

Testimony to the Senate Hess Committee for Sen. Bill 55

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Madame Chair, Committee members,

My name is Dorrance Collins. I volunteer as a mental health advocate. I support the passage of Sen. Bill 55.

Sen. Bill 55 among other things when passed will for the first time in Alaska guarantee all psychiatric patients the right to due process for their complaints and their appeals within the psychiatric facilities and to the state.

Current grievance procedure rules do not protect psychiatric patients. The Joint Commission for the Accreditation of Hospital Organizations (JCAHO) does not require an appeal process within the psychiatric hospitals or units or to the state.

The grievance procedure law AS47.30.847 does not cover all detained patients and does not require due process for patient complaints, nor an appeal process within the psychiatric facilities or to the state and no written response requirement.

The Department of Health and Social Services (DHSS) produced 4 pages of grievance procedure requirements for Grantee psychiatric facilities. Patients can file a complaint but grantee facilities can ask for an extension of time. The amount of time can be open-ended. Patients can file an appeal concerning their complaint but there is no time frame for completion, no appeal process to the state and no written response requirement.

The Department of Health and Social Services operates the Alaska Psychiatric Institute. In 2006 a caveat was in the patient grievance procedure that stated that patients would not be allowed to file a complaint on certain subjects. (A complaint and a grievance are interchangeable) (That caveat may have been removed)

In 2011, API's patient grievance procedure had a caveat which stated that patients could not contact an advocacy organization until the patient exhausts all grievance procedure remedies within the hospital, which may be from 1 week to several months. Disability Law Center filed a complaint concerning that issue in 2011.

Three hospitals do civil commitments. Seven do forced psychiatric evaluations. The point I am making because of the poor grievance procedure laws and state oversight as of now hospitals can basically put any caveat they want to into their psychiatric patient grievance procedure.

As stated I support the passing of Sen. Bill 55. My concern is to close the loopholes that are all too often used to deny patients a reasonable opportunity to file a complaint or appeals. I propose suggested additions to the Bill.

Page 2, line 31—it should be stated “patients have a right to file a grievance at any time during business hours for outpatients, anytime that does not conflict with emergency care for patients in locked psychiatric facilities or units.”

Page 2, line 32—Add patients have the right to due process with regard to grievances.

Page 7, line 18—“Patients have a right any day to consult with a patient advocate or representative of a patient’s choosing during reasonable hours.”

Page 3, line 25 --Add “formal grievance procedure and appeal process.”

Add to page 6, line 6—“concerning urgent grievance, such grievances must be reviewed by the chief administrative officer, the Director or designee, who shall either arrange to hear the grievance within one working day or immediately refer the grievance to Level I for response.”

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Note

---Who should decide when a psychiatric patient can file a grievance? As of now psychiatric institutions and units choose.

---If the bill only says patients have a right to file a grievance, then psychiatric institutions and units get to say when.

---Patients must be given the right to due process for their complaints. It is just as important as the right to file a grievance.

---It has to be clearly stated when a patient can consult with a patient advocate or a representative of the patient’s choosing, otherwise the psychiatric institutions will get to choose when.—It should be any day during reasonable hours.

---Federal and JCAHO rules (hospitals) state patients must be given a written response to their complaint / grievance. Presently there is no corresponding state rule / regulation.