

# ALASKA STATE LEGISLATURE

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## REPRESENTATIVE PETE HIGGINS

### SPONSOR STATEMENT

#### HB 214 "An Act relating to a mental health patient rights, notifications, and grievance procedures"

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HB 214 amends the mental health grievance procedure provided under AS 47.30.847. This bill governs due process and grievance procedures in all state and private mental health hospitals, clinics, and units which receive public funds. Prompted by the 8,000 to 10,000 admissions to mental health facilities and units in Alaska each year, this bill requires:

1. Adequate notice
2. Standardized forms
3. Advocate assistance
4. Rapid written administrative response
5. Right to appeal
6. Telephonic access to a state monitored call center to lodge a complaint immediately.

Mental health patients are among the most vulnerable in Alaska. There are a number of patient assaults and staff injuries each year. There are also thousands of children who are committed each year.

Current statutes and regulations do little to protect psychiatric patients. State and Federal courts have consistently ruled that individuals who have not committed a crime and are locked up for psychiatric evaluation and treatment should not be treated like criminals and their rights are to remain intact to the greatest extent possible. Ironically, prisoners in Alaska's correctional system are afforded a much more comprehensive grievance procedure with due process rights and protections under the law than mental health patients.

HB 214 provides for three critical rights; the right to file a grievance, the right to have an advocate, and the right to a timely response to a grievance.

Passage of HB 214 will improve mental health treatment, grievance reporting, and state oversight.

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