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House Bill 172
Mental Health Facilities & Meds
Explanation of Changes

Version D (HFIN) to Version D.A (House Floor)

- **Section 14** (Page 6, line 29 – Page 7, line 2)
 - Added “except that if the exclusion of Saturdays, Sundays, and legal holidays from the computation of the 72-hour period would result in the respondent being held for longer than 72 hours, the 72-hour period would result in the respondent being held for longer than 72 hours, the 72-hour period ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday.
- **Section 18** (Page 11, lines 4-8)
 - Amends AS 47.30.805, *Computation, extension, and expiration of periods of time* to add “except that if the exclusion of Saturdays, Sundays, and legal holidays from the computation of the 72-hour evaluation period or 48-hour detention period would result in the respondent being held for longer than 72 hours or 48 hours, as applicable, the 72-hour period would result in the respondent being held for longer than 72 hours, the period ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday
- **Section 30** (Page 15, line 3 – Page 16, line 7)
 - Added “and staff” on line 23
 - Added “and staff on line 24
 - Added to the meaning of “traumatic event” to also include “being administered medication involuntarily” (lines 27 & 28)

Version N (HHSS) to Version D (HFIN)

- Title Changes (Page 1, line 1-5)
- **Section 11** (Page 4, lines 1-14)
 - New section that clarifies the Public Defender statutes and their role as the attorneys the Court will appoint in all proceedings under AS 47.30.
- **Section 12** (Page 4, line 28)
 - Removed the deletion [FOR EMERGENCY EVALUATION] to leave the language in the statute for clarity.
- **Section 14** (Page 8, line 25)
 - Expanded the span cite for the rights of minor by extending it to include AS 47.30.700 – 47.30.865.

- Section 27 (Page 13, line 24 – Page 14, line 14)
 - Amended the section to conform with sec. 79 of Executive Order 121 and to refer solely to the Department of Health
- Section 30 (Page 14, line 26 – Page 15, line 29)
 - Changed references to the “Department of Health and Social Services” to be the “Department of Health” and the “Department of Family and Community Services” to conform with Executive Order 121.
 - Adds a new subsection to the report to the legislature that will identify methods for collecting and making statistics available to the legislature and the public regarding patient injuries, patient complaints, and traumatic events. (Page 15, lines 13-19)
- Section 31 (Page 16, lines 1-5)
 - Changed “Department of Health and Social Services” to “Department of Health” to conform with Executive Order 121.
- Section 32 (Page 16, lines 6-11)
 - Changed “Department of Health and Social Services” to “Department of Health or Department of Family and Community Services, as applicable,” to conform with Executive Order 121.

Version O (HJUD) to Version N (HHSS)

- Title Changes (Page 1, line 1-5)
- Section 4 (Page 2, line 16)
 - Adds requirement to make a reasonable effort to inform the arresting officer’s employing agency
- Section 6 (Page 3, line 4)
 - Adds requirement to make a reasonable effort to inform the arresting officer’s employing agency
- Section 10 (Page 3, lines 25 – 27)
 - Adds the requirement to provide the center or facility with the peace officer’s employing agency’s contact information to be provided and if the officer or agency are notified of a planned release, to make a reasonable effort to inform the victim.
- Section 13 (Page 4, line 28 – Page 8, line 25)
 - Changed “AS 47.30.700” to “this section” on Page 5, line 10
 - Added “and appoint an attorney to represent the respondent, and the respondent may remain at the crisis stabilization center until admission to a crisis residential center” on Page 5, lines 13-15
 - Adds clarification by adding “AS 47.30.707” on Page 5, line 30
 - Changed “AS 47.30.700” to “this section” on Page 5, line 31
 - Added “and appoint an attorney to represent the respondent” on Page 6, line 6
- Sections 19 & 20 (Page 11, lines 12 – 31)
 - New sections amending AS 47.30.839(b) & (g) regarding court-ordered administration of medication to update statutes declared unconstitutional by the Alaska Supreme Court and to align the language with the court decision.
- Section 23 (Page 12, lines 10 – 24)
 - New section amending AS 47.30.915(9) to update the definition of “gravely disabled” to address a statute declared unconstitutional by the Alaska Supreme Court and insert language

that was used in the court decision.

- Section 29 (Page 14, line 24)
 - Added “improve patient outcomes and”

Version A to Version O (HJUD)

- Title Changes (Page 1, lines 1 – 4)
- Sections 1-8 (Page 1, line 5 – Page 3, line 9)
 - New sections which are conforming amendments to the Alternative to arrest statutes in AS 12.25.031 to add a “crisis residential center” as another facility a peace officer may deliver a person to as an alternative to arrest.
- Section 9 & 10 (Page 3, lines 10 – 24)
 - Adds new sections, which are conforming amendments to add “a crisis residential center” to the Mandatory arrest for Crimes for Domestic Violence, Violation of Protective Orders, and Violation of Conditions of Release statutes (AS 18.65.530).
- Section 11 (Page 3, line 25 – Page 4, line 16)
 - Adds the term “health officer” on Page 4, lines 5 and 12, which is a newly defined term found in Section 22. This change was required due to changing the definition of “peace officer” to be consistent with that definition found in other locations in statute.
 - Adds the term “crisis residential center” on Page 4, lines 5, 10, and 15 for additional clarity
 - Adds the term “treatment facility” on Page 4, line 7
 - Removes the term “subacute mental health facility” on Page 4, lines 10 & 15 and instead uses the specific subtypes of “crisis stabilization center” and “crisis residential center” for additional clarity
 - Adds “physician assistant” on Page 4, line 13 as an individual that can complete an application for examination of the person in custody along with “peace officer, health officer, and mental health professional.”
- Section 13 (Page 4, line 22 – Page 8, line 15)
 - Overall, amended section in order to have statutes specific to either crisis stabilization centers or crisis residential centers instead of using the umbrella term “subacute mental health facility.” Also adds a statute specific to rights of respondents.
 - Updated title to Sec. 47.30.707 to “Admission to and hold at a crisis stabilization center” on Page 4, line 23
 - Changed “shall” to “may” on Page 5, line 2
 - New Sec. 47.30.708 “Admission to and detention at a crisis residential center” on Page 5, line 8
 - New subsection requiring the court to set a time for a hearing to be held if needed within 72 hours after the respondent’s arrival at the crisis stabilization center or crisis residential center, whichever is earlier – Page 5, line 29 – Page 6, line 12.
 - New subsections outlining the court petition and hearing processes for a 30-day commitment or seven-day detention at a crisis residential center – Page 6, line 13 – Page 7, line 20.
 - New Sec. 47.30.709 “Rights of respondents at crisis stabilization centers and crisis residential centers; psychotropic medication; time.” – Page 7, line 21
 - Amended and clarified which rights were applicable to adults and which rights are applicable to minors on Page 7, line 30 – Page 8, line 1
 - Changed “subacute mental health facility” to be “crisis stabilization center” on Page 8, line

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- Changed “120-hour detention” to “seven-day” detention on page 8, line 13 and made it specific to “crisis residential centers.
- Section 14 (Page 8, line 16 – Page 9, line 6)
 - Removes “admission to crisis residential center” from the statute title of Sec. 47.30.710 since it is now covered in Section 13 under Sec. 47.30.708.
 - Adds “the respondent” on Page 8, line 30 for additional clarity
 - Removed the option to “Hold the respondent at a crisis stabilization center” since that is now covered in Section 13 under Sec. 47.30.707.
 - Removed from Ver. A “readmit the respondent to a crisis residential center; if the readmission occurs within 24 hours of an admission under this paragraph, the crisis residential center shall obtain prior authorization from the department.”
- Section 15 (Page 9, lines 7 – 19)
 - Amended subsection (d) on lines 12 – 19 to be specific to a respondent being readmitted to an evaluation facility after discharge from a subacute mental health facility (either a crisis stabilization center or a crisis residential center) and the respondent is not willing to remain at evaluation facility on a voluntary basis. Removed from Ver. A the readmission hearing to be held within 48 hours since the mental health professional must apply for an ex parte order authorizing hospitalization for evaluation, which will start a new 72-hour evaluation period.
- Section 16 (Page 9, lines 20 – 31)
 - Removed “when it may safely do so” from line 22.
 - Adds “evaluation” to lines 23 and 26 for more clarity
 - Adds “the respondent’s guardian, if any” as someone the court must notify to the time and place of a 30-day commitment hearing on line 27
 - Changes “prosecuting” to “petitioner’s attorney, if any” on line 28
 - Adds “the attorney general” as someone the court must notify to the time and place of a 30-day commitment hearing on line 28
 - Adds “time and place of the” and removes “arrangements” specific to the hearing details on line 29
- Section 17 (Page 10, lines 1-26)
 - Adds “AS 47.30.708” to line 4 to account for 72-hour evaluations at crisis residential centers.
 - Removes “a 48-hour hearing deadline under AS 47.30.710, or a 24-hour readmission period under AS 47.30.710” from lines 4-9 since those elements were removed from Sections 14 & 15.
 - Removes “or crisis residential center” from line 9.
 - Adds new time computation for a “seven-day detention” on lines 8-10.
 - Renumbers to conform to changes
 - Legislative drafter added in subsection (b) on lines 18-26 and changed “there is one” to “any” on line 22.
- Section 18 (Page 10, line 27 – Page 11, line 1)
 - Changed “subacute mental health facility” to “crisis stabilization center, crisis residential center” on Page 10, lines 29 & 30
 - Changed “no” to “not” on Page 10, line 31
 - Removed from Ver. A the language found in section 9, lines 22 – 31 that would have allowed

a patient to give informed consent for more than three crisis periods at a time they were capable of giving informed consent. This change keeps the use and length of time for psychotropic medication as it is in statute today.

- Section 20 (Page 11, lines 5 – 10)
 - Adds back in language to the definition of “evaluation facility” and further clarifies it to read “or a medical facility operated by the federal government that performs evaluations” on lines 8-10. This will ensure tribally run facilities can be included in this definition.
- Section 21 (Page 11, lines 11-17)
 - Changes the definition of “peace officer” to have the meaning given in AS 01.10.060(a)
- Section 22 (Page 11, lines 18 – 26)
 - Updates the definition of “crisis residential center” to have the meaning given in AS 47.32.900. (line 19)
 - Updates the definition of “crisis stabilization center” to have the meaning given in AS 47.32.900. (lines 20-21)
 - Creates a new term and provides a definition for “health officer.” This definition removed “state, municipal, or other local health officers, public health nurse, or a person authorized by the court to carry out AS 47.30.700-AS 47.30.915” from the current definition of “peace officer” found in AS 47.30.915(7), and added emergency medical technician, paramedic, and firefighter to create a new term for all of these providers. (lines 22-24)
 - Renumbered definitions as a conforming change
- Section 24 (Page 12, lines 19 – 28)
 - Fixes typo in “recovery-oriented” on line 22
 - Removed word “inpatient” to describe “hospitalization” on line 22
 - Adds “including a crisis stabilization center and a crisis residential center” on lines 23 and 24 as a drafting style preference
 - Updates the definition of “crisis residential center” on lines 25 and 26 to mean a subacute mental health facility that has a maximum stay of seven days.
 - Updates the definition of “crisis stabilization center” on lines 27 and 28 to mean a subacute mental health facility that has a maximum stay of 23 hours and 59 minutes.
- Section 26 (Page 12, line 30 – Page 13, line 24)
 - Adds a new section directing the Department of Health and Social Services and the Alaska Mental Health Trust Authority to submit a report and recommendations to the Legislature regarding patient rights.