

84TH CONGRESS
2^D SESSION

H. R. 6376

IN THE SENATE OF THE UNITED STATES

JANUARY 19 (legislative day, JANUARY 16), 1956

Read twice and referred to the Committee on Interior and Insular Affairs

AN ACT

To provide for the hospitalization and care of the mentally ill of Alaska, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Alaska Mental Health
4 Act."

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PURPOSE

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SEC. 2. The purpose of this Act is to transfer from the

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Federal Government to the Territory of Alaska basic respon-

1 sibility and authority for the hospitalization, care, and treat-
2 ment of the mentally ill of Alaska and, in connection with
3 such transfer—

4 (a) to modernize procedures for such hospitalization
5 (including commitment) , care, and treatment and to
6 authorize the Territory to modify or supersede such
7 procedures;

8 (b) to assist in providing for the Territory neces-
9 sary facilities for a comprehensive mental-health pro-
10 gram in Alaska, including inpatient and outpatient
11 facilities ;

12 (c) to provide for a land grant to the Territory to
13 assist in placing the program on a firm long-term basis;
14 and

15 (d) to provide for a ten-year program, of grants-in-
16 aid to the Territory to enable the Territory gradually to
17 assume the full operating costs of the program.

18 **POWERS OF THE TERRITORIAL GOVERNMENT**

19 SEC. 3. (a) The Territory of Alaska is hereby author-
20 ized to appropriate such sums from the public money of
21 Alaska for the administration of its responsibilities under this
22 Act as it may deem appropriate.

23 (b) Notwithstanding the provisions of section 3 of the
24 Act of August 24, 1912 (37 Stat. 512 ; 48 U. S. C., sec. 24) ,
25 or any other law, the Territorial Government of Alaska is

1 hereby authorized to enact such laws as it may deem **appro-**
2 **priate** relating to the hospitalization (**including** commitment) ,
3 **care**, and treatment of residents of or persons in Alaska who
4 are mentally ill, and such legislation may supersede any of the
5 provisions of title I of this Act.

6 **TITLE I-HOSPITALIZATION OF THE**
7 **MENTALLY ILL**
8 **DEFINITIONS**

9 **SEC. 101.** As used in this ~~title—~~

10 (a) The term "Alaska" means the Territory of Alaska.

11 (b) The term "designated examiner" means a licensed
12 physician designated by the Governor as specially **qualified**,
13 under standards established by hi for the purpose of this
14 title, in the diagnosis of mental or related illness: **Provided**,
15 That, for areas in which no licensed physician so qualified
16 is available, any licensed physician may be designated.

17 (c) The term "Governor" means the Governor of
18 Alaska.

19 (d) The term "head of a hospital" means the individual
20 in charge of a hospital, or his designated representative,
21 except that when the individual in charge of a hospital is
22 not a licensed physician, authority placed in the head of a
23 hospital by this title which involves in major part the **exer-**
24 **cise** of medical judgment shall be exercised by the highest
25 licensed medical official of the hospital.

1 (e) The term "hospital" means a public or private
2 hospital or institution or part thereof, equipped and **other-**
3 wise qualified to provide inpatient care and treatment for
4 the mentally ill.

5 (f) The term "individual", as used in section 103 and
6 104, means a resident of or a person in Alaska.

7 (g) The terms "interested **party**" or "interested **par-**
8 ties" include the legal guardian, spouse, parent or parents,
9 adult children, other close adult relatives, or an interested,
10 responsible adult friend of a mentally ill individual or a
11 patient.

12 (h) The term "licensed physician" means an individual
13 licensed under the laws of Alaska to practice medicine or
14 osteopathy; a medical officer of the Government of the
15 United States while in Alaska in the performance of his
16 official duties; or a medical officer of the Territory of Alaska.

17 (i) The term "mentally ill individual" means an **indi-**
18 **vidual** having a psychiatric or other disease which **substan-**
19 tially impairs his mental health or an individual who is
20 mentally defective or mentally retarded.

21 (j) The term "patient" means a resident of or person
22 in Alaska qualified under this title for hospitalization as a
23 mentally ill individual.

24 (k) The term "police officer", when used in connection
25 with cases which involve individuals who, because of **mental**

1 illness, are **likely** to injure themselves or others if allowed to
2 remain at liberty, includes a United States marshal.

3 (l) The term "resident of Alaska" means (i) a **per-**
4 son who has lived continuously in Alaska for one year **imme-**
5 diately preceding his admission as a patient or immediately
6 preceding his becoming a proposed patient, or (ii) a person
7 who has a present intention to make Alaska his home for an
8 **indefinite** period of time. Such intention may be evidenced
9 by prior statements or it may be implied from facts which
10 show that the person does in fact make Alaska his permanent
11 home. A married woman shall be capable of establishing a
12 legal residence apart from her husband, and an **emanci-**
13 **pated child** under twenty-one years shall take the legal resi-
14 **dence** of the parent or guardian with whom he is actually
15 living.

16 (m), The term "State" or "States" includes the States,
17 the District of Columbia, the Territories and possessions of
18 the United States, and the Commonwealth of Puerto Rico.

19 (n) The term "United States Commissioner" means a
20 United States Commissioner, appointed pursuant to section
21 6 of the Act of June 6, 1900 (31 Stat. 323 ; 48 U. S. C., sec.
22 104).

23 **POWERS OF THE GOVERNOR**

24 **SEC. 102.** Except insofar as this title **specifically** confers
25 **certain powers**, duties, and functions upon others, the Gov-

1 **ernor** shall be charged with the administration of this title.
2 In addition to such authority as may be conferred upon him
3 by other sections of **this** title, the Governor is hereby
4 **authorized—**

5 (a) to designate hospitals equipped and otherwise
6 qualified to provide inpatient **care** and treatment for
7 individuals who are mentally ill;

8 (b) to (1) provide for the hospitalization of men-
9 tally ill patients in designated hospitals of Alaska, (2)
10 enter into arrangements with the Surgeon General of the
11 Public Health Service for the care and treatment of such
12 patients in hospitals of the Service in Alaska, (3) **nego-**
13 **tiate and enter into** contracts with any hospital in Alaska
14 for the care and treatment of such patients, and (4)
15 negotiate and enter into contracts, which shall incorpo-
16 rate safeguards consistent with the provisions of this title,
17 with any hospital in the continental United States for
18 the care and treatment of such patients ;

19 (c) to prescribe the form of applications, records,
20 reports, and medical certificates required by this title,
21 and the information to be contained therein ;

22 (d) to require reports from the head of a hospital
23 concerning the care of patients;

24 (e) to visit each hospital to **review** methods of
25 care for all patients:

1 (f) to investigate complaints made by a patient
2 or an interested party on behalf of a patient;

3 (g) to establish such rules and regulations not in-
4 consistent with the provisions of this title as he may
5 find to be reasonably necessary for the proper and effi-
6 cient administration of this title; and

7 (h) to delegate to any officer or agency of the
8 Territorial **Government** of Alaska any of the duties
9 and powers imposed upon him by this title.

10 **AUTHORITY TO RECEIVE PATIENTS**

11 **SEC. 103.** The head of any hospital which has been des-
12 ignated by the **Governor** pursuant to section 102 is author-
13 ized to receive therein for observation, diagnosis, care, and
14 treatment any individual whose admission is applied for
15 under one of the following procedures:

16 On Application by Patient or by **Guardian** of Minor.

17 (a) Any individual who is mentally ill or who has
18 symptoms of mental **illness** but who has sufficient insight or
19 capacity to make responsible application for admission and
20 who, being sixteen years of age or over, applies **therefor**
21 may be admitted on his own application. Any individual
22 under sixteen years of age who is mentally ill or has **symp-**
23 **toms** of mental **illness** may be admitted if his parent or legal
24 guardian applies **therefor** in his behalf.

ON APPLIATION BY OTHERS

1
2 (b) Any individual may be admitted for care and
3 treatment in a hospital upon written application by an inter-
4 ested party, by a health or welfare officer, by the Governor,
5 or by the head of any institution in which the individual
6 may be, if the application is accompanied by a certificate
7 of a licensed physician that, on the basis of an examination
8 held not more than fifteen days prior to the individual's
9 admission, such individual in his opinion is mentally ill
10 and because of his illness, either (1) is likely to injure
11 himself or others if allowed to remain at liberty, or (2)
12 being in need of care or treatment in a hospital, lacks suf-
13 ficient insight or capacity to make responsible application
14 in his own behalf.

EMERGENCY HOSPITALIZATION**Upon Medical Certification and Endorsement**

15
16
17 SEC. 104. (a) If the certificate by a licensed physician
18 under section 103 (b) states a belief that the individual is
19 likely to injure himself or others if allowed to remain at
20 liberty, any health, welfare, or police officer, or any person
21 deputized by a United States Commissioner, shall have au-
22 thority, upon endorsement of the certificate for such pur-
23 pose by the Governor or by a United States Commissioner,

1 to take the individual into custody, apply to a designated
2 hospital for his admission, and transport him thereto.

3 Without Certification or Endorsement

4 (b) Any health, welfare, or police officer who has reason
5 to believe that an individual is mentally ill and, because of his
6 illness, is likely to injure **himself** or others if not immediately
7 restrained pending examination or certification by a licensed
8 physician or pending endorsement of such certification as
9 provided in subsection (a) of this section, may take the
10 individual into custody, apply to a designated hospital for
11 his admission and transport hi thereto. The application
12 for admission shall state the circumstances under which the
13 individual was taken into custody and the reason for the
14 officer's belief.

15 **EXAMINATION OF NEWLY ADMITTED PATIENTS ; DISCHARGE**

16 **BY HOSPITAL**

17 **SEC. 105.** The head of the hospital shall arrange for an
18 examination by a designated examiner of every patient
19 hospitalized pursuant to section 103 (b) or section 104
20 within a period not to exceed five days after the day of
21 admission. At the end of such period, any patient so
22 admitted shall, without need of application therefor, be dis-
23 charged if an examination has not been held or if, upon
24 examination, the designated examiner refuses or fails to
25 certify to the head of the hospital that in his opinion the

1 patient is mentally ill and either is likely to injure himself
2 or others if allowed at liberty, or is in need of care or treat-
3 ment in a hospital and because of his illness lacks sufficient
4 insight or capacity to make responsible application therefor.

5 **RIGHT TO DISCHARGE ON APPLICATION; EMERGENCY**

6 **DETENTION**

7 SEC. 106. (a) Any individual admitted to a hospital
8 under authority of section 103 or 104 shall be forthwith
9 discharged therefrom upon his request or upon the request
10 in writing by an interested party, except that-

11 (1) if admitted upon his own application, his dis-
12 charge may be conditioned upon his agreement ;

13 (2) if under sixteen years of age and admitted
14 pursuant to section 103 (a), his discharge prior to be-
15 coming sixteen years of age may be conditioned upon
16 the consent of his parent or guardian;

17 (3) if the head of a hospital, within 48 hours from
18 the receipt of the request., files with a United States
19 Commissioner a certification that in his opinion the dis-
20 charge of the patient would be unsafe to the patient
21 or others, the discharge may be postponed for such
22 period not to exceed five days as the United States
23 Commissioner may determine to be necessary for the
24 commencement of commitment proceedings pursuant to
25 section 108: **Provided**, That if the United States Com-

1 missioner finds that, because of circumstances beyond
2 control, proceedings for judicial hospitalization cannot
3 reasonably be instituted in such time, the discharge may
4 be postponed for a period not to exceed fifteen days,

5 (b) The head of the hospital shall provide reasonable
6 means and arrangements for informing patients of their
7 right to discharge as provided in this section and other
8 sections of this title and for assisting them in making and
9 presenting requests for discharge.

10 **PETITION FOR JUDICIAL DETERMINATION**

11 SEC. 107. Any patient hospitalized pursuant to section
12 103 (b) , 104, or 108 shall be entitled to have the need for
13 his continued hospitalization determined or redetermined on
14 his own petition, or that of an interested party, to the United
15 States Commissioner. Upon receipt of the petition, the
16 United States Commissioner shall conduct proceedings in
17 accordance with section 108, except that such proceedings
18 shall not be required to be conducted if the petition is filed
19 sooner than six months after the issuance of an order of hos-
20 pitalization under section 108 or sooner than one year after
21 the filing of a previous petition under this section.

22 **HOSPITALIZATION UPON COURT ORDER; JUDICIAL**
23 **PROCEDURE**

24 SEC. 108. (a) An interested party, a licensed physician,
25 a health officer, or the Governor may, by filing a written

1 application with a United States Commissioner, commence
2 proceedings for the hospitalization of an individual by judi-
3 cial commitment. Any such application shall be accom-
4 panied by a certificate of a licensed physician stating that
5 he has examined the individual and is of the opinion that
6 the individual is mentally ill and should be hospitalized, or
7 by a written statement by the applicant that the individual
8 has refused to submit to examination by a licensed physician.

9 (b) Upon receipt of an application, the United States
10 Commissioner shall give notice thereof to the proposed
11 patient, to his legal guardian, if any, and to one or more
12 of the other interested parties, if any. If, however, the
13 United States Commissioner has reason to believe that notice
14 would be likely to be injurious to the proposed patient,
15 notice to hi may be omitted.

16 (c) As soon as practicable after notice of the com-
17 mencement of proceedings is given or it is determined that
18 notice to the proposed patient should be omitted, the United
19 States Commissioner shall appoint two designated examiners
20 except that when he finds that two such examiners are
21 not available, he may appoint a single examiner, to examine
22 the proposed patient and report to the United States Com-
23 missioner their findings as to the, mental condition of the
24 proposed patient and his need for care in a hospital.

25 (d) The examination shall be held at a hospital or other

1 medical facility, at the home of the proposed patient, or at
2 any other ~~suitable~~ place not likely to have a harmful effect
3 on his health. A proposed patient to whom notice of the
4 commencement of proceedings has been omitted shall not be
5 required to submit to an examination against his will, but
6 if the designated examiners report that the proposed patient
7 refuses to submit to an examination, the United States Com-
8 missioner shall give notice to the proposed patient and order
9 him to submit to such examination.

10 (e) If the report of the designated examiners states
11 that the proposed patient is not mentally ill, the United
12 States Commissioner may, without taking any further action,
13 terminate the proceedings and dismiss the application.
14 Otherwise, he shall forthwith fix a date for and give notice of
15 a hearing to be held not more than fifteen days from receipt
16 of the report of the designated examiners.

17 (f) The proposed patient, the applicant, the legal
18 guardian, and other interested parties as determined by the
19 Commissioner, shall be given notice and afforded an oppor-
20 tunity to appear at the hearing, to testify, and to present and
21 cross-examine witnesses, and the United States Commis-
22 sioner may, in his discretion, receive the testimony of any
23 other person. The proposed patient shall not be required to
24 be present, and the United States Commissioner is author-

1 ized to exclude all persons not necessary for the conduct of
2 the proceedings. The hearings shall be conducted in as
3 informal a manner as may be consistent with orderly pro-
4 cedure and in a physical setting not likely to have a harmful
5 effect on the mental health of the proposed patient. The
6 United States Commissioner shall receive and maintain a
7 record of all relevant and material evidence which may be
8 offered concerning the mental condition and the residence
9 of the proposed patient and shall not be bound by the rules
10 of evidence. An opportunity to be represented by counsel
11 shall be afforded to every proposed patient, and if neither
12 he nor others provide counsel, the United States Commis-
13 sioner shall appoint counsel. If, not less than five days
14 prior to the date fixed for the hearing, the proposed patient,
15 his counsel, or any member of his immediate family files a
16 written request with the United States Commissioner therefor,
17 the Commissioner shall summon and impanel a jury of six
18 adult residents to hear and consider the evidence concerning
19 the mental condition of the proposed patient.

20 (g) If, upon completion of the hearing and considera-
21 tion of the record, the United States Commissioner or, in
22 the event the right to a jury has been exercised pursuant to
23 subsection (f) hereof, the jury finds that the proposed
24 patient—

1 (1) **is mentally ill; and**

2 (2) (A) because of his illness is **likely** to injure
3 himself or others if allowed to remain at liberty; or

4 (B) is in need of custody, care, or treatment in a
5 hospital and, because of his **illness**, lacks sufficient insight
6 or capacity to make responsible decisions concerning
7 hospitalization,

8 the United States Commissioner shall order his **hospitaliza-**
9 **tion** either for an indeterminate period or for a temporary
10 observational period not exceeding six months; otherwise, he
11 shall terminate the proceedings and dismiss the application.

12 If the United States Commissioner orders the hospitalization
13 of the proposed patient, he shall issue a **finding** on the legal
14 residence of the patient. If the order is for a temporary
15 period of hospitalization, the United States Commissioner
16 may at any time prior to the expiration of such period, on
17 the basis of a report by the head of a hospital and such
18 further inquiry as he may deem appropriate, order either **in-**
19 **determinate** hospitalization of the patient or dismissal of the
20 proceedings.

21 (h) The order of hospitalization shall be directed to
22 the Governor and shall state whether the individual shall
23 be detained for an indeterminate or for a temporary period
24 and, if for a temporary period, then for how long. Unless
25 otherwise directed by the United States Commissioner, it

1 shall be the responsibility of the Governor to assure the
2 carrying out of the order of hospitalization within such period
3 as the United States Commissioner shall specify.

4 (i) Notwithstanding any other provision of this title
5 except for section 119, commitment proceedings under this
6 section shall not be commenced with respect to a patient
7 admitted pursuant to section 103 (a) unless release of the
8 patient has been requested by him or by an interested party
9 on his behalf.

10 **COMMITMENT TO AN AGENCY OF THE UNITED STATES**

11 SEC. 109. (a) If an individual ordered to be hospitalized
12 pursuant to section 108 is eligible for hospital care or treat-
13 ment at the expense of any agency of the United States,
14 the United States Commissioner, upon receipt of a certificate
15 from such agency showing that accommodations are avail-
16 able and that the individual is eligible for care, may order
17 him to be placed in the custody of such agency for hos-
18 pitalization. When any such individual is admitted, pursuant
19 to the order of a United States Commissioner, to any hos-
20 pital or institution operated by any agency of the United
21 States within or without Alaska, he shall be subject to the
22 rules and regulations of such agency. The chief officer of
23 any hospital or institution operated by such agency and
24 in which the individual is so hospitalized shall with respect

1 to such individual be vested with the same powers as the
2 Governor or the head of a hospital concerning the detention,
3 custody, transfer, conditional release, or discharge of patients.
4 Jurisdiction is retained in the United States Commissioner
5 to' inquire at any time into the mental condition of an
6 individual so hospitalized, and to determine the necessity for
7 continuance of his hospitalization, and every order of hos-
8 pitalization issued pursuant to this section is so conditioned.

9 (b) An order of a court of competent jurisdiction of
10 any State, authorizing hospitalization of any individual by
11 any agency of the United States, shall have the same force
12 and effect as to the individual while in Alaska as in the
13 jurisdiction in which the court entering the order is situated;
14 and the courts of the jurisdiction issuing the order shall be
15 deemed to have retained jurisdiction of the individual so
16 hospitalized for the purpose of inquiring into his mental con-
17 dition and of determining the necessity for continuance of
18 his hospitalization, as is provided. in subsection (a) of this
19 section with respect to individuals ordered hospitalized by
20 the United States Commissioner. Consent is hereby given
21 to the application of the law of the State in which is located
22 the court issuing the order for hospitalization with respect
23 to the authority of the Chief officer of any hospital or insti-
24 tution operated in Alaska by any agency of the United States

1 to retain custody, transfer, conditionally release, or discharge
2 the individual hospitalized.

3 **DETENTION UNDER SPECIAL CIRCUMSTANCES**

4 SEC. 110. (a) Pending his removal to a hospital, a
5 patient taken into custody under section 104 or ordered to
6 be hospitalized pursuant to section 108 may be detained in
7 his home, a licensed foster home, or any other suitable fa-
8 cility under such reasonable conditions as the Governor may
9 fix, but he shall not, except because of and during an ex-
10 tremе emergency, be detained in a nonmedical facility used
11 for the detention of individuals charged with or convicted of
12 penal offenses. The Governor shall take such reasonable
13 measures, including provision for medical care, as may be
14 necessary to assure proper care of an individual temporarily
15 detained pursuant to this section.

16 (b) Notwithstanding any other provision of this title,
17 no patient with respect to whom proceedings for judicial
18 hospitalization have been commenced and whose discharge
19 would, in the opinion of the head of the hospital, be unsafe
20 to the patient or others shall be released or discharged from
21 a hospital during the pendency of such proceedings unless
22 ordered by a United States Commissioner upon the applica-
23 tion of the patient or of an interested party.

24 (c) No patient held on order of a court or judge having

1 criminal jurisdiction in any action or proceeding arising out
2 of a criminal offense shall be discharged except upon order
3 of a court of competent jurisdiction.

4 **WRIT OF HABEAS CORPUS**

5 SEC. 111. Any individual detained pursuant to this title
6 shall be entitled to the writ of habeas corpus upon proper
7 petition by himself or a friend to any court generally em-
8 powered to issue the writ of habeas corpus in the jurisdiction
9 in which he is detained.

10 **APPEAL FROM DECISION OR ORDER OF UNITED STATES**

11 **COMMISSIONER**

12 SEC. 112. Any party may appeal to the District Court
13 for the Territory of Alaska from any decision or order of a
14 United States Commissioner pursuant to this Act, within ten
15 days of the date of the decision or order, and the District
16 Court for the Territory of Alaska shall review the case on the
17 record. While such appeal is pending, the decision or order
18 of the United States Commissioner shall, unless otherwise di-
19 rected by the court, be given full force and effect as if no
20 appeal had been taken. Any appeal from a final or inter-
21 locutory decision of the District Court for the Territory of
22 Alaska in a proceeding under this Act shall be governed

1 by the law applicable generally to appeals from the District
2 Court for the Territory of Alaska.

3 **TRANSPORTATION**

4 SEC. 113. Whenever an individual is about to be **hospi-**
5 talized under the provisions of this title, the **Governor** shall
6 arrange, upon the request of a person having a proper **inter-**
7 est in the individual's hospitalization, for **the** individual's
6 transportation to the hospital, with appropriate medical or
9 nursing attendants and by such means as may be suitable for
10 the patient's medical condition. Whenever practicable, the
11 individual to be hospitalized shall be **permitted** to be **accom-**
12 parried by one or more of his relatives or friends who shall
13 travel at their own expense. When **necessary**, the Governor
14 shall arrange for a police officer to accompany the individual.

15 **NOTICE OF HOSPITALIZATION**

16 SEC. 114. Whenever a patient has been admitted to a
17 hospital pursuant to this title other than upon his own **appli-**
18 cation, the head of the hospital shall notify immediately the
19 patient's legal guardian, parent or parents, spouse, or next of
20 km, if known. The head of the hospital admitting an **indi-**
21 **vidual** under any provision of this title, or **discharging an**

1 individual so admitted, shall forthwith make a report thereof
2 to the Governor.

3 **RIGHT TO HUMANE CARE AND TREATMENT**

4 **SEC. 115.** Every patient shall be entitled to humane care
5 and treatment and, to the extent that facilities, equipment,
6 and personnel are available, to medical care and treatment
7 in accordance with the highest standards accepted in medical
8 practice.

9 **MECHANICAL RESTRAINTS**

10 **SEC. 116.** Mechanical restraints shall not be applied to
11 a patient unless it is determined, by the head of the hospital
12 or his designee to be required by the medical needs of the
13 patient. Every use of a mechanical restraint and the rea-
14 sons therefor shall be made a part of the clinical record of
15 the patient under the signature of the head of the hospital
16 or his designee.

17 **RIGHT TO COMMUNICATE AND VISITATION; EXERCISE OF**

18 **CIVIL RIGHTS**

19 **SEC. 117.** (a) Subject to the general rules and regula-
20 tions of the hospital and except to the extent that the head
21 of the hospital determines that it is necessary for the medi-
22 cal welfare of the patient to impose restrictions, every patient
23 shall be entitled—

24 (1) to communicate by sealed mail or otherwise

1 with persons, including official agencies, inside or out
2 side the hospital ;

3 (2) to receive visitors; and

4 (3) to exercise all civil rights, including the right
5 to dispose of property, execute instruments, make pur-
6 chases, enter contractual relationships, and vote, unless
7 he has been adjudicated incompetent and has not been
8 restored to legal capacity.

9 (b) Notwithstanding any limitations authorized by this
10 section on the right of communication, every patient shall
11 be entitled to communicate by sealed mail with the Governor
12 and with the United States Commissioner, if any, who
13 ordered his hospitalization.

14 (c) Any limitations imposed by the head of a hospital
15 on the exercise of these rights by a patient and the reasons
16 for such limitations shall be made a part of the clinical record
17 of the patient.

18 **TRANSFER OF PATIENTS GENERALLY**

19 SEC. 118. (a) The Governor may authorize the trans-
20 fer of a patient from one hospital to another hospital if he
21 determines that it would be consistent with the medical needs
22 of the patient to do so. Whenever a patient is transferred,
23 written notice thereof shall be given to his legal guardian, if
24 any, parent or parents, and spouse, or, if none be known, to

1 any other interested party. In all such transfers, due ~~con-~~
2 sideration shall be given to the relationship of the patient to
3 his family, legal guardian, or friends, ~~so~~ as to maintain ~~re-~~
4 lationships and encourage visits beneficial to the patient.

5 (b) Upon receipt of a ~~certificate~~ from an ~~agency~~ of the
6 United States that accommodations are available for the case
7 of any individual heretofore ordered hospitalized pursuant ~~to~~
8 law or hereafter hospitalized pursuant to section 108 of this
9 title in any hospital for ~~care~~ or treatment of the mentally ill,
10 and that such individual is eligible for care or treatment in a
11 hospital or institution of such agency, the Governor may
12 cause his transfer to such agency of the United States for
13 hospitalization. The United States Commissioner who ~~or-~~
14 ~~dered~~ the individual to be hospitalized, and the guardian,
15 spouse, and parent or parents, or if none be known, some
16 other interested party, shall be ~~notified~~ immediately of the
17 transfer by the Governor. No person shall be transferred
18 to an agency of the United States if he is confined pursuant
19 to conviction of any felony or misdemeanor, or if he has been
20 acquitted of a criminal charge solely on the ground of mental
21 illness, unless prior to transfer the United States ~~Commis-~~
22 sioner who originally ordered ~~confinement~~ of such person
23 shall enter an order for the transfer after appropriate motion
24 and hearing. Any person transferred as provided in ~~this~~
25 section to any agency of the United States shall be deemed

1 to be hospitalized by that agency pursuant to the original
2 order of hospitalization.

3 TRANSFER OF NONRESIDENT PATIENTS

4 SEC. 119. (a) The admission papers of any person hos-
5 pitalized pursuant to this title shall include a statement as
6 to his legal residence. The Governor is authorized to trans-
7 fer any patient who has been hospitalized by the judicial
8 procedure and who is not a resident of Alaska to the State
9 in which he has legal residence. In addition, the Governor
10 is authorized to transfer any other patient who is not a resi-
11 dent of Alaska to the State in which he has a legal residence,
12 if the consent of the patient or his legal guardian has been
13 obtained. If the patient or his legal guardian refuses to
14 give consent, the Governor may order the discharge of the
15 patient: Provided, That if the patient is certified by the head
16 of a hospital to be dangerous to himself or to others, the
17 Governor may cause proceedings for judicial hospitalization
18 to be initiated with respect to such patient, pursuant to sec-
19 tion 108 of this title. For the purposes of this subsection, the
20 term "State" (as defined in section 101 (m)) , shall mean
21 only a State which has agreed to the transfer or return of
22 patients hospitalized pursuant to this title.

23 (b) For the purpose of facilitating the return of such
24 nonresident patients, the Governor may enter into a recip-
25 rocal agreement with' any State providing for the prompt

1 transfer, under appropriate supervision, of residents of such
2 State or Alaska who are mentally ill. Mentally ill residents
3 of Alaska who have been hospitalized outside Alaska may be
4 transferred, with the approval of the Governor, to a hospital
5 designated by the Governor. All expenses incurred in re-
6 turning to their legal residence patients who are nonresidents
7 of Alaska may be paid from funds appropriated for the ad-
8 ministration of this title, but the expense of transferring resi-
9 dents of Alaska who have been hospitalized for mental ill-
10 ness outside Alaska shall be borne by the State making the
11 transfer.

12 (o) The Governor is hereby further authorized to enter
13 into a reciprocal agreement with any State providing for the
14 care and treatment of mentally ill residents of Alaska by such
15 State, and for the care and treatment of mentally ill resi-
16 dents of such State by Alaska, each on a reimbursable basis.

17 (d) In taking action under subsections (a) and (c)
18 of this section, due consideration shall be given to the re-
19 lationship of the patient to his family, legal guardian, or
20 friends, so as to maintain relationships and encourage visits
21 beneficial to the patient.

22 **CONTRACT CARE OUTSIDE ALASKA; RIGHTS UNDER**
23 **STATE LAW**

24 **SEC. 120.** Nothing in this Act shall be deemed to
25 alter or impair the application or availability to any patient,

1 while hospitalized in a State outside Alaska pursuant to
2 contractual arrangements under section 102 (b), of any
3 rights, remedies, or protective safeguards provided by the
4 law of such State.

5 **RELEASE ON CONVALESCENT STATUS**

6 SEC. 121. The head of a hospital may place an improved
7 patient on convalescent status when he believes that such
8 status is in the best interests of the patient. Convalescent
9 status shall so far as practicable include provisions for con-
10 tinuing responsibility to and by the hospital, and for a plan
11 of treatment on an outpatient basis or under the direction
12 of a licensed physician. Prior to the end of a year on
13 convalescent status, and not less frequently than annually
14 thereafter, the head of the hospital shall reexamine the
15 facts relating to the hospitalization of the patient. on con-
16 valescent status and, if he determines that in view of the
17 condition of the patient hospitalization is no longer necessary,
18 he shall discharge the patient.

19 **READMISSION**

20 SEC. 122. At any time prior to such discharge, the head
21 of the hospital from which the patient is given convalescent
22 status may readmit the patient. If in the case of a patient
23 committed under section 108 there is reason to believe that
24 it is to the best interest of the patient to be rehospitalized,
25 the Governor or the head of the hospital may issue an order

1 for the immediate rehospitalization of the patient. Such an
2 order, if not voluntarily complied with, shall, upon the en-
3 dorsement by a United States Commissioner of the precinct
4 in which the patient is resident or present, authorize any
5 health, welfare, or police officer to take the patient into
6 custody and transport him to the hospital, or if the order is
7 issued by the Governor to a hospital designated by him.

8 **DISCHARGE UPON MEDICAL REVIEW AND CERTIFICATION**

9 **SEC. 123.** The head of a hospital shall cause the condi-
10 tion of every patient to be reviewed as frequently as practi-
11 cable, but not less often than every six months, and when-
12 ever the head of a hospital certifies that the conditions justi-
13 fying hospitalization no longer obtain, the patient shall be
14 discharged. If the patient was admitted on other than his
15 own application, notice of such discharge shall be given to
16 the patient's legal guardian, parent or parents, spouse, or next
17 of kin, if known, and, if the patient was hospitalized by judi-
18 cial process, to the United States Commissioner who ordered
19 him to be committed.

20 **PROVISION FOR PERSONAL NEEDS OF A PATIENT ON**
21 **DISCHARGE**

22 **SEC. 124.** The Governor shall make such arrangements
23 as may be necessary to insure—

24 (a) that no patient is discharged from a hospital
25 without suitable clothing; and

1 (b) that any indigent patient discharged is furnished
2 suitable transportation for his return home and an
3 amount of money not exceeding \$50.

4 **DISPOSITION OF UNCLAIMED FUNDS OF PATIENTS**

5 SEC. 125. All articles of personal property belonging to
6 a patient who has died prior to his release on convalescent
7 status or discharge or who has eloped therefrom, and remain-
8 ing in the custody of the head of the hospital, shall, if
9 unclaimed by such patient, or his legal heirs or representa-
10 tives, within the period of five years after the decease of such
11 patient or the date of his leaving the hospital, be disposed of
12 in such manner as the Governor may prescribe, and any
13 proceeds resulting therefrom shall be covered into the Treas-
14 ury of the Territory of Alaska. Any moneys remaining to
15 the credit of such patient, if unclaimed by his legal heirs or
16 representatives or by such patient within the period of five
17 years after the decease of such patient or the date of his leav-
18 ing the hospital, shall be covered into the Treasury of the
19 Territory of Alaska.

20 **DISPOSITION OF FUNDS SUBJECT TO CLAIM**

21 SEC. 126. The Governor shall cause diligent inquiry
22 to be made, in every instance after death or elopement of
23 any patient, to ascertain his whereabouts or that of his legal
24 heirs or representatives and shall turn over to the proper
25 party or parties any moneys or articles of personal property

1 in the custody of the head of the hospital to the credit of
2 such person. Claims to such moneys or articles of personal
3 property may be presented to the Governor at any time. In
4 the event a claim is established by competent proof more
5 than five years after the death or elopement of a patient, it
6 shall be certified to the Territorial legislature for consid-
7 eration.

8

DISCLOSURE OF INFORMATION

9 **SEC. 127.** (a) All certificates, applications, records, and
10 reports, other than an order of a court or United States
11 commissioner made for the purposes of this title, and di-
12 rectly or indirectly identifying a patient or former patient
13 or an individual whose hospitalization has been sought under
14 this title together with clinical information relating to such
15 patients shall be kept confidential and shall not be disclosed
16 by any person except insofar—

17

(1) as the individual identified or his legal guard-
18 ian, if any (or, if he be a minor, his parent or legal
19 guardian), shall consent; or

20

(2) as disclosure may be necessary to carry out
21 any of the provisions of this title; or

22

(3) as a court may direct upon its determina-
23 tion that disclosure is necessary for the conduct of
24 proceedings before it and that failure to make such
25 disclosure would be contrary to the public interest.

1 (b) Nothing in this section shall preclude disclosure,
2 upon proper inquiry, of information concerning current medi-
3 cal condition to the members of the family of a patient or
4 to his relatives or friends.

5 (c) Any person violating any provision of this section
6 shall be guilty of a misdemeanor and subject to a fine of not
7 more than \$500 or imprisonment for not more than one
8 year, or both.

9 LIABILITY FOR EXPENSE OF HOSPITALIZATION

10 SEC. 128. (a) It shall be the duty of a patient, or
11 his legal representative, spouse, parents, adult children, in that
12 sequence, to pay or contribute to the payment of the charges
13 for the care or treatment of such patient when hospitalized
14 pursuant to the provisions of this title in such manner and
15 proportion as the Governor may find to be within their abil-
16 ity to pay: Provided, That such charges shall in no case
17 exceed the actual cost of such care and treatment. The
18 order of the Governor relating to the payment of charges
19 by persons other than the patient, or his legal representative,
20 shall be prospective in effect and shall relate only to charges
21 to be incurred subsequent to the order: Provided, however,
22 That if any of the above-named persons willfully conceal
23 their ability to pay, such persons shall be ordered to pay, to
24 the extent of their ability, charges accruing during the period
25 of such concealment. The Governor may cause to be made

1 such investigations as may be necessary to determine such
2 ability to pay, including the requirement of sworn statements
3 of income by such persons.

4 (b) As used in subsection (a), the term "actual cost
5 of such care and treatment" shall mean either the
6 rate provided for by a contract entered into pursuant to
7 section 102 (b) of this title, or, in the absence of such
8 contract, a per diem rate fixed by the Governor.

9 (c) The Governor is authorized to accept from any
10 interested party any payment for the care and treatment of
11 any patient, even if such payment is not required by an order
12 of the Governor under subsection (a), so long as the total
13 payments received under subsection (a) and this subsection
14 do not exceed the actual cost of care and treatment.

15 **FEES AND EXPENSES FOR JUDICIAL PROCEEDINGS**

16 **SEC. 129.** A United States Commissioner, the witnesses,
17 and the jurymen, if any, in proceedings for judicial hos-
18 pitalization shall be entitled to the same compensation and
19 mileage as in civil actions. All compensation, mileage, fees,
20 and all other expenses arising from judicial hospitalization
21 proceedings shall be audited and allowed by the district judge
22 of the division in which said proceedings are held, and when
23 so audited and allowed shall be paid by the clerk of the
24 court in said division in the same manner and from the same
25 fund as he pays the other incidental expenses, of the court.

1 To the extent that services of a United States marshal or
2 deputy marshal are utilized to carry out the provisions of this
3 title, such marshal or deputy marshal shall be entitled to
4 fees and actual expenses from the same source and in the
5 same manner as for their other official duties.

6 TITLE II-GRANTS

7 SPECIAL GRANTS TO ALASKA FOR MENTAL HEALTH

8 SEC. 201. Title III of the Public Health Service Act,
9 as amended, is hereby amended by adding thereto a new
10 part as follows:

11 "PART H—GRANTS TO ALASKA FOR MENTAL HEALTH

12 "GRANTS FOR ALASKA MENTAL HEALTH PROGRAM

13 "SEC. 3'71. (a) There are hereby authorized to be ap-
14 propriated the following sums to be available to the Surgeon
15 General of the Public Health Service for the purpose of mak-
16 ing grants to the Territory of Alaska to assist it to carry out
17 plans, submitted by the Governor of the Territory or his
18 designee and approved by the Surgeon General, for an inte-
19 grated mental health program for the Territory, including
20 the outpatient and inpatient care and treatment of the men-
21 tally ill as defined in title I of the Alaska Mental Health Act:
22 For each of the fiscal years ending June 30, 1957, and June
23 30, 1958, the sum of \$1,000,000; for each of the fiscal years
24 ending June 30, 1959, and June 30, 1960, the sum of
25 \$800,000; for each of the fiscal years ending June 30, 1961,

1 and June 30, 1962, the sum of \$600,000; for each of the
2 fiscal years ending June 30, 1963, and June 30, 1964, the
3 sum of \$400,000; and for each of the years ending June 30,
4 1965, and June 30, 1966, the sum of \$200,000.

5 “(b) The Surgeon General shall, prior to the beginning
6 of each calendar quarter or such shorter period as the Sur-
7 geon General may find necessary, estimate the cost of carry-
8 ing out the approved plan, on the basis of estimates furnished
9 by the Territory, including estimates of the amount of con-
10 tractual obligations for the hospitalization of the mentally
11 ill, and on the basis of such further investigations as he
12 may find necessary. From the amounts appropriated for
13 any fiscal year, the Surgeon General shall pay to the Terri-
14 tory the amount requested by it but not to exceed the
15 amount so estimated by the Surgeon General for each such
16 period, reduced or increased,’ as the case may be, by any
17 sum (not previously adjusted under this section) by which
18 he finds that the amount paid for any prior period was
19 greater or less than the amount which should have been
20 paid. The amount of any balance of payments made to
21 the Territory under this section and remaining unobligated
22 on July 1, 1966, shall be repaid to the Treasury of the
23 United States.

24 “(c) Whenever the Surgeon General finds, after af-
25 fording opportunity for hearing, that the Territory has failed

1 to comply substantially with any provisions of the approved
2 plan, he shall notify the Governor that no further payments
3 will be made under this section (or that further payments
4 will not be made for parts of the plan affected by such
5 failure) until he is satisfied that there will no longer be any
6 such failure.

7 “ (d) The Surgeon General is authorized to enter into
8 arrangements with the Territorial government to provide for
9 the care and treatment, in hospitals operated by the
10 Service, of patients requiring hospitalization on account of
11 mental illness. Such arrangements shall be subject to the
12 availability of suitable facilities ~~therefor~~ and shall provide
13 for charges to the Territorial government in amounts ~~de-~~
14 termined by the Surgeon General which shall be sufficient to
15 cover the full cost of such care and treatment. Upon pay-
16 ment by the Territory the amount of such charges shall be
17 credited to the appropriation from which such costs were
18 incurred: *Provided*, That, during the period of grants under
19 this section, payment may be effected by deductions from the
20 amount of such grants otherwise payable to the Territory,
21 with such deductions to be credited to the appropriation
22 from which such costs were incurred.

23 “ (e) The Governor of Alaska is hereby authorized,
24 until April 1, 1957, and without further authorization from
25 the Territorial legislature, to expend such funds as may be

1 made available to the Territory of Alaska pursuant to this
2 section.

3 **"PAYMENTS FOR CONSTRUCTION OF HOSPITAL FACILITIES**

4 . "SEC. 372. (a) There is hereby authorized to be appro-
5 priated an amount not exceeding the total sum of \$6,500,000,
6 to remain available until expended, to enable the Surgeon
7 General to make payments to the Territory of Alaska as
8 the total contribution of the Federal Government to be used
9 in the construction of hospital and other facilities in Alaska
10 needed for the carrying out of a comprehensive program for
11 the mentally ill as defined in title I of the Alaska Mental
12 Health Act.

13 " (b) Such facilities shall be scheduled for construction
14 in accordance with a comprehensive construction program,
15 developed by the Territory in consultation with the Public
16 Health Service and approved by the Surgeon General.
17 Projects shall be constructed in accordance with such ap-
18 proved program and in accordance with plans and specifica-
19 tions for the project approved by the Surgeon General.

20 " (c) Upon certification by the Territory, based upon
21 inspection by it, that work has been performed upon a proj-
22 ect, or purchases have been made in accordance with ap-
23 proved plans and specifications, and that payment of an
24 installment is due, the Surgeon General shall certify **such**
25 installment for payment: *Provided*, however, That the

1 Surgeon General may cause the project to be inspected at
2 any time, and if such inspection indicates that the project
3 is not being constructed in accordance with approved plans
4 and specifications, he may, after notice and affording **opportu-**
5 **nity** for hearing, withhold further payment until he finds
6 that adequate corrective measures have been taken.

7 “(d) The term ‘construction’ means the amount found
8 necessary by the Surgeon General for the construction of
9 a project and includes the construction and initial equipment
10 of buildings (including medical transportation facilities),
11 architects’ and engineering fees, the cost of land acquired
12 **specifically** for the purpose of the project, and on-site
13 improvements.

14 “(e) If, within twenty years from the date of **comple-**
15 **tion** of construction, any hospital or other medical facility
16 constructed with the aid of grants under this section shall
17 cease to be a publicly owned facility operated for the care
18 of the mentally ill, the United States shall be entitled to
19 recover from the Territory the then value of the hospital
20 or other medical facility reduced, however, proportionately
21 to the extent to which the Territory may have contributed
22 to the cost of construction thereof.”

23 **LAND GRANT**

24 **Sec. 292.** (a) The Territory of Alaska is hereby
25 granted **and** shall be entitled to select, **within** ten years

1 from the effective date of this Act, not to exceed one
2 million acres from the public lands of the United States
3 in Alaska which are vacant, unappropriated, and un-
4 reserved at the time of their selection: *Provided*, That
5 nothing herein contained shall affect any valid existing rights.,
6 All lands duly selected by the Territory of Alaska pursuant to
7 this section shall be patented to the Territory by the Secre-
8 tary of the Interior.

9 (b) The lands authorized to be selected by the Terri-
10 tory of Alaska by subsection (a) of this section shall be
11 selected in such manner as the laws of the Territory may
12 provide, and in conformity with such regulations as the
13 Secretary of the Interior may prescribe. The authority to
14 make selections shall never be alienated or bargained away,
15 in whole or in part, by the Territory. All selections shall
16 be made in reasonably compact tracts, taking into account
17 the situation and potential uses of the lands involved. Upon
18 the revocation of any order. of withdrawal in Alaska, the
19 order of revocation shall provide for a period of not less than
20 ninety days before the date on which it otherwise becomes
21 effective during which period the Territory of Alaska shall
22 have a preferred right of selection, subject to the require-
23 ments of this Act, except as against prior existing valid rights
24 or as against equitable claims subject to allowance and con-
25 firmation. Such preferred right of selection shall have prece-

1 dence over the preferred right of application created by
2 section 4 of the Act of September 27, 1944 (58 Stat. 748;
3 43 U. S. C., sec. 282), as now or hereafter amended, but
4 not over other preference rights now conferred by law. As
5 used in this subsection, the words "equitable claims subject
6 to allowance and confirmation" include, without limitation,
7 claims of holders of permits issued by the Department of
8 Agriculture on lands eliminated from national forests, whose
9 permits have been terminated only because of such elimina-
10 tion and who own valuable improvements on such lands.

11 (c) All grants made or confirmed under this section
12 shall include mineral deposits.

13 (d) Following the selection of lands by the Territory
14 and the approval of such selection by the Secretary of the
15 Interior, but prior to the issuance of final patent, the Terri-
16 tory shall be authorized to lease and to make conditional
17 sales of such selected lands.

18 (e) All lands granted to the Territory of Alaska under
19 this section, together with the income therefrom and the
20 proceeds from any dispositions thereof, shall be administered
21 by the Territory of Alaska as a public trust and the income
22 therefrom shall first be applied to meet the necessary ex-
23 penses of the program for the hospitalization and care of
24 the mentally ill in Alaska. Such lands, income, and pro-
25 ceeds shall be managed and utilized in such manner as the

1 Legislature of Alaska may provide. Such lands, together
2 with any property acquired 'in exchange therefor or ac-
3 quired out of the income or proceeds therefrom, may be
4 sold, leased, mortgaged, exchanged, or otherwise disposed
5 of in such manner as the Legislature of Alaska may
6 provide, in order to obtain funds or other property to be
7 invested, expended, or used by the Territory of Alaska. The
8 authority of the Legislature of Alaska under this subsection
9 shall be exercised in a manner compatible with the conditions
10 and requirements imposed by other provisions of this Act.

11 TITLE III-MISCELLANEOUS PROVISIONS

12 LAWS REPEALED

13 SEO. 301. (a) The following Acts and all amendments
14 thereto and parts of Acts and all amendments thereto are
15 repealed:

16 (1) Section 8 of the Act of January 27, 1905 (33
17 Stat. 619; 48 U. S. C., sec. 47) ;

18 (2) Section 7 of the Act of February 6, 1909 (35 Stat.
19 601; 48 U. S. C., sec. 46) ;

20 (3) Act of June 25, 1910 (36 Stat. 852 ; 48 U. S. C.,
21 sec. 46b) ;

22 (4) Act of April 24, 1926 (44 Stat. 322; 48 U. S. C.,
23 secs. 50 and 50a) ; and

24 (5) Act of October 14, 1942 (56 Stat. 782; 48

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1 U. S. C., secs. 46, 460, **47a, 47b, 47c**, 48, **48a**, 50, 50a) :

2 *Provided*, That the Secretary of the Interior shall retain the
3 authority conferred upon him by the Act of April 24, 1926,
4 as amended (48 U. S. C., **secs. 50, 50a**), with respect to
5 the moneys and personal property of any patient who has
6 died or eloped prior to the effective date of this Act.

7 (b) Any rights or ~~liabilities~~ now existing under the
8 Acts, the amendments thereto, and parts of Acts referred
9 to in subsection (a) hereof **shall** not be affected by this
10 repeal.

11 **EXISTING CONTRACT AND APPROPRIATIONS**

12 **SEC. 302.** (a) Within thirty days from the date of
13 enactment of this Act, the Secretary of the Interior, with the
14 concurrence of the Governor of Alaska, shall either (i)
15 assign **all** of his rights and duties under contract numbered
16 13-04-001-81, entered into **on** June 18, 1953, between the
17 Secretary of the Interior on behalf of the United States, and
18 the Sanitarium Company of Portland, Oregon, to the **Terri-**
19 **tor**y of Alaska, such an assignment to become effective on
20 the effective date **specified** in section 304 hereof, or (ii)
21 terminate the said contract in accordance with the terms
22 thereof. Upon such assignment, such contract **shall** have
23 the same binding effect upon the Territory as would a **con-**
24 **tract** negotiated pursuant to section 102 (b) of this Act.

1 (b) On the effective date of this Act, so much of all
 2 unexpended balances of appropriations ~~as~~ are available to
 3 the Department of the Interior for the care of the Alaska
 4 insane shall be transferred to the Governor of ~~Alaska~~ to
 5 be available for expenditure by him for the administration
 6 of this Act, and the Secretary of the Interior shall, as soon as
 7 practicable, after the ~~date~~ of enactment hereof, before or
 8 after the effective date of this Act, transfer to the Governor
 9 of Alaska all papers and documents used primarily in the
 10 administration of all laws pertaining to the Alaska insane.

11 (c) Until July 1, 1956, expenses for the transportation
 12 to a hospital outside of Alaska of all patients hospitalized
 13 pursuant to section 108 of title I of this Act shall be paid
 14 by the Department of Justice.

15 **SEPARABILITY**

16 **SEC. 303.** If any portion of this Act or the application
 17 thereof to any person or circumstance is held invalid, the
 18 remainder of the Act and the application of such provision
 19 to other persons' or circumstances shall not be affected
 20 thereby.

21 **EFFECTIVE DATE**

22 **SEC. 304.** Except as otherwise provided in section 302
 23 hereof, this Act shall become effective on the two hundred

1 and tenth day immediately following the date of its enact-
2 ment.

Passed the House of Representatives January 18, 1956.

Attest:

RALPH R. ROBERTS,

Clerk.