



September 26, 2013

Mental Health Advocates
Faith Myers/Dorrance Collins
3240 Penland Pkwy., Sp. 35
Anchorage, AK 99508

Re: Ombudsman Complaint A2013-1008

Reply to:

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Dear Ms. Myers and Mr. Collins:

You contacted the Office of the Ombudsman on August 9, 2013, with a complaint that the Department of Health and Social Services (DHSS) did not answer specific questions relating to the rights of psychiatric patients. Your initial letter was dated July 1, 2013. DHSS commissioner William Streur responded to you in a letter dated July 16, 2013, in which he claimed that DHSS "is not able to respond in detail to all of your questions because the majority would require additional facts and legal analysis."

Quite reasonably, you responded with a letter, dated August 9, in which you pointed out that the commissioner's July 16th letter was nonresponsive to your specific questions. As you had just sent that letter when you contacted our office, we gave DHSS a chance to respond. On August 24, 2013, the commissioner of DHSS sent you another letter, in which he answered most of your questions.

I noted that the commissioner did not answer your question #8, in which you asked, "Are psychiatric facilities, units, clinics required by state law or regulations to post the phone number of the state agencies that will assist psychiatric patients with their complaints?" I contacted the DHSS commissioner's office and requested a yes/no answer to this question. The answer is "no." Neither designated evaluation and treatment facilities nor community mental health centers are required to post phone numbers for agencies or advocacy groups. This answer is also consistent with my review of the current regulation published at 7 AAC 70.060 listing client rights at community mental health centers, and my review of the statutes regarding patient rights at designated evaluation and treatment facilities, AS 47.30.817 - 47.30.865.

While I am unimpressed with the department's initial reply to you in July, DHSS did eventually provide a more responsive answer. I have therefore closed your complaint to the Office of the Ombudsman as resolved. I am also providing DHSS with a courtesy copy of this letter, to notify the agency of the outcome of this complaint.

Sincerely,

Beth Leibowitz
Assistant Ombudsman

cc: William Streur, Commissioner, DHSS