



April 11, 2014

House Finance Committee
Alaska State Capitol, Room 519
Juneau, Alaska 99801

Re: Opposition of HB 214 Mental Health Patient Grievances

Members of the House Finance Committee,

The Alaska Mental Health Board believes that all health care consumers should have access to a fair and accessible mechanism for resolving grievances related to their health care, and that people who are more vulnerable due to their health condition or disability should have additional protections. However, HB 214 does not achieve that goal for mental health consumers. More importantly, HB 214 diverts resources that could be appropriated to help maintain our mental health treatment system's capacity to create additional government oversight of an already heavily regulated industry.

Over the past five years, the Board has heard from hundreds of constituents about the gaps and needs of the behavioral health system. The vast majority of our constituents have commented about the need for expanded mental health treatment capacity throughout the state. In this era of declining revenue and funding available for public health care services, the Board cannot support a bill that would spend money on greater government oversight rather than direct services for people experiencing mental health disorders.

HB 214 creates a new governmental call center for grievances. It also creates two additional layers of governmental review of mental health consumers' grievances by requiring the Department of Health and Social Services to review all grievances and responses to grievances **and** an administrative appeal process. Providers of involuntary psychiatric treatment are already subject to federal and state laws and regulations related to grievance procedures and patient protections. They are also subject to the standards of The Joint Commission, the accreditor of hospitals nationwide. The additional layers of governmental review provided in HB 214 do not provide protections beyond those already provided by these existing sources of oversight.

The extension of the jurisdiction of the Office of Administrative Hearings is redundant and actually diverts mental health consumers from more effective and appropriate avenues for relief. The current judicial process available to patients with causes of action against health care providers is the appropriate venue for resolution. The judicial process can provide for immediate injunctive relief as well as for damages and other restitution. The Office of Administrative Hearings, which hears disputes between citizens and executive agencies, cannot provide the same sort of relief to grievants.

HB 214 exposes providers of involuntary psychiatric treatment to additional risk of litigation, thereby contributing to the ever-increasing costs of health care. HB 214 provides a right to mental health patients to maintain access “natural support systems,” without expressly defining these systems. This vagueness could create grievances related to a patient’s right to access friends in online gaming communities, pets, or other sorts of nontraditional supports. The Board encourages specificity in language purporting to extend a legal right to a class of citizens. HB 214 also requires that a mental health provider respond to a grievance within 5 days – even though a grievance can be filed up to one year after the person is discharged from treatment. This will require providers to establish protocols and allocate staff resources to be able to investigate and respond to grievances, reducing resources available for treatment services.

The Alaska Mental Health Board is committed to protecting our constituents, especially those who are most vulnerable. We hope that the dialogue about how to effectively serve and protect Alaskans experiencing mental health disorders continues.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Burkhart", with a long horizontal flourish extending to the right.

J. Kate Burkhart
Executive Director