



Executive Order No. 119
Sectional Analysis

Section 1: Findings of the Governor

Section 2: Amends AS 08.68.700 Determination of Death by Registered Nurse

The change made in subsection(g) of AS 08.68.700 was made to clarify that the regulatory authority under this section will be with the Department of Health.

The change under subsection (g) to the definition of “health care facility” was to ensure that the Department of Health and Social Services did not have regulatory authority over another department’s division. The Executive Order places the oversight and management of the Alaska Pioneer and Veterans Homes in the Department of Family and Community Services. This change does not preclude the Alaska Pioneer Homes and Veterans Homes from working with primary care physicians of their residents relating to the issuance of death certificates for residents.

Section 3: Amends AS 11.71.100 Controlled Substances Advisory Committee

Amends the name of the Commissioner of the Department of Health & Social Services to the Commissioner of the Department of Health.

Adds the Commissioner of the Department of Family & Community Services or designee to the Controlled Substances Advisory Committee.

Section 4: Amends AS 12.62.1000 Criminal Justice Information Advisory Board

Changes the name of the Commissioner of the Department of Health & Social Services to the Commissioner of the Department of Health.

Adds the Commissioner of the Department of Family & Community Services or designee to the Criminal Justice Information Advisory Board.

Section 5: Amends AS 12.62.400 National Criminal History Record Check for Employment, Licensing, and Other Noncriminal Justice Purposes

Provides that individuals and entities subject to the requirements of a criminal history check for foster homes, child placement agencies and runaway shelters may be submitted by the Department of Family and Community Services for the licensure, license renewal, certification, or certification renewal for the individual or entity.

Section 6: Amends AS 14.03.078 Annual Progress Reports

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200.

Section 7: Amends AS 14.30.610 Governing Board (Special Education Services Agency)

Statutory reference conforming amendment due to moving the Governor’s Council on Disabilities and Special Education under AS 44.29.600.

Section 8: Amends AS 18.29.110 Employer Payments

Adds statutory reference for fees for department services under AS 44.30.030 under the Department of Family and Community Services.

Section 9: Amends AS 18.35.301 Prohibition on Smoking

Statutory reference conforming amendment to the definition of “long term care facility” under AS 44.25.390 (previous citation was AS 47.62.090).

Section 10: Amends AS 18.35.321 Public Education

Statutory reference conforming amendment for the tobacco control program established in AS 44.29.020(a)(12) (previous citation was AS 44.29.020(a)(14)).

Section 11: Amends AS 18.66.020 Membership, Terms, Vacancies, and Disqualification for the Council on Domestic Violence and Sexual Assault

Changes the name of the Commissioner of Health and Social Services to the Commissioner of Health.

Adds the Commissioner of the Department of Family and Community Services or designee to the Council on Domestic Violence and Sexual Assault

Section 12: Amends AS 18.66.400 Domestic Violence Fatality Review Teams

Amends the name of the Department of Health and Social Services to the Department of Health and adds employees of the Department of Family and Community Services to the list of individuals that may serve on a domestic violence fatality review team.

Section 13: Amends AS 23.15.095 Gainful Employment of Individuals with Disabilities

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200.

Section 14: Amends AS 23.15.550 Composition of the Alaska Workforce Investment Board

Changes the name of the Commissioner of Health and Social Services to the Commissioner of Health.

Section 15: Amends AS 25.27.125 Accounting and Disposition of Federal Receipts and Agency Collections

Deletes reference to the Department of Health and Social Services. The statutory references to the following programs remain:

AS 47.14.100 – AS 47.14.130 (Juvenile Programs and Institutions; Care of Children) (DFCS)

AS 47.27 (Alaska Temporary Assistance Program) (DOH)

The Legislature may appropriate the balance of funds to carry out the purpose of either program, in either department.

Section 16: Amends AS 26.23.071 Composition of the Alaska State Emergency Response Commission

Adds the Commissioner of the Department of Family and Community Services and amends the name of the Commissioner of Department of Health and Social Services to the Commissioner of the Department of Health.

Section 17: Amends AS 37.05.146 Definitions of Program Receipts and Non-General Fund Program Receipts

Definition of program receipts

1. Changes the name of the Department of Health and Social Services to the Department of Health
2. Deletes reference to income received from a state or federal agency for children in foster care (this is added to the Department of Family and Community Services)
3. Re-letters the remaining subparagraphs

Section 18: Amends AS 37.05.146 Definition of Program Receipts and Non-General Fund Program Receipts

Amends the definition of program receipts to add program receipts received by the Department of Family and Community Services as income received from a state or federal agency for children in foster and fees received under AS 47.32. Both departments will receive fees under AS 47.32.

Section 19: Amends AS 37.05.580 Tobacco Use Education and Cessation Fund

Statutory reference conforming amendment for the tobacco control program established in AS 44.29.020(a)(12) (previous citation was AS 44.29.020(a)(14)).

Section 20: Amends AS 37.05.580 Tobacco Use Education and Cessation Fund

Statutory reference conforming amendment for the tobacco control program established in AS 44.29.020(a)(12) (previous citation was AS 44.29.020(a)(14)).

Section 21: Amends AS 37.14.001 Mental Health Trust

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200.

Section 22: Amends AS 37.14.007 Authority as Trustees

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200.

Section 23: Amends AS 37.14.099 Definitions

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200.

Section 24: Amends AS 39.25.110 Exempt Service

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200. The reference is to the Chief Executive Officer, currently under AS 47.30.026(b)

Section 25: Amends AS 39.50.200 Definitions

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200. The reference is to the Board of Trustees, currently under AS 47.30.016.

Section 26: Amends AS 43.61.010 Marijuana Tax

Statutory reference conforming amendment for comprehensive marijuana use education and treatment program, established in AS 44.29.020(a)(14) (previous citation was AS 44.29.020(a)(17)).

Section 27: Amends AS 47.17.005 Offices and Departments

Amends the list of the principal offices and departments of the State of Alaska to rename the Department of Health and Social Services, the Department of Health. Adds the Department of Family and Community Services as a principal department of the State of Alaska.

Section 28: Adds a new Section to AS 44.25

This section relocates the Alaska Mental Health Trust Authority from AS 47.30. Effectively moves the Alaska Mental Health Trust Authority under the Department of Revenue.

AS 44.25.200 Alaska Mental Health Trust Authority

AS 44.25.210 Board establishment, membership, quorum, fees and expenses

AS 44.25.220 Term of office, vacancies, removal, and reappointment

AS 44.25.230 Officers and Staff

AS 44.25.240 Regulations

AS 44.25.250 Duties of the Board

AS 44.25.260 Board Advisors – Provides that the Commissioners of Health, Family and Community Services, Natural Resources, and Revenue, or their respective designees, are advisors to the board.

AS 44.25.270 Budget Recommendations; reports.

AS 44.25.280 Submissions requiring use of trust money

AS 44.25.290 Use of money in the mental health trust settlement income account

AS 44.25.295 Definitions

This section relocates the Office of the Long-Term Care Ombudsman from AS 47.62. The Office of the Long-Term Care Ombudsman is established in the Alaska Mental Health Trust Authority, as it is currently.

AS 44.25.300 Office established

AS 44.25.310 Duties and powers of the long-term care ombudsman

AS 44.25.320 Training and certification of staff

AS 44.25.330 Access to long term care facilities, residents and records

AS 44.25.340 Confidentiality

AS 44.25.350 Immunity from liability

AS 44.25.360 Interface with the long-term care ombudsman and retaliation prohibited

AS 44.25.370 Legal counsel for the long-term care ombudsman

AS 44.25.380 Cooperative agreements

AS 44.25.390 Definitions

Section 29: Amends AS 44.29.020 Duties of Department

Amends the duties of the Department of Health and Social Services:

1. Amends the name of the department from the Department of Health and Social Services to the Department of Health.
2. Provides that the Department of Health shall administer the state programs of public health and public assistance, including:
 - a. Maternal and child health services
 - b. Preventive medical services
 - c. Public health nursing services

- d. Nutrition services
- e. Health education
- f. Laboratories
- g. Mental health treatment and diagnosis – except for mental health treatment and diagnosis under AS 47.30.670 – AS 47.30.915 (reserved for DFCS)
- h. Medical facilities
- i. Adult public assistance
- j. The Alaska temporary assistance program
- k. General relief
- l. Comprehensive smoking education, tobacco use prevention, and tobacco control program
- m. Licensure and regulation of all facilities requiring a license under AS 47.32.010(b)
- n. Comprehensive marijuana use education and treatment program

Section 30: Amends AS 44.29.022 Fees for Department Services

Amends the name of the Commissioner of Health and Social Services to the Commissioner of Health.

Statutory reference conforming amendment due to amendments in AS 44.29.020 Duties of the Department.

Section 31: Amends AS 44.29.022 Fees for Department Services

Statutory reference conforming amendment due to the segregation of mental health programs and services between the Department of Health and the Department of Family and Community Services.

Section 32: Amends AS 44.29.022 Fees for Department Services

Amends the name of the Commissioner of Health and Social Services to the Commissioner of Health.

Statutory reference conforming amendment for the tobacco control program established in AS 44.29.020(a)(12) (previous citation was AS 44.29.020(a)(14)).

Section 33: Amends AS 44.29.024 Fees for Services of Contractors or Grantees

Statutory reference conforming amendment due to the segregation of mental health programs and services between the Department of Health and the Department of Family and Community Services.

Section 34: Amends AS 44.29.140 Duties of the Advisory Board on Alcoholism and Drug Abuse

Statutory reference conforming amendments due to moving the Alaska Mental Health Trust Authority to AS 44.25.

Section 35: Adds new sections to AS 44.29

Aligns the Governor’s Council on Disabilities and Special Education under the Department of Health. The statutory citation for the Governor’s Council on Disabilities and Special Education is AS 47.80.030.

AS 44.29.600 Governor’s council on disabilities and special education

AS 44.29.610 Composition

AS 44.29.620 Term of office

- AS 44.29.630 Compensation; per diem
- AS 44.29.640 Officers and staff
- AS 44.29.650 Bylaws
- AS 44.29.660 Responsibilities
- AS 44.29.670 Legislative findings related to persons with disabilities; policy

Aligns the Statewide Independent Living Council under the Department of Health. The statutory citation for the Statewide Independent Living Council is AS 47.80.300.

- AS 44.29.710 Composition; terms; compensation
- AS 44.29.720 Powers and duties
- AS 44.29.730 Definitions

Aligns the Alaska Mental Health Board under the Department of Health. The statutory citation for the Alaska Mental Health Board is AS 47.30.661.

- AS 44.29.800 Alaska Mental Health Board
- AS 44.29.810 Composition; non-voting members
- AS 44.29.820 Terms of office; vacancies; removal
- AS 44.29.830 Officers and staff
- AS 44.29.840 Bylaws
- AS 44.29.850 Duties of the board
- AS 44.29.860 Compensation, per diem, and expenses
- AS 44.29.890 Definitions

Section 36: Amends AS 44 to add a new chapter that defines the organization and duties of the Department of Family and Community Services.

- AS 44.30.010 Commissioner of Family and Community Services
- AS 44.30.020 Duties of the department – shall administer the state programs of child welfare, institutional management, and delinquency
 1. Mental health treatment and diagnosis under AS 47.30.670 – AS 47.30.915
 2. Management of state institutions, except for adult correctional facilities
 3. Child welfare and delinquency services
 4. The Alaska Pioneers’ Home and the Alaska Veterans’ Home
- AS 44.30.030 Fees for department services
- AS 44.30.040 Fees for services of contractors or grantees

Aligns the Alaska Pioneers’ Home Advisory Board under the Department of Family and Community Services. The statutory citation for the Alaska Pioneers’ Home Advisory Board is AS 44.29.500.

- AS 44.30.100 Alaska Pioneers’ Home Advisory Board
- AS 44.30.110 Purpose of the board
- AS 44.30.120 Composition of the board
- AS 44.30.130 Compensation, per diem, or expenses

Section 37: Amends AS 44.62.330 Application of the Administrative Procedure Act – Administrative Adjudication

Amends AS 44.62.330 to include both the Department of Health and the Department of Family and Community Services as departments subject to administrative adjudication relating to civil history databases.

Section 38: Amends AS 44.64.030 Jurisdiction of Office – Hearing Officers and Office of Administrative Hearings

Amends AS 44.64.030 to include both the Department of Health and the Department of Family and Community Services as departments for which administrative adjudication hearings will be conducted.

Section 39: Amends AS 47.05.010 Duties of the Department of Health and Social Services

Changes the name of the Department of Health and Social Services to the Department of Health.

Amends the duties for the Department of Health as they pertain to the administration of welfare and social services programs of the department.

Deletes a section of law that pertain to the services and expenditure of federal funds for the protection and care of homeless, dependent, and neglected children in danger of becoming delinquent. This duty is moved to the Department of Family and Community Services.

Amends two sections that pertain to entering into reciprocal agreements with other states relative to public assistance, welfare services, and institutional care. The duty to enter into reciprocal agreements for welfare services and institutional care is moved to the Department of Family and Community Services.

Provides that the Department of Health will cooperate with and facilitate programs administered by the Department of Family and Community Services.

Deletes a section of law that provides that the Department of Health will actively seek to recruit quality foster parents and adoptive parents when a shortage of quality foster parents or adoptive parents exists. This duty is moved to the Department of Family and Community Services.

Section 40: Amends AS 47.05.290 Definitions

Statutory reference conforming amendment to incorporate all sections of these laws under the Department of Health.

Section 41: Amends AS 47.05.300 Applicability

Amends the applicability section of AS 47.05 to include both the Department of Health and Department of Family and Community Services, as both departments will have licensing responsibilities and will receive payments, in whole or in part, to provide for the health, safety and welfare of persons served by the programs administered by the departments.

Section 42 – Section 61 Amends current sections of law to indicate the authority and responsibility for conducting background checks for entities and individuals which a department has licensing or certification authority.

Section 62: Adds a New Chapter to Title 47

Establishes the duties and general administration of programs in the Department of Family and Community Services.

The Department of Family and Community Services shall:

1. Administer applicable assistance programs
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 the bonds and undertakings from persons employed by it
5. Make the reports, in the form and containing the information, that the federal government requires
6. Cooperate with the federal government 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 federal funds 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
8. Adopt regulations, defining need, prescribing the conditions for eligibility for assistance, and establishing standards for determining the amount of assistance that an eligible person is entitled to receive
9. Grant to a person claiming or receiving assistance and who is aggrieved because of the department's action, reasonable notice and an opportunity for a fair hearing by the Office of Administrative Hearings
10. Enter into reciprocal agreements with other states relative to assistance, welfare services, and institutional care
11. Establish the requirements for residence for assistance, welfare services, and institutional care that are considered advisable
12. Establish the divisions and local offices that are considered necessary to carry out a duty or authority assigned to it and employ personnel that are necessary to carry out the work of the divisions and offices
13. Actively seek to recruit quality foster parents and adoptive parents
14. Cooperate with and facilitate programs administered by the Department of Health

Includes the purpose and policy related to children (previously located at AS 47.05.060 – enacted in 1976, amended in 1990 and 2018).

Includes the legislative findings related to children (previously located at AS 47.05.065 – enacted in 1998 and amended in 2018).

Includes current statute AS 47.05.012 Material Incorporated by Reference – at AS 47.06.030.

Includes current statute AS 47.05.040 Consent to Conditions of Federal Programs – at AS 47.06.040.

Includes current statute AS 47.05.090 Authorization of the Interstate Compact on Adoption and Medical Assistance – at AS 47.06.050.

Includes current statute AS 47.05.100 Monthly Reports Concerning Children – at AS 47.06.060.

Section 63: Amends AS 47.24.013 Reports of Undue Influence, Abandonment, Exploitation, Abuse, Neglect, or Self-Neglect of Vulnerable Adults in Out-of-Home Care Facilities.

Statutory conforming change to AS 44.25.310 to reflect the change made to the Office of the Long-Term Care Ombudsman.

Section 64: Amends AS 47.24.013 Reports of Undue Influence, Abandonment, Exploitation, Abuse, Neglect, or Self-Neglect of Vulnerable Adults in Out-of-Home Care Facilities.

Statutory conforming change to AS 44.25.310 to reflect the change made to the Office of the Long-Term Care Ombudsman.

Section 65: Amends AS 47.24.013 Reports of Undue Influence, Abandonment, Exploitation, Abuse, Neglect, or Self-Neglect of Vulnerable Adults in Out-of-Home Care Facilities.
Statutory conforming change to AS 44.25.390 to reflect the change made to the Office of the Long-Term Care Ombudsman.

Section 66: Amends AS 47.30.470 Powers and Duties of the Department – Mental Health; Alcoholism and Drug Abuse

Statutory conforming change to AS 44.25.290; pertains to the integrated comprehensive mental health program established under the Alaska Mental Health Trust Authority.

Section 67: Amends AS 47.30.523 Community Mental health Program Policy and Principles

Statutory conforming change to AS 44.25.290; pertains to the integrated comprehensive mental health program established under the Alaska Mental Health Trust Authority.

Section 68: Amends AS 47.30.530 Duties of Department – Mental Health; Community Mental Health Services Act

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200, under the Department of Revenue.

Section 69: Amends AS 47.30.540 Local Community Entities

Statutory conforming change to AS 44.25.290; pertains to the integrated comprehensive mental health program established under the Alaska Mental Health Trust Authority.

Section 70: Amends AS 47.30.545 Populations to be Served

Statutory conforming change to AS 44.25.290; pertains to the integrated comprehensive mental health program established under the Alaska Mental Health Trust Authority.

Section 71: Amends AS 47.30.610 Definitions

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200. AS 44.25.295 is the definition section for AS 44.25.200 – AS 44.25.295.

Section 72: Amends AS 47.30.610 Definitions

Statutory reference conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200. AS 44.25.295 is the definition section for AS 44.25.200 – AS 44.25.295.

Section 73 – Section 88: Amends AS 47.300.600 – 47.30.915

Statutory reference conforming amendments that provide that the involuntary commitment statutes and proceedings are under the Department of Family and Community Services.

Section 89 – Section 122: Repeals and Reenacts AS 47.32.010 – 47.32.900 Centralized Licensing and Related Administrative Procedures

Provides for the centralized licensing and procedures for entities listed in this chapter – by the either the Department of Health or the Department of Family and Community Services.

Section 123: Amends AS 47.33.310 Notice of Rights

Statutory conforming change to reference the Office of the Long-Term Care Ombudsman under AS 44.25.310.

Section 124: Amends AS 47.40.110 Licensing and Supervision

Changes the name of the Department of Health and Social Services to the Department of Health.

Section 125: Amends AS 47.45.200 Alaska Commission on Aging

Changes the name of the Department of Health and Social Services to the Department of Health.

Section 126: Amends AS 47.45.240 Powers, Duties, and Limitations (Alaska Commission on Aging)

Section 127: Amends AS 47.45.240 Powers, Duties, and Limitations (Alaska Commission on Aging)

Statutory conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200.

Section 128: Amends AS 47.80.100 Programs for Persons with Disabilities

Statutory conforming amendment due to moving the Governor’s Council on Disabilities and Special Education to AS 44.29.

Section 129: Amends AS 47.80.135 Gainful Employment of Persons with Disabilities

Statutory conforming amendment due to moving the Alaska Mental Health Trust Authority under AS 44.25.200.

Section 130: Repealer Section

Repeals certain sections of law that are moved to another section of law, so as not to duplicate sections of law.

Section 131: Transitional Provisions

- (a) Litigation, hearings, investigations, and other proceedings pending
- (b) Certificates, orders, and regulations in effect immediately before the effective date
- (c) Regulations
- (d) Contracts, rights, liabilities, and obligations
- (e) Records, equipment, appropriations and other property of an agency

Section 132: Transition – Continued Eligibility for Current Recipient

Section 133: Transition – Currently Licensed or Approved Entity or Facility

Section 134: Transition – Federally Approved State Plans; Waivers

Section 135: Transition – Department Agreements

Section 136: Transition – Alaska Tribal Child Welfare Compact

Section 137: Pending Payments; Applications

- (a) Medical, public or other assistance payments pending on the day before the effective date of this order shall remain in process
- (b) Applications pending on the day before the effective date of the order shall remain in process
- (c) Public records and other requests pending on the day before the effective date shall remain in process

Section 138: Employees

Section 139: Membership of Boards and Commissions

Section 140: Regulations

Section 141: Confidentiality; Sharing of Information

Section 142: Instructions to the Revisor of Statutes

References to the Department of Health and Social Services in the enumerated statutes shall be changed to Department of Health.

Section 143: Instructions to the Revisor of Statutes

References to the Commissioner of Health and Social Services in the enumerated statutes shall be changed to Commissioner of Health.

Section 144: Instructions to the Revisor of Statutes

References to the Department of Health and Social Services in the enumerated statutes shall be changed to the Department of Family and Community Services.

Section 145: Instructions to the Revisor of Statutes

References to the Commissioner of Health and Social Services in the enumerated statutes shall be changed to Commissioner of Family and Community Services.

Section 146: Implementation Order for the Regulations Attorney

Section 147: Effective Date

July 1, 2021.