

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY

1 Page 11, following line 10:

2 Insert a new bill section to read:

3 **"* Sec. 21. AS 47.30.915(9) is amended to read:**

4 (9) "gravely disabled" means a condition in which a person as a result
5 of mental illness

6 (A) is in danger of physical harm arising from such complete
7 neglect of basic needs for food, clothing, shelter, or personal safety as to render
8 serious accident, illness, or death highly probable if care by another is not
9 taken; or

10 (B) is so incapacitated that the person is incapable of
11 surviving safely in freedom [WILL, IF NOT TREATED, SUFFER OR
12 CONTINUE TO SUFFER SEVERE AND ABNORMAL MENTAL,
13 EMOTIONAL, OR PHYSICAL DISTRESS, AND THIS DISTRESS IS
14 ASSOCIATED WITH SIGNIFICANT IMPAIRMENT OF JUDGMENT,
15 REASON, OR BEHAVIOR CAUSING A SUBSTANTIAL
16 DETERIORATION OF THE PERSON'S PREVIOUS ABILITY TO
17 FUNCTION INDEPENDENTLY];"

18

19 Renumber the following bill sections accordingly.

20

21 Page 13, line 1, following "date":

22 Insert "of secs. 1 - 28"

23

1 Page 13, lines 27 - 28:

2 Delete "sec. 23"

3 Insert "sec. 24"

4

5 Page 13, line 29:

6 Delete "sec. 23"

7 Insert "sec. 24"

8

9 Page 14, line 7:

10 Delete "Section 28"

11 Insert "Section 29"

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY I

1 Page 11, following line 1:

2 Insert new bill sections to read:

3 ** Sec. 19. AS 47.30.839(b) is amended to read:

4 (b) An evaluation facility or designated treatment facility may seek court
5 approval for administration of psychotropic medication to a patient by filing a petition
6 with the court, requesting a hearing on the capacity of the person to give informed
7 consent and on the proposed use of psychotropic medication. The petition shall
8 provide specific information regarding the factors listed in AS 47.30.837(d)(2)(A)
9 - (E).

10 * Sec. 20. AS 47.30.839(g) is amended to read:

11 (g) If the court determines by clear and convincing evidence that the patient
12 is not competent to provide informed consent and [, BY CLEAR AND
13 CONVINCING EVIDENCE,] was not competent to provide informed consent at the
14 time of previously expressed wishes documented under (d)(2) of this section, that the
15 proposed use of medication is in the best interests of the patient considering at a
16 minimum the factors listed in AS 47.30.837(d)(2)(A) - (E), and that there is no
17 feasible less intrusive alternative, the court shall approve the facility's proposed use
18 of psychotropic medication. The court's approval under this subsection applies to the
19 patient's initial period of commitment if the decision is made during that time period.
20 If the decision is made during a period for which the initial commitment has been
21 extended, the court's approval under this subsection applies to the period for which
22 commitment is extended."
23

1 **Renumber the following bill sections accordingly.**

2

3 **Page 13, line 1, following "date":**

4 **Insert "of secs. 1 - 29"**

5

6 **Page 13, lines 27 - 28:**

7 **Delete "sec. 23"**

8 **Insert "sec. 25"**

9

10 **Page 13, line 29:**

11 **Delete "sec. 23"**

12 **Insert "sec. 25"**

13

14 **Page 14, line 7:**

15 **Delete "Section 28"**

16 **Insert "Section 30"**

AMENDMENT #3

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY

- 1 Page 4, line 30, following the second occurrence of "that":
- 2 Insert "the respondent is suffering an acute behavioral health crisis and, as a result, is
- 3 likely to cause harm to self or others or is gravely disabled,"
- 4
- 5 Page 4, line 31, following "center":
- 6 Insert ","
- 7
- 8 Page 13, line 1, following "date":
- 9 Insert "of secs. 1 - 27"

AMENDMENT #4

OFFERED IN THE HOUSE

BY

TO: CSHB 172(JUD)

1 Page 5, line 25, following "crisis":

2 Insert "and, as a result, is likely to cause harm to self or others or is gravely disabled,"

3

4 Page 13, line 1, following "date":

5 Insert "of secs. 1 - 27"

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY

- 1 Page 13, line 10, following "could":
- 2 Insert "improve patient outcomes and"

AMENDMENT #6

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY

1 Page 5, line 3:

2 Delete "AS 47.30.700"

3 Insert "this section"

4

5 Page 5, line 9:

6 Delete "under AS 47.30.700 - 47.30.707"

7

8 Page 5, line 22, following "obtained":

9 Insert "under AS 47.30.707"

10

11 Page 5, line 23:

12 Delete "AS 47.30.700"

13 Insert "this section"

14

15 Page 5, line 29, following "an":

16 Insert "ex parte"

17

18 Page 13, line 1, following "date":

19 Insert "of secs. 1 - 27"

AMENDMENT #7

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY

- 1 Page 5, line 6, following "application":
- 2 Insert ", and the respondent may remain at the crisis stabilization center until
- 3 admission to a crisis residential center"
- 4
- 5 Page 13, line 1, following "date":
- 6 Insert "of secs. 1 - 27"

AMENDMENT #8

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY

- 1 Page 12, line 26, following "days":
- 2 Insert "for an involuntary admission"
- 3
- 4 Page 13, line 1, following "date":
- 5 Insert "of secs. 1 - 27"

AMENDMENT #9

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY

- 1 Page 2, line 13, following the first occurrence of "officer":
- 2 Insert "and the arresting officer's employing agency"
- 3
- 4 Page 2, line 31, following "officer":
- 5 Insert "and the arresting officer's employing agency"
- 6
- 7 Page 3, line 20, following "officer's":
- 8 Insert "and the peace officer's employing agency's"
- 9
- 10 Page 3, line 21:
- 11 Delete "is"
- 12 Insert "and the peace officer's employing agency are [IS]"

AMENDMENT #10

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY REPRESENTATIVE KURKA

1 Page 8, line 9, following "AS 47.30.838":
2 Insert ", and only if the crisis stabilization center or crisis residential center
3 (1) either
4 (A) ascertains the date the respondent last underwent a physical
5 examination; or
6 (B) cannot ascertain the date the respondent last underwent a
7 physical examination and performs a physical examination;
8 (2) administers the psychotropic medication only as a last resort; and
9 (3) conducts an examination based on a checklist developed by the
10 department to exclude commonly known issues that may contribute to conditions and
11 symptoms that mimic psychiatric disorders"

AMENDMENT # 11

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY REPRESENTATIVE KURKA

1 Page 3, following line 24:

2 Insert a new bill section to read:

3 **"* Sec. 11. AS 18.85.100 is amended by adding a new subsection to read:**

4 (h) For a person for whom counsel is appointed under AS 47.30.708(h), the
5 attorney services and facilities and the court costs shall be provided at public
6 expense."
7

8 Renumber the following bill sections accordingly.
9

10 Page 5, line 31:

11 Delete "if needed"
12

13 Page 7, following line 20:

14 Insert a new subsection to read:

15 "(h) A respondent is entitled to be represented by an attorney at a hearing
16 under (d) of this section to the same extent as a person retaining an attorney and to be
17 provided with the necessary services and facilities of this representation, including
18 investigation. If a respondent is unable to secure representation, the court shall appoint
19 an attorney employed by the Public Defender Agency before the hearing to represent
20 the respondent at public expense. Representation in connection with the hearing may
21 include preparation before the hearing is held as well as representation at the hearing.
22 Representation of the respondent shall continue after the hearing is held under (d) of
23 this section if the court holds additional hearings under (f) of this section."

1

2 Page 13, lines 27 - 28:

3 Delete "sec. 23"

4 Insert "sec. 24"

5

6 Page 13, line 29:

7 Delete "sec. 23"

8 Insert "sec. 24"

9

10 Page 14, line 7:

11 Delete "Section 28"

12 Insert "Section 29"

AMENDMENT #12

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY REPRESENTATIVE KURKA

1 Page 3, following line 9:

2 Insert a new bill section to read:

3 **** Sec. 9.** AS 12.25.031 is amended by adding a new subsection to read:

4 (j) An individual being transported to a crisis stabilization center, crisis
5 residential center, or evaluation facility by a peace officer, or an individual
6 involuntarily committed to a crisis stabilization center, crisis residential center, or
7 evaluation facility under (b) of this section, possesses all rights the individual would
8 possess if under arrest."
9

10 Renumber the following bill sections accordingly.
11

12 Page 13, lines 27 - 28:

13 Delete "sec. 23"

14 Insert "sec. 24"
15

16 Page 13, line 29:

17 Delete "sec. 23"

18 Insert "sec. 24"
19

20 Page 14, line 7:

21 Delete "Section 28"

22 Insert "Section 29"

AMENDMENT #13

OFFERED IN THE HOUSE

BY REPRESENTATIVE KURKA

TO: CSHB 172(JUD)

1 Page 10, line 31:

2 Delete "during not [NO] more than three crisis periods"

3 Insert "[DURING NO MORE THAN THREE CRISIS PERIODS]"

AMENDMENT # 14

OFFERED IN THE HOUSE

BY REPRESENTATIVE KURKA

TO: CSHB 172(JUD)

1 Page 6, line 5, following "holidays":

2 Insert ", except that if the exclusion of Saturdays, Sundays, and legal holidays from
3 the computation of the 72-hour period would result in the respondent being held for longer
4 than 72 hours, the 72-hour period ends at 5:00 p.m. on the next day that is not a Saturday,
5 Sunday, or legal holiday"

6
7 Page 10, line 7, following "facility":

8 Insert ", except that if the exclusion of Saturdays, Sundays, and legal holidays
9 from the computation of a 72-hour evaluation period or 48-hour detention period would
10 result in the respondent being held for longer than 72 hours or 48 hours, as applicable,
11 the period ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal
12 holiday"

AMENDMENT # 15

OFFERED IN THE HOUSE
TO: CSHB 172(JUD)

BY REPRESENTATIVE KURKA

1 Page 11, line 2:

2 Delete "a new section"

3 Insert "new sections"

4

5 Page 11, following line 4:

6 Insert a new section to read:

7 "Sec. 47.30.913. **Health outcome metrics.** (a) Crisis residential centers, crisis
8 stabilization centers, and subacute mental health facilities shall assess the severity of
9 an individual's mental illness each day and keep a record of the assessment. The
10 assessment shall use an objective scale relating to an individual's ability to function in
11 society and the impact that the individual's mental health has on the individual's daily
12 life.

13 (b) A crisis residential center, crisis stabilization center, and subacute mental
14 health facility shall submit a quarterly report to the department relating to aggregate
15 assessment data gathered under (a) of this section without disclosing information that
16 would identify an individual.

17 (c) The department shall prepare an annual report compiling the quarterly
18 aggregate assessment data reports received under (b) of this section. Not later than
19 February 15 of each year, the department shall submit the report to the senate secretary
20 and the chief clerk of the house of representatives and notify the legislature that the
21 report is available."

AMENDMENT #16

OFFERED IN THE HOUSE

BY REPRESENTATIVE KURKA

TO: CSHB 172(JUD)

1 Page 4, line 24:

2 Delete "(b)"

3 Insert "(c)"

4

5 Page 4, line 28, following "center.":

6 Insert "The examination must include evaluation of whether the respondent is
7 suffering from

8 (1) medication-induced psychosis caused by the respondent's use of a
9 prescribed medication or other drug or psychoactive substance;

10 (2) psychosis caused by drug withdrawal; or

11 (3) a psychiatric or psychological condition unrelated to a respondent's
12 use of or withdrawal from a medication or other drug.

13 (b) After the examination described in (a) of this section, the mental health
14 professional shall consult with a physician trained to distinguish symptoms caused by
15 medication or other drugs from symptoms caused by a psychiatric or psychological
16 condition unrelated to a respondent's use of or withdrawal from medication or other
17 drugs, to determine whether the respondent is suffering from a condition described in
18 (a) of this section. If a respondent is suffering from a condition described in (a)(1) or
19 (2) of this section, a mental health professional may not apply for an ex parte order
20 under AS 47.30.700 authorizing detention at the crisis residential center."

21

22 Reletter the following subsection accordingly.

23

1 Page 4, line 29:

2 Delete "If"

3 Insert "Except as provided in (b) of this section, if"

5 Page 5, line 12, following "facility.":

6 Insert "The examination must include evaluation of whether the respondent is
7 suffering from

8 (1) medication-induced psychosis caused by the respondent's use of a
9 prescribed medication or other drug or psychoactive substance;

10 (2) psychosis caused by drug withdrawal; or

11 (3) a psychiatric or psychological condition unrelated to a respondent's
12 use of or withdrawal from a medication or other drug.

13 (b) After the emergency examination described in (a) of this section, the
14 mental health professional shall consult with a physician trained to distinguish
15 symptoms caused by medication or other drugs from symptoms caused by a
16 psychiatric or psychological condition unrelated to a respondent's use of or withdrawal
17 from medication or other drugs, to determine whether the respondent is suffering from
18 a condition described in (a) of this section. If a respondent is suffering from a
19 condition described in (a)(1) or (2) of this section, a mental health professional may
20 not admit the respondent to the crisis residential center or apply for an ex parte order
21 under AS 47.30.700 authorizing admission to the crisis residential center."

23 Reletter the following subsections accordingly.

25 Page 5, line 13:

26 Delete "The"

27 Insert "Except as provided in (b) of this section, the"

29 Page 5, line 21:

30 Delete "If"

31 Insert "Except as provided in (b) of this section, if"

1

2 Page 5, line 29:

3 Delete "(c)"

4 Insert "(d)"

5

6 Page 7, line 1:

7 Delete "(d)"

8 Insert "(e)"

9

10 Page 7, line 6:

11 Delete "(d)"

12 Insert "(e)"

13

14 Page 8, line 22, following "facility.":

15 Insert **"The examination must include evaluation of whether the respondent is**
16 **suffering from**17 **(1) medication-induced psychosis caused by the respondent's use**
18 **of a prescribed medication or other drug or psychoactive substance;**19 **(2) psychosis caused by drug withdrawal; or**20 **(3) a psychiatric or psychological condition unrelated to a**
21 **respondent's use of or withdrawal from a medication or other drug."**

22

23 Page 8, line 27:

24 Delete "If"

25 Insert **"Except as provided in (c) of this section, if [IF]"**

26

27 Page 9, following line 7:

28 Insert a new subsection to read:

29 "(c) After the emergency examination described in (a) of this section, the
30 mental health professional shall consult with a physician trained to distinguish
31 symptoms caused by medication or other drugs from symptoms caused by a

1 psychiatric or psychological condition unrelated to a respondent's use of or withdrawal
2 from medication or other drugs, to determine whether the respondent is suffering from
3 a condition described in (a) of this section. If a respondent is suffering from a
4 condition described in (a)(1) or (2) of this section, a mental health professional may
5 not admit the respondent to a crisis residential center, hospitalize the respondent, or
6 arrange for hospitalization on an emergency basis."

7
8 Reletter the following subsections accordingly.