

Introduced by: McGahan
Date: Jan. 4, 1983 Ref Loc Afrs
Vote: Unanimous as Amended
Action: Adopted 3-01-83

KENAI PENINSULA BOROUGH

RESOLUTION 83-13

URGING THE ALASKA CONGRESSIONAL DELEGATION TO WORK FOR REPEAL OF 42 U.S.C. 300m - (d), AND URGING THE STATE LEGISLATURE TO SUBSEQUENTLY REPEAL AS 18.07.031-111 WHICH PROVIDES FOR A CERTIFICATE OF NEED PROGRAM FOR THE CONSTRUCTION, ALTERATION OF BED CAPACITY, OR ADDITION OR ELIMINATION OF A CATEGORY OF HEALTH SERVICES OF A HEALTH CARE FACILITY.

WHEREAS, the freedom of municipalities or private groups to build or enlarge health care facilities is unduly prohibited under the terms of the Certificate of Need Program contained in AS 18.07.031-111; and

WHEREAS, that program inhibits, if not prohibits, enlightened and individual planning which would provide that additional health care facilities would be available when needed; and

WHEREAS, this statute is an exemplification of unwanted and undesirable bureaucratic control of local and individual affairs; and

WHEREAS, making the funding of health care facilities dependent upon such bureaucratic control is counterproductive to the establishment and construction of such health care facilities; and

WHEREAS, such State controls are required in order to avoid penalties under the provisions of 42 U.S.C. 300m - (j) and the Alaska delegation to the United States Congress should be requested to work for the repeal of 42 U.S.C. 300m - (d); and

WHEREAS, when said Federal provision has been repealed, the legislature of the State of Alaska should repeal AS 18.07.031-111 providing for a Certificate of Need Program;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

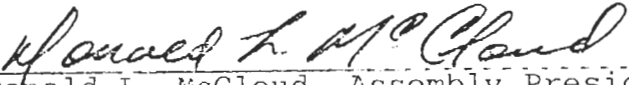
Section 1. That the Alaska Delegation to the United States Congress is hereby requested to work diligently and earnestly to secure the repeal of 42 U.S.C. 300m - (d).

Section 2. That if the repeal of the above Federal legislation is secured, the Alaska State Legislature is hereby requested to repeal AS 18.07.031-111 which provides for a Certificate of Need Program.

Section 3. That HB No. 19, and SB No. 85 have been introduced in the 13th State Legislature, and the Assembly urges passage of these bills.

Section 4. That after passage of this resolution, copies thereof should be mailed to each member of the Alaska Delegation to the United States Congress, to Governor Bill Sheffield, to Senators Don Gilman and Paul Fischer, and to Representatives Hugh Malone, Milo Fritz, and Bette Cato.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 1st DAY OF March, 1983.


Donald L. McCloud, Assembly President

ATTEST:


Borough Clerk