

# Concerning SB83:

4/25/17

## **SB 83—“An act relating to the protection of vulnerable adults and residents of long term care facilities.”**

It is absolutely necessary that Alaska bring the protection of Alaska's vulnerable population into the 21<sup>st</sup> Century and up to best practice. Regrettably, SB 83 is poorly written.

During testimony to the House Finance Committee April 24<sup>th</sup>, the Long Term Care Ombudsman testified their office received 662 complaints from vulnerable individuals last year. Three investigators investigate the complaints state-wide. Take away weekends, holidays and vacations—each investigator averages one complaint a day.

There is no standard by which complaints from vulnerable individuals are discounted or minimized by the state (and some are). Some states use an impartial panel to review complaints, but not Alaska.

SB 83 leaves it to the good will of the doctors and nurses, etc., to report the mistreatment or distress of the vulnerable population, same as it is today; Because there are no consequences for not reporting mistreatment and there is no state oversight, also same as it is today.

We could envision supporting a bill that more broadly protects the elderly and Alaska's vulnerable population from the fifty year old individual with dual diagnosis, developmentally disabled and mentally ill receiving forced treatment to the same fifty year old individual locked in Providence Psychiatric ER, unable to file a complaint in a fair way. As much as possible, all the vulnerable individuals should be protected in the same bill.—SB 83 does not do it.

There is a necessity of improving rights for Alaska's vulnerable population:

--grievance procedure

--due process

--assistance in filing a grievance

--informing the vulnerable individual or guardians of their rights

--recognizing and providing treatment for institutional trauma

--etc.

There has to be more specifics in a bill when a bill says patient complaints will be investigated. What are the requirements for due process? What are the standards for discounting a complaint?

Without fair rights, any added protection to vulnerable individuals would be based on subjective observations and the vulnerable population would still be subjected to unnecessary mistreatment.

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**Reference Information:** Providence Hospital Psychiatric ER evaluated 4,500 individuals last year. Many arrived by force or in handcuffs. The industry standard would be 17% would file a complaint, conservatively it would be 100 complaints per 1000 acute care patients, yet Providence claims that only approximately 100 in total complained—No one would believe that number. It is the same with all the psychiatric facilities around the state.

There is no grievance procedure or Ombudsman's Office for individuals with a developmental disability and no grievance procedure or appeal process that takes into account special needs.