



DISABILITY LAW CENTER

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April 28, 2021

by scan and e-mail

The Honorable David Wilson
Chair, Senate Health and Social Services Committee
Alaska State Capitol
120 Fourth Street, M/S 3100
Juneau, Alaska 99811

Re: SB 124

Dear Senator Wilson:

In the fall of 2018, after API announced that it would not be accepting new respondents for 72-hour civil commitment evaluations, the Disability Law Center of Alaska filed suit, arguing among other things that the existing civil commitment statutes did not permit the State to stack people in jails or hospital emergency rooms awaiting evaluation. As the litigation moved forward, the Trust and the State began work on adapting the Crisis Now system for use in Alaska, which helped us settle our lawsuit. Under the settlement, state officials now have the flexibility to bring evaluators and re-evaluators to people who, for various reasons, have not been admitted to facilities like API. Now state officials, working with the Trust, have introduced SB 124 (and HB 172), which would modify existing statutes to allow for crisis stabilization centers and crisis residential centers to provide short-term mental health treatment. More specifically, a main point of SB 124 is to make it possible for crisis residential centers involuntarily to hold people and to conduct 72-hour evaluations if designated as an "evaluation facility" by the Department.

This is a step in the right direction, and Disability Law Center endorses it.

We wanted to make sure that as the Committee proceeds to draft and consider amendments to SB 124, it had a copy of the settlement document. Specifically, we wanted to call your attention to three paragraphs of the settlement: Paragraph I(D) (responsibilities of the DHSS DES/DET Coordinator); Paragraph II(F)(1) (re-evaluations of respondents being held at locations where individuals are "held, including but not limited to emergency rooms, state operated correctional facilities, and local jails"), and Paragraph II(F)(2) ("[i]f necessary and clinically appropriate," doing 72-hour evaluations at the places where individuals are being held). It is not our view that SB 124 would in itself remove the need for the settlement to operate: there will still be people who need medium-term mental health treatment at a treatment facility, and those people may still face delays getting 72-hour evaluations. We look forward to further work with the Department and the Trust and committee staff to make sure people are not left in limbo, and we note that a crisis residential center will be a much better place for people to wait than a hospital emergency room or Corrections facility.

In addition to these features of the settlement, we believe there may be fine-tuning potential amendments to the bill that could help balance the individual rights of respondents with the Department's important interest in expeditiously providing those in crisis with appropriate evaluations and treatment. We would be more than happy to share any recommendations as the Committee continues to analyze and amend this critically important legislation.

Thank you very much for taking into account comments on this very important subject.

Sincerely,

Mark Regan

A handwritten signature in cursive script, appearing to read "Patrick Stocks".

Patrick Stocks
Disability Law Center of Alaska

Enclosure