

CS FOR SENATE BILL NO. 124(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/11/22

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to crisis stabilization centers, crisis residential centers, and subacute**
2 **mental health facilities; relating to evaluation facilities; relating to representation by an**
3 **attorney; relating to the administration of psychotropic medication in a crisis situation;**
4 **relating to the use of psychotropic medication; relating to licensed facilities; relating to**
5 **psychiatric patient rights; and providing for an effective date."**

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

7 *** Section 1.** AS 12.25.031(a) is amended to read:

8 (a) As an alternative to arrest, a peace officer may, at the officer's discretion,
9 deliver a person to a crisis stabilization center, a crisis residential center, or an
10 evaluation facility or decline to arrest the person if

11 (1) the arresting officer believes in good faith that the person is
12 suffering from an acute behavioral health crisis; and

13 (2) the person voluntarily agrees to be taken to a crisis stabilization

1 center, a crisis residential center, or an evaluation facility or to promptly seek
2 outpatient mental health treatment.

3 * **Sec. 2.** AS 12.25.031(b) is amended to read:

4 (b) Notwithstanding (a) of this section, a peace officer may, as an alternative
5 to arrest, take a person into emergency custody under AS 47.30.705 and deliver the
6 person to a crisis stabilization center, a crisis residential center, or an evaluation
7 facility.

8 * **Sec. 3.** AS 12.25.031(c) is amended to read:

9 (c) Delivery of a person to a crisis stabilization center, a crisis residential
10 center, or an evaluation facility for examination under (a) of this section does not
11 constitute an involuntary commitment under AS 47.30 or an arrest.

12 * **Sec. 4.** AS 12.25.031(d) is amended to read:

13 (d) Before a person delivered to a crisis stabilization center, a crisis
14 residential center, or an evaluation facility under (a) or (b) of this section is released
15 to the community, a mental health professional shall make reasonable efforts to inform
16 the arresting officer and the arresting officer's employing agency of the planned
17 release if the officer has specifically requested notification and provided the officer's
18 contact information to the crisis stabilization center, crisis residential center, or
19 evaluation facility.

20 * **Sec. 5.** AS 12.25.031(f) is amended to read:

21 (f) An agreement to participate in outpatient treatment or to be delivered to a
22 crisis stabilization center, a crisis residential center, or an evaluation facility under
23 (a) of this section

24 (1) may not require a person to stipulate to any facts regarding the
25 alleged criminal activity as a prerequisite to participation in a mental health treatment
26 alternative;

27 (2) is inadmissible in any criminal or civil proceeding; and

28 (3) does not create immunity from prosecution for the alleged criminal
29 activity.

30 * **Sec. 6.** AS 12.25.031(g) is amended to read:

31 (g) If a person violates an agreement to be delivered to a crisis stabilization

1 center, **a crisis residential center**, or an evaluation facility or to seek outpatient
2 treatment under (a) of this section,

3 (1) a mental health professional shall make reasonable efforts to
4 inform the arresting officer **and the arresting officer's employing agency** of the
5 person's decision to leave the crisis stabilization center, **crisis residential center**, or
6 evaluation facility; and

7 (2) the original charges may be filed or referred to the prosecutor, as
8 appropriate, and the matter may proceed as provided by law.

9 * **Sec. 7.** AS 12.25.031(i)(1) is amended to read:

10 (1) "crisis stabilization center" **has the meaning given in**
11 **AS 47.32.900** [MEANS A FACILITY LICENSED UNDER AS 47.32 THAT MEETS
12 THE DEFINITION OF "CRISIS STABILIZATION CENTER" IN AS 47.32.900];

13 * **Sec. 8.** AS 12.25.031(i) is amended by adding a new paragraph to read:

14 (4) "crisis residential center" has the meaning given in AS 47.32.900.

15 * **Sec. 9.** AS 18.65.530(c) is amended to read:

16 (c) A peace officer is not required to make an arrest of a person under (a) of
17 this section if the officer has received authorization from a prosecuting attorney in the
18 jurisdiction in which the offense under investigation arose

19 (1) not to arrest the person; or

20 (2) to deliver the person to a crisis stabilization center, **a crisis**
21 **residential center**, or an evaluation facility as provided in AS 12.25.031(b).

22 * **Sec. 10.** AS 18.65.530(g) is amended to read:

23 (g) A peace officer who delivers a person to a crisis stabilization center, **a**
24 **crisis residential center**, or evaluation facility under (c) of this section shall provide
25 the peace officer's **and the peace officer's employing agency's** contact information to
26 the crisis stabilization center, **crisis residential center**, or evaluation facility and, if
27 the peace officer **and the peace officer's employing agency are** [IS] notified under
28 AS 12.25.031(d) of a planned release of the person, shall make reasonable efforts to
29 inform the victim of a crime committed under (a)(1) or (2) of this section of the
30 planned release.

31 * **Sec. 11.** AS 18.85.100(a) is amended to read:

1 (a) An indigent person who is under formal charge of having committed a
 2 serious crime and the crime has been the subject of an initial appearance or subsequent
 3 proceeding, or is being detained under a conviction of a serious crime, or is on
 4 probation or parole, or is entitled to representation under the Supreme Court
 5 Delinquency or Child in Need of Aid Rules or at a review hearing under
 6 AS 47.12.105(d), or is isolated, quarantined, or required to be tested under an order
 7 issued under AS 18.15.355 - 18.15.395, or **is a respondent in a proceeding under**
 8 **AS 47.30** [AGAINST WHOM COMMITMENT PROCEEDINGS FOR MENTAL
 9 ILLNESS HAVE BEEN INITIATED], is entitled

10 (1) to be represented, in connection with the crime or proceeding, by
 11 an attorney to the same extent as a person retaining an attorney is entitled; and

12 (2) to be provided with the necessary services and facilities of this
 13 representation, including investigation and other preparation.

14 * **Sec. 12.** AS 47.30.693 is amended to read:

15 **Sec. 47.30.693. Notice to parent or guardian [OF MINOR].** When a minor
 16 under 18 years of age is detained at or admitted or committed to a treatment facility,
 17 the facility shall inform the parent or guardian of the location of the minor as soon as
 18 possible after the arrival of the minor at the facility. **When an adult for whom a**
 19 **guardian has been appointed is detained at or admitted or committed to a**
 20 **treatment facility and the facility is aware of the appointment, the facility shall**
 21 **inform the guardian of the location of the adult as soon as possible after the**
 22 **arrival of the adult at the facility.**

23 * **Sec. 13.** AS 47.30.700 is amended by adding a new subsection to read:

24 (c) When a crisis stabilization center, crisis residential center, evaluation
 25 facility, or treatment facility admits a minor respondent under this section, the center
 26 or facility shall inform the parent or guardian of the location of the minor as soon as
 27 possible after the arrival of the minor at the facility. When a crisis stabilization center,
 28 crisis residential center, evaluation facility, or treatment facility admits an adult for
 29 whom a guardian has been appointed and the center or facility is aware of the
 30 appointment, the center or facility shall inform the guardian of the location of the adult
 31 as soon as possible after the arrival of the adult at the center or facility.

1 * **Sec. 14.** AS 47.30.705(a) is amended to read:

2 (a) A peace officer, **health officer, mental health professional, or physician**
 3 **assistant licensed by the State Medical Board to practice in this state,** [A
 4 PSYCHIATRIST OR PHYSICIAN WHO IS LICENSED TO PRACTICE IN THIS
 5 STATE OR EMPLOYED BY THE FEDERAL GOVERNMENT, OR A CLINICAL
 6 PSYCHOLOGIST LICENSED BY THE STATE BOARD OF PSYCHOLOGIST
 7 AND PSYCHOLOGICAL ASSOCIATE EXAMINERS] who has probable cause to
 8 believe that a person is gravely disabled or is suffering from mental illness and is
 9 likely to cause serious harm to self or others of such immediate nature that
 10 considerations of safety do not allow initiation of involuntary commitment procedures
 11 set out in AS 47.30.700, may cause the person to be taken into custody **by a peace**
 12 **officer or health officer** and delivered to the nearest crisis stabilization center, **crisis**
 13 **residential center,** [AS DEFINED IN AS 47.32.900 OR THE NEAREST] evaluation
 14 facility, **or treatment facility.** A person taken into custody for emergency evaluation
 15 may not be placed in a jail or other correctional facility except for protective custody
 16 purposes and only while awaiting transportation to a crisis stabilization center, **crisis**
 17 **residential center, evaluation facility,** or treatment facility. However,
 18 [EMERGENCY] protective custody under this section may not include placement of a
 19 minor in a jail or secure facility. The peace officer, **health officer,** [OR] mental health
 20 professional, **or physician assistant** shall complete an application for examination of
 21 the person in custody and be interviewed by a mental health professional at the crisis
 22 stabilization center, **crisis residential center,** evaluation facility, or treatment facility.

23 * **Sec. 15.** AS 47.30.705 is amended by adding new subsections to read:

24 (c) When delivering a person to a crisis stabilization center, crisis residential
 25 center, evaluation facility, or treatment facility under (a) of this section, a peace officer
 26 or health officer shall give priority to a crisis stabilization center or crisis residential
 27 center if one exists in the service area served by the peace officer or health officer.

28 (d) When a crisis stabilization center, crisis residential center, evaluation
 29 facility, or treatment facility admits a minor under this section, the center or facility
 30 shall inform the parent or guardian that the minor has been admitted as soon as
 31 possible after the arrival of the minor at the facility. When a crisis stabilization center,

1 crisis residential center, evaluation facility, or treatment facility admits an adult for
2 whom a guardian has been appointed and the center or facility is aware of the
3 appointment, the center or facility shall inform the guardian that the adult has been
4 admitted as soon as possible.

5 * **Sec. 16.** AS 47.30 is amended by adding new sections to read:

6 **Sec. 47.30.707. Admission to and hold at a crisis stabilization center.** (a)

7 Except as provided in (b) of this section, when a crisis stabilization center admits a
8 respondent under AS 47.30.705, the crisis stabilization center may hold the respondent
9 at the center for a period not to exceed 23 hours and 59 minutes. A mental health
10 professional shall examine the respondent within three hours after the respondent
11 arrives at the center.

12 (b) If the professional person in charge at the crisis stabilization center
13 determines that there is probable cause to believe that the respondent has a mental
14 illness and is suffering an acute behavioral health crisis and, as a result, is likely to
15 cause serious harm to self or others or is gravely disabled, the respondent's acute
16 behavioral health crisis will be resolved during admission to a crisis residential center
17 or evaluation facility, and the respondent is not willing to voluntarily go to the crisis
18 residential center or evaluation facility, a mental health professional may submit an ex
19 parte application to the court under this section for detention at the crisis residential
20 center or evaluation facility. Based on the application, if the court finds that probable
21 cause exists to believe that the respondent has a mental illness and is suffering an
22 acute behavioral health crisis and, as a result, is likely to cause serious harm to self or
23 others or is gravely disabled and the respondent's acute behavioral health crisis will be
24 resolved during admission to a crisis residential center or evaluation facility, and the
25 respondent is not willing to voluntarily go to a crisis residential center or evaluation
26 facility, the court shall grant the application and appoint an attorney to represent the
27 respondent, and the respondent may remain at the crisis stabilization center until
28 admission to a crisis residential center or evaluation facility. If the court finds no
29 probable cause, the court shall order the respondent released.

30 **Sec. 47.30.708. Admission to and detention at a crisis residential center.** (a)

31 A respondent who is delivered to a crisis residential center for emergency examination

1 and treatment shall be examined and evaluated as to mental and physical condition by
2 a mental health professional within three hours after arrival at the facility.

3 (b) The mental health professional who performs the emergency examination
4 under (a) of this section may admit the respondent to the crisis residential center if the
5 mental health professional has probable cause to believe that

6 (1) the respondent has a mental illness and is suffering an acute
7 behavioral health crisis and, as a result, is likely to cause serious harm to self or others
8 or is gravely disabled; and

9 (2) the respondent's acute behavioral health crisis will be resolved
10 during admission to the crisis residential center.

11 (c) If a mental health professional admits a respondent to a crisis residential
12 center and a judicial order has not been obtained under AS 47.30.707, the mental
13 health professional may apply for an ex parte order under this section authorizing
14 admission to the crisis residential center. Based on the application, if the court finds
15 that probable cause exists to believe that the respondent has a mental illness and is
16 suffering an acute behavioral health crisis and, as a result, is likely to cause serious
17 harm to self or others or is gravely disabled, and the respondent's acute behavioral
18 health crisis will be resolved during admission to a crisis residential center, the court
19 shall grant the application and appoint an attorney to represent the respondent. If the
20 court finds no probable cause, the court shall order the respondent released.

21 (d) When, under (c) of this section, the court grants an ex parte application to
22 admit a respondent to a crisis residential center, the court shall set a time for a hearing,
23 to be held if needed within 72 hours after the respondent's arrival at the crisis
24 stabilization center or the crisis residential center, whichever is earlier, and the court
25 shall notify the respondent, the respondent's attorney, the respondent's guardian, if
26 any, the petitioner's attorney, if any, and the attorney general of the time and place of
27 the hearing. Computation of the 72-hour period at a crisis residential center before a
28 hearing does not include Saturdays, Sundays, and legal holidays. The hearing shall be
29 held at the crisis residential center in person, by contemporaneous two-way video
30 conference, or by teleconference, absent extraordinary circumstances. If a hearing is
31 held by contemporaneous two-way video conference, only the court may record the

1 hearing. In this subsection, "contemporaneous two-way video conference" means a
2 conference among people at different places by means of transmitted audio and visual
3 signals, using any communication technology that allows people at two or more places
4 to interact simultaneously by way of two-way video and audio transmission.

5 (e) In the course of the 72-hour period, a petition for 30-day commitment or
6 for seven-day detention at a crisis residential center may be filed in court. A petition
7 for 30-day commitment must conform with AS 47.30.730. A petition for seven-day
8 detention at a crisis residential center must be signed by two mental health
9 professionals, one of whom must be a physician, who have examined the respondent.
10 A copy of the petition shall be served on the respondent, the respondent's attorney, and
11 the respondent's guardian, if any, before the hearing. The petition for detention must

12 (1) allege that the respondent is suffering an acute behavioral health
13 crisis and, as a result, is likely to cause serious harm to self or others or is gravely
14 disabled;

15 (2) allege that resolution of the respondent's acute behavioral health
16 crisis is likely during the admission to the crisis residential center;

17 (3) allege that the respondent has been advised of the need for, but has
18 not accepted, voluntary treatment, and request that the court order the respondent to be
19 detained at the crisis residential center for up to seven days following the respondent's
20 arrival at the crisis stabilization center or the crisis residential center, whichever is
21 earlier;

22 (4) list prospective witnesses; and

23 (5) list specific facts and describe behavior of the respondent
24 supporting the allegations in (1) - (3) of this subsection.

25 (f) If, at a hearing held under (d) of this section, the court reviews a petition
26 for 30-day commitment, the court shall hold the next hearing in accordance with
27 AS 47.30.735. If the court grants the petition for 30-day commitment, the respondent
28 may remain at the crisis residential center until admission to a designated treatment
29 facility.

30 (g) If, at a hearing held under (d) of this section, the court reviews a petition
31 for seven-day detention at a crisis residential center, the respondent has the rights

1 listed in AS 47.30.735(b)(1) - (9). At the conclusion of a hearing on a petition for
2 seven-day detention at a crisis residential center, the court

3 (1) may order the respondent detained at the crisis residential center
4 for up to seven days following the respondent's arrival at the crisis stabilization center
5 or the crisis residential center, whichever is earlier, if the court finds there is probable
6 cause to believe that

7 (A) the respondent is suffering an acute behavioral health crisis
8 and, as a result, is likely to cause serious harm to self or others or is gravely
9 disabled; and

10 (B) the respondent's acute behavioral health crisis will be
11 resolved during admission to the crisis residential center;

12 (2) shall order the respondent released, if the court finds no probable
13 cause.

14 **Sec. 47.30.709. Rights of respondents at crisis stabilization centers and**
15 **crisis residential centers; psychotropic medication; time.** (a) If at any time during a
16 respondent's hold at a crisis stabilization center or detention at a crisis residential
17 center the professional person in charge determines that the respondent does not meet
18 the standard for a hold or detention, the respondent may no longer be held or detained.
19 The professional person in charge shall notify the petitioner and the court, if
20 applicable.

21 (b) When a respondent is held at a crisis stabilization center or detained at a
22 crisis residential center, the respondent has the rights identified in AS 47.30.725 and,

23 (1) if an adult, the rights identified under AS 47.30.817 - 47.30.865;
24 and

25 (2) if a minor, the rights identified in AS 47.30.700 - 47.30.865.

26 (c) A respondent subject to an involuntary stabilization hold or detention at a
27 crisis stabilization center or crisis residential center may, at any time, convert to
28 voluntary status if the professional person in charge agrees that

29 (1) the respondent is an appropriate patient for voluntary status; and

30 (2) the conversion is made in good faith.

31 (d) A crisis stabilization center or crisis residential center may administer

1 psychotropic medication to an involuntarily held or detained respondent only in a
2 manner that is consistent with AS 47.30.838.

3 (e) Computation of a 23-hour and 59-minute holding time at a crisis
4 stabilization center includes Saturdays, Sundays, and legal holidays, but does not
5 include any period of time necessary to transport a respondent to a crisis stabilization
6 center. Computation of a seven-day detention at a crisis residential center includes
7 Saturdays, Sundays, and legal holidays, but does not include any period of time
8 necessary to transport a respondent to a crisis residential center.

9 * **Sec. 17.** AS 47.30.710 is amended to read:

10 **Sec. 47.30.710. Examination; hospitalization.** (a) A respondent who is
11 delivered under AS 47.30.700 - 47.30.705 to an evaluation facility [, EXCEPT FOR
12 DELIVERY TO A CRISIS STABILIZATION CENTER AS DEFINED IN
13 AS 47.32.900,] for emergency examination and treatment shall be examined and
14 evaluated as to mental and physical condition by a mental health professional and by a
15 physician within 24 hours after arrival at the facility. [A RESPONDENT WHO IS
16 DELIVERED UNDER AS 47.30.705 TO A CRISIS STABILIZATION CENTER
17 SHALL BE EXAMINED BY A MENTAL HEALTH PROFESSIONAL AS
18 DEFINED IN AS 47.30.915 WITHIN THREE HOURS AFTER ARRIVING AT THE
19 CENTER.]

20 (b) If the mental health professional who performs the emergency examination
21 **under (a) of this section** has reason to believe that the respondent is [(1)] mentally ill
22 and that condition causes the respondent to be gravely disabled or to present a
23 likelihood of serious harm to self or others, and **the respondent** [(2)] is in need of care
24 or treatment, the mental health professional may

25 **(1) admit the respondent to a crisis residential center;**

26 **(2) hospitalize the respondent;** [,] or

27 **(3) arrange for hospitalization, on an emergency basis** [. IF A
28 JUDICIAL ORDER HAS NOT BEEN OBTAINED UNDER AS 47.30.700, THE
29 MENTAL HEALTH PROFESSIONAL SHALL APPLY FOR AN EX PARTE
30 ORDER AUTHORIZING HOSPITALIZATION FOR EVALUATION].

31 * **Sec. 18.** AS 47.30.710 is amended by adding new subsections to read:

1 (c) If a mental health professional hospitalizes a respondent or arranges for the
 2 hospitalization of a respondent under (b) of this section and a judicial order has not
 3 been obtained under AS 47.30.700, the mental health professional shall apply for an
 4 ex parte order authorizing the hospitalization for evaluation.

5 (d) If a mental health professional readmits a respondent to an evaluation
 6 facility after a discharge from a subacute mental health facility, the respondent is not
 7 willing to remain at the evaluation facility on a voluntary basis, and a judicial order
 8 has not been obtained under AS 47.30.700, the mental health professional shall apply
 9 for an ex parte order authorizing hospitalization for evaluation. Unless otherwise
 10 ordered by the court upon receiving the application for an ex parte order, the
 11 respondent shall remain at the evaluation facility until the court issues a decision on
 12 the application of an ex parte order.

13 * **Sec. 19.** AS 47.30.715 is amended to read:

14 **Sec. 47.30.715. Procedure after order.** When an evaluation [A] facility
 15 receives a proper order for evaluation, it shall accept the order and the respondent for
 16 an evaluation period not to exceed 72 hours. The evaluation facility shall promptly
 17 notify the court of the date and time of the respondent's arrival. The court shall set a
 18 date, time, and place for a 30-day commitment hearing, to be held if needed within 72
 19 hours after the respondent's arrival, and the court shall notify the evaluation facility,
 20 the respondent, the respondent's guardian, if any, the respondent's attorney, [AND]
 21 the petitioner's [PROSECUTING] attorney, if any, and the attorney general of the
 22 time and place of the hearing [ARRANGEMENTS]. Evaluation personnel, when
 23 used, shall similarly notify the court of the date and time when they first met with the
 24 respondent.

25 * **Sec. 20.** AS 47.30.805 is amended to read:

26 **Sec. 47.30.805. Computation, extension, and expiration of periods of time.**

27 (a) Except as provided in (b) of this section,

28 (1) computations of a 72-hour evaluation period under AS 47.30.708
 29 or 47.30.715 [AS 47.30.715] or a 48-hour detention period under AS 47.30.685 do not
 30 include Saturdays, Sundays, legal holidays, or any period of time necessary to
 31 transport the respondent to the treatment facility;

1 (2) **a seven-day detention at a crisis residential center expires at**
 2 **the end of the seventh day following the respondent's arrival at the crisis**
 3 **stabilization center or the crisis residential center, whichever is earlier;**

4 (3) a 30-day commitment period expires at the end of the 30th day
 5 after the 72 hours following initial acceptance;

6 (4) [(3)] a 90-day commitment period expires at the end of the 90th
 7 day after the expiration of a 30-day period of treatment;

8 (5) [(4)] a 180-day commitment period expires at the end of the 180th
 9 day, after the expiration of a 90-day period of treatment or previous 180-day period,
 10 whichever is applicable.

11 (b) When a respondent has failed to appear or been absent through the
 12 respondent's own actions contrary to any order properly made or entered under
 13 AS 47.30.660 - 47.30.915, the relevant commitment period shall be extended for a
 14 period of time equal to the respondent's absence if written notice of absence is
 15 promptly provided to the respondent's attorney and guardian, if **any** [THERE IS
 16 ONE], and if, within 24 hours after the respondent has returned to the evaluation or
 17 treatment facility, written notice of the corresponding extension and the reason for it is
 18 given to the respondent and the respondent's attorney and guardian, if any, and to the
 19 court.

20 * **Sec. 21.** AS 47.30.836 is amended by adding a new subsection to read:

21 (b) Before administering psychotropic medication to a minor patient under this
 22 section, a mental health professional shall consult with a parent or guardian of the
 23 minor, evaluate the minor for drug withdrawal and medical psychosis caused by
 24 currently prescribed drugs or self-medication, and review all available information
 25 regarding the minor's family history, diet, medications, and other contributing factors.

26 * **Sec. 22.** AS 47.30.838(c) is amended to read:

27 (c) If crisis situations as described in (a)(1) of this section occur repeatedly, or
 28 if it appears that they may occur repeatedly, the evaluation facility, **crisis stabilization**
 29 **center, crisis residential center,** or designated treatment facility may administer
 30 psychotropic medication during **not** [NO] more than three crisis periods without the
 31 patient's informed consent only with court approval under AS 47.30.839.

1 * **Sec. 23.** AS 47.30.838 is amended by adding a new subsection to read:

2 (e) Before determining whether a minor patient should be given psychotropic
3 medication under this section, a mental health professional shall, to the extent time and
4 the nature of the crisis permit, consult with a parent or guardian of the minor, evaluate
5 the minor for drug withdrawal and medical psychosis caused by currently prescribed
6 drugs or self-medication, and review all available information regarding the minor's
7 family history, diet, medications, and other possibly relevant factors.

8 * **Sec. 24.** AS 47.30.839(b) is amended to read:

9 (b) An evaluation facility or designated treatment facility may seek court
10 approval for administration of psychotropic medication to a patient by filing a petition
11 with the court, requesting a hearing on the capacity of the person to give informed
12 consent **and on the proposed use of psychotropic medication. The petition shall**
13 **provide specific information regarding the factors listed in AS 47.30.837(d)(2)(A)**
14 **- (E).**

15 * **Sec. 25.** AS 47.30.839(g) is amended to read:

16 (g) If the court determines **by clear and convincing evidence** that the patient
17 is not competent to provide informed consent and [, BY CLEAR AND
18 CONVINCING EVIDENCE,] was not competent to provide informed consent at the
19 time of previously expressed wishes documented under (d)(2) of this section, **that the**
20 **proposed use of medication is in the best interests of the patient considering at a**
21 **minimum the factors listed in AS 47.30.837(d)(2)(A) - (E), and that there is no**
22 **feasible less intrusive alternative,** the court shall approve the facility's proposed use
23 of psychotropic medication. The court's approval under this subsection applies to the
24 patient's initial period of commitment if the decision is made during that time period.
25 If the decision is made during a period for which the initial commitment has been
26 extended, the court's approval under this subsection applies to the period for which
27 commitment is extended.

28 * **Sec. 26.** AS 47.30.840(a) is amended to read:

29 (a) A person undergoing evaluation or treatment under AS 47.30.660 -
30 47.30.915

31 (1) may not be photographed without the person's consent and that of

1 the person's guardian if a minor, except that the person may be photographed upon
2 admission to a facility for identification and for administrative purposes of the facility;
3 all photographs shall be confidential and may only be released by the facility to the
4 patient or the patient's designee unless a court orders otherwise;

5 (2) at the time of admission to an evaluation or treatment facility, shall
6 have reasonable precautions taken by the staff to inventory and safeguard the patient's
7 personal property; a copy of the inventory signed by the staff member making it shall
8 be given to the patient and made available to the patient's attorney and any other
9 person authorized by the patient to inspect the document;

10 (3) shall have access to an individual storage space for the patient's
11 private use while undergoing evaluation or treatment;

12 (4) shall be permitted to wear personal clothing, to keep and use
13 personal possessions including toilet articles if they are not considered unsafe for the
14 patient or other patients who might have access to them, and to keep and be allowed to
15 spend a reasonable sum of the patient's own money for the patient's needs and
16 comfort;

17 (5) shall be allowed to have visitors at reasonable times;

18 (6) shall have ready access to letter writing materials, including
19 stamps, and have the right to send and receive unopened mail;

20 (7) shall have reasonable access to a telephone, both to make and
21 receive confidential calls;

22 (8) has the right to be free of corporal punishment;

23 (9) has the right to reasonable opportunity for indoor and outdoor
24 exercise and recreation;

25 (10) has the right, at any time, to have a telephone conversation with or
26 be visited by an attorney;

27 (11) may not be retaliated against or subjected to any adverse change
28 of conditions or treatment solely because of assertion of rights under this section;

29 **(12) who is a minor or an adult for whom a guardian has been**
30 **appointed may not be transferred from a crisis stabilization center, evaluation**
31 **facility, or treatment facility to a different crisis stabilization center, evaluation**

1 **facility, or treatment facility before the center or facility makes a good faith**
 2 **attempt to notify the parent or guardian of the person, as applicable, of the**
 3 **proposed transfer.**

4 * **Sec. 27.** AS 47.30 is amended by adding a new section to read:

5 **Sec. 47.30.912. Regulations.** The department shall adopt regulations to
 6 implement AS 47.30.700 - 47.30.915.

7 * **Sec. 28.** AS 47.30.915(7) is amended to read:

8 (7) "evaluation facility" means a **hospital or crisis residential center**
 9 [HEALTH CARE FACILITY] that has been designated or is operated by the
 10 department to perform the evaluations described in AS 47.30.660 - 47.30.915, or a
 11 medical facility [LICENSED UNDER AS 47.32 OR] operated by the federal
 12 government **that performs evaluations;**

13 * **Sec. 29.** AS 47.30.915(9) is amended to read:

14 (9) "gravely disabled" means a condition in which a person as a result
 15 of mental illness

16 (A) is in danger of physical harm arising from such complete
 17 neglect of basic needs for food, clothing, shelter, or personal safety as to render
 18 serious accident, illness, or death highly probable if care by another is not
 19 taken; or

20 (B) **is so incapacitated that the person is incapable of**
 21 **surviving safely in freedom** [WILL, IF NOT TREATED, SUFFER OR
 22 CONTINUE TO SUFFER SEVERE AND ABNORMAL MENTAL,
 23 EMOTIONAL, OR PHYSICAL DISTRESS, AND THIS DISTRESS IS
 24 ASSOCIATED WITH SIGNIFICANT IMPAIRMENT OF JUDGMENT,
 25 REASON, OR BEHAVIOR CAUSING A SUBSTANTIAL
 26 DETERIORATION OF THE PERSON'S PREVIOUS ABILITY TO
 27 FUNCTION INDEPENDENTLY];

28 * **Sec. 30.** AS 47.30.915(15) is amended to read:

29 (15) "peace officer" **has the meaning given in AS 01.10.060(a)**
 30 [INCLUDES A STATE POLICE OFFICER, MUNICIPAL OR OTHER LOCAL
 31 POLICE OFFICER, STATE, MUNICIPAL, OR OTHER LOCAL HEALTH

1 OFFICER, PUBLIC HEALTH NURSE, UNITED STATES MARSHAL OR
 2 DEPUTY UNITED STATES MARSHAL, OR A PERSON AUTHORIZED BY THE
 3 COURT];

4 * **Sec. 31.** AS 47.30.915 is amended by adding new paragraphs to read:

5 (21) "crisis residential center" has the meaning given in AS 47.32.900;

6 (22) "crisis stabilization center" has the meaning given in
 7 AS 47.32.900;

8 (23) "health officer" means a federally certified health care provider,
 9 public health nurse, emergency medical technician, paramedic, firefighter, or a person
 10 authorized by the court to carry out AS 47.30.660 - 47.30.915;

11 (24) "subacute mental health facility" has the meaning given in
 12 AS 47.32.900.

13 * **Sec. 32.** AS 47.32.010(b), as repealed and reenacted by sec. 79 of Executive Order 121, is
 14 amended to read:

15 (b) The following entities are subject to this chapter and regulations adopted
 16 under this chapter by the Department of Health:

17 (1) ambulatory surgical centers;

18 (2) assisted living homes;

19 (3) child care facilities;

20 (4) freestanding birth centers;

21 (5) home health agencies;

22 (6) hospices, or agencies providing hospice services or operating
 23 hospice programs;

24 (7) hospitals;

25 (8) intermediate care facilities for individuals with an intellectual
 26 disability or related condition;

27 (9) maternity homes;

28 (10) nursing facilities;

29 (11) residential child care facilities;

30 (12) residential psychiatric treatment centers;

31 (13) rural health clinics;

1 (14) **subacute mental health facilities** [CRISIS STABILIZATION
2 CENTERS].

3 * **Sec. 33.** AS 47.32.900 is amended by adding a new paragraph to read:

4 (23) "subacute mental health facility" means a facility, or a part or unit
5 of a facility, that has been designed to evaluate, stabilize, and treat, on a short-term,
6 intensive, and recovery-oriented basis, and without the use of hospitalization,
7 individuals experiencing an acute behavioral health crisis, including a crisis
8 stabilization center and a crisis residential center; in this paragraph,

9 (A) "crisis residential center" means a subacute mental health
10 facility that has a maximum stay of seven days for an involuntary admission;

11 (B) "crisis stabilization center" means a subacute mental health
12 facility that has a maximum stay of 23 hours and 59 minutes.

13 * **Sec. 34.** AS 47.32.900(5) is repealed.

14 * **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 REPORT TO THE LEGISLATURE. (a) One year after the effective date of secs. 1 -
17 36 of this Act, the Department of Health, the Department of Family and Community Services,
18 and the Alaska Mental Health Trust Authority shall submit a joint report to the senate
19 secretary and chief clerk of the house of representatives, notify the legislature that the report
20 is available, and make the report available to the public. The report must

21 (1) include an assessment of the current state, federal, and accrediting body
22 requirements for psychiatric patient rights, including patient grievance and appeal policies and
23 procedures; the assessment must address the adequacy of these policies and procedures and
24 the practical challenges patients face in availing themselves of these rights;

25 (2) identify and recommend any additional changes to state statutes,
26 regulations, or other requirements that could improve patient outcomes and enhance patient
27 rights, including items that could be added to AS 47.30.825, particularly involving
28 involuntary admissions, involuntary medications, and the practical ability of patients to avail
29 themselves of their rights;

30 (3) assess and recommend any needed changes to current processes for data
31 collection and reporting of patient grievances and appeals, patient reports of harm and

1 restraint, and the resolution of these matters and provide recommendations for making this
2 information available to the public; and

3 (4) identify methods for collecting and making available to the legislature and
4 the general public statistics recording

5 (A) the number, type, and cause of patient injuries;

6 (B) the number, type, and resolution of patient complaints; and

7 (C) the number, type, and cause of traumatic events experienced by a
8 patient; in this subparagraph, "traumatic event" means being placed in isolation or
9 physical restraint of any kind.

10 (b) The process used by the Department of Health, the Department of Family and
11 Community Services, and the Alaska Mental Health Trust Authority to develop the
12 assessment and recommendations under (a) of this section must include convening a diverse
13 stakeholder group that includes members representing patients with lived experience, patient
14 advocates, the Disability Law Center of Alaska, providers of psychiatric services, the
15 ombudsman, the Alaska Mental Health Board, the Department of Health, the Department of
16 Family and Community Services, and the Alaska Mental Health Trust Authority. A draft
17 assessment and any recommendations must be made available for public comment, and any
18 comments must be given due consideration before the production and transmittal of the final
19 report.

20 * **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION: LICENSING. Notwithstanding AS 47.32.010(b), as amended by sec.
23 32 of this Act, the Department of Health shall consider a valid non-expired license issued
24 before the effective date of sec. 32 of this Act to a facility identified as a crisis stabilization
25 center as a license for a subacute mental health facility until that license is renewed,
26 suspended, or revoked.

27 * **Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 TRANSITION: REGULATIONS. The Department of Health and Social Services, the
30 Department of Health, or the Department of Family and Community Services, as applicable,
31 may adopt regulations to implement this Act. The regulations take effect under AS 44.62

1 (Administrative Procedure Act) but not before the effective date of the law implemented by
2 the regulation.

3 * **Sec. 38.** Section 37 of this Act takes effect immediately under AS 01.10.070(c).