 7 AAC 71.400 - 7 AAC 71.449:

(1) "algorithm" means an identifier constructed

(A) using portions of the client's name, date of birth, gender, and social security number; and

(B) in a manner that precludes the identity of the client from being reasonably discovered;

(2) "client" means a person that receives state funded mental health services from a provider as that term is defined in this section;

(3) "client identification number" means an algorithm, a provider assigned case number, or a Medicaid number;

(4) "clinical status indicator" means an indicator that measures a client's level of functioning;

(5) "diagnosis code" means a universal code that is used by a provider to identify a client's diagnosis;

(6) "encrypt" means the coding of information using mathematical formulas that transform the message or data so that the meaning of the message or data cannot be deciphered without a key;

(7) "hard copy" means a paper document;

(8) "outcome measures" means

(A) the goals or objectives that a provider intends to accomplish; or

(B) a measure of the aggregate of a provider's activities;

(9) "procedure code" means a universal code used by providers to identify the services provided to a client;

(10) "provider" means a person described in 7 AAC 71.400(a);

(11) "system" means the management information system (MIS) that has been developed and is maintained by the division under 7 AAC 71.400 - 7 AAC 71.449 to implement a duty assigned by AS 47.30.530. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530 AS 47.30.590 AS 47.30.660  
AS 47.30.540

**ARTICLE 6. GENERAL PROVISIONS.**

**Section**

990. Definitions for chapter

**7 AAC 71.990. DEFINITIONS FOR CHAPTER.** In this chapter,

(1) "center" means a mental health center operated with financial assistance provided under AS 47.30.520 - 47.30.620 (Community Mental Health Service Act) or any service provided by a subcontractor with financial assistance provided under AS 47.30.520 - 47.30.620;

(2) "contractor" means

(A) a city or borough government or other political subdivision of the state;

(B) a nonprofit corporation; or

(C) a combination of persons identified in (A) and (B) of this paragraph that has entered into an agreement with the department to provide community mental health services provided for in 7 AAC 71.010 ;

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

(4) "division" means the division of mental health and developmental disabilities in the department;

(5) "geographic planning area" means the locality designated by the department in the Alaska State Mental Health Plan for planning and administrative purposes;

(6) "mental health professional" means a person who

(A) has at least a master's degree in psychology or social work, or in a related field; and

(B) is appropriately credentialed through education, training, and experience to carry out the person's professional duties as set out in the person's job description;

(7) "service area" means the geographic area described by an applicant or contractor and approved by the department as the area for which services will be or are being provided. (Eff. 11/29/97, Register 144)

**Authority:** AS 47.30.530

**Editor's Notes.** A copy of the Alaska State Mental Health Plan, published in 1977, mentioned in paragraph (5) of this section, is available at a regional office of the division, Alaska State Libraries, or the central office of the division.