

CS FOR HOUSE BILL NO. 52(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/30/25

Referred: Finance

Sponsor(s): REPRESENTATIVES DIBERT, Fields, Foster, Burke

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the rights of minors undergoing evaluation or inpatient treatment at**
2 **psychiatric hospitals; relating to the use of seclusion or restraint of minors at psychiatric**
3 **hospitals; relating to a report published by the Department of Health; relating to**
4 **inspections by the Department of Health of certain psychiatric hospitals; and providing**
5 **for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 47.30 is amended by adding a new section to read:

8 **Sec. 47.30.843. Minors undergoing inpatient mental health evaluation and**
9 **treatment.** A minor undergoing evaluation or inpatient treatment at a psychiatric
10 hospital has the right, unless it is otherwise prohibited by law or court order or
11 considered therapeutically inadvisable by the professional person in charge, to have
12 confidential telephone or video communication each week for at least two cumulative
13 hours with the minor's parent or legal guardian or other adult approved by the

1 professional person in charge. The minor, the minor's parent or legal guardian, or
 2 another adult approved by the professional person in charge may request the
 3 confidential communication. The psychiatric hospital shall facilitate the
 4 communication.

5 * **Sec. 2.** AS 47.32.030 is amended by adding new subsections to read:

6 (e) The Department of Health shall prepare an annual report regarding minors
 7 in psychiatric hospitals and, not later than November 1 of each year, publish the report
 8 on the department's Internet website, submit the report to the senate secretary and the
 9 chief clerk of the house of representatives, and notify the legislature that the report is
 10 available. The report must

11 (1) contain information on the uses of seclusion and restraint reported
 12 under AS 47.32.200(g), including the aggregate total of the uses of seclusion or
 13 restraint at each psychiatric hospital in which minors undergo evaluation or inpatient
 14 treatment, and the type of psychotropic medication used, if any, to carry out each
 15 chemical restraint;

16 (2) summarize the department's findings from the inspections
 17 conducted under AS 47.32.110(d); and

18 (3) contain data on the number of minors who received residential care
 19 at psychiatric hospitals, including information provided by the Department of Family
 20 and Community Services under (f) of this section regarding minors in state custody
 21 who receive care at psychiatric hospitals.

22 (f) The Department of Family and Community Services shall annually

23 (1) collect data on the number of minors in state custody who received
 24 residential care at psychiatric hospitals in the state, the number of minors in state
 25 custody who received residential care at out-of-state psychiatric hospitals, and the
 26 amount of time each of those minors spent at psychiatric hospitals in each of those
 27 settings; and

28 (2) provide the data collected under (1) of this subsection to the
 29 Department of Health for inclusion in the report required under (e) of this section.

30 * **Sec. 3.** AS 47.32.110(c) is amended to read:

31 (c) Upon petition of the department with licensing authority for the entity

1 under AS 47.32.010 and after a hearing held upon reasonable notice to the entity, the
 2 court shall issue an order to an officer or employee of that department authorizing the
 3 officer or employee to enter for any of the purposes described in (a) **or (d)** of this
 4 section.

5 * **Sec. 4.** AS 47.32.110 is amended by adding a new subsection to read:

6 (d) A designated agent or employee of the Department of Health shall
 7 conduct, at least twice each year, an unannounced inspection of each psychiatric
 8 hospital in which minors undergo evaluation or inpatient treatment and in which a
 9 minor has spent more than three nights in the preceding year. In conducting an
 10 inspection under this subsection, the Department of Health shall interview at least 50
 11 percent of the minor patients of the psychiatric hospital. Staff of the psychiatric
 12 hospital may not be present during an interview conducted under this subsection
 13 unless the Department of Health requests staff presence during the interview to ensure
 14 safety.

15 * **Sec. 5.** AS 47.32.200 is amended by adding a new subsection to read:

16 (g) A psychiatric hospital shall notify the Department of Health in writing of
 17 each use of seclusion or restraint on a minor, including the use of a chemical,
 18 mechanical, or physical restraint. The psychiatric hospital shall notify the Department
 19 of Health and the parent or guardian of the minor not later than 72 hours after the use
 20 of seclusion or restraint. The notification provided by a psychiatric hospital regarding
 21 the use of a chemical restraint must include the type of psychotropic medication used
 22 to carry out the chemical restraint.

23 * **Sec. 6.** AS 47.32.900 is amended by adding a new paragraph to read:

24 (22) "chemical restraint" means a psychopharmacologic drug that is
 25 used on a patient for restraint, discipline, or convenience and that

26 (A) is not required to treat a medical symptom; or

27 (B) is used to treat a patient's medical symptom, but is given to
 28 the patient in a higher dose than is needed to treat the patient's medical
 29 symptom.

30 * **Sec. 7.** This Act takes effect July 1, 2026.