

2 bills seek reform of Alaska's youth psychiatric residential treatment system

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Alaska Legislature

By Michelle Theriault Boots

Updated: March 15, 2024 Published: March 15, 2024



The Alaska State Capitol in Juneau on February 26, 2024. (Marc Lester / ADN)

Two bills introduced in the Alaska Legislature this session seek major reforms of residential psychiatric treatment for youths in Alaska, adding protections for patients and giving the state more oversight of locked facilities where children sometimes spend months or years.

House Bill 366, introduced by Rep. Maxine Dibert, a Fairbanks Democrat, would require residential psychiatric treatment centers that treat youths to:

- Offer a weekly opportunity for confidential video communication between children and their parents or guardians.
- Require unannounced inspections of facilities by state health care licensing authorities **twice a year**, with inspectors interviewing at least 50% of minor patients being treated.

- Require facilities to report uses of physical or chemical restraint or seclusion to the state and to parents or guardians within a day of the incident.

Dibert, currently the only female Alaska Native lawmaker in the Legislature, said she was inspired to work on the bill in part because of the prevalence of Alaska Native children in residential psychiatric treatment. About a third of the 800 children who received state funding for residential psychiatric treatment in the 2020 fiscal year were Alaska Native, Dibert said. Children confined in such treatment centers are often physically hundreds of miles and multiple plane rides away from their home and culture, she said, and disconnected from language, family, elders, Native foods and more.

“This will make it transparent,” she said. “It will help in keeping youth safe, and making sure their needs are being addressed.”

The same legislation was introduced in the Senate by Sen. Matt Claman, an Anchorage Democrat, as Senate Bill 231.

Claman said he was concerned about a 2022 Department of Justice report that concluded children in Alaska are unnecessarily institutionalized, violating federal law, as well Daily News reporting that focused attention on dysfunction at North Star, a for-profit facility owned by Universal Health Services.

With two months left in the session, the bill hasn’t been scheduled for a hearing in the House or the Senate.

The bill is modeled after legislation with similar elements that passed in several other states, including Utah, Montana, Missouri and Oregon, said Will Haskell, a New York University law student who has worked with Alaskans, including Dibert, on the proposed legislation. The Montana law hews closest to the Alaska bills, also requiring weekly communication between youths and their parents and guardians, increased inspections and reporting of restraint or seclusion.

The bills don’t directly mention but would largely affect North Star Behavioral Health, the largest psychiatric residential treatment center for youths in Alaska. Universal Health Services, the parent corporation of North Star, did not immediately respond to a request for comment on the proposed legislation.



North Star hospital in Anchorage. (Bill Roth / ADN)

North Star Behavioral Health System has hired a lobbyist for the session, Dianne Blumer, who is being paid \$41,000 for the session to advocate on “issues related to mental health, workforce, background checks and State of Alaska budget,” according to the state’s Lobbyist Directory.

So far, Dibert said, no one has actively opposed the bill. The bill has been referred to the Health and Social Services committee but hasn’t been heard there.

Another piece of proposed legislation, House Bill 363, would implement time limits on how long foster children placed at a residential treatment facility by the state Office of Children’s Services would wait for a court hearing to determine that they meet the threshold for hospitalization. The bill would require a court review within 72 hours of the placement.

The bill was introduced by Rep. Andrew Gray, an Anchorage Democrat. The legislation, he said in a sponsor statement, would “assure that youth in foster care who are placed in psychiatric hospitals will receive their constitutional right to due process in a timely manner.” On Thursday, the bill received a hearing by the House Health and Social Services committee.

Gray said in an interview that he expects the courts, attorneys and other stakeholders to object that the 72-hour turnaround would be too quick to implement. He said he might be willing to amend it — but only to a point.

“The idea that our system is going to bend over backwards to make this convenient for the adults involved while the child is effectively incarcerated until that hearing happens” is unfair, he said.

One of those who testified at Thursday’s hearing was Mateo Jaime. While a youth in Alaska’s foster care system, Jaime spent months in North Star. He described being sent to North Star late at night, without any of his personal belongings, and feeling trapped within a locked facility. There was no medical reason for him to be in the hospital, Jaime said — it was just that there were no foster home placements available. He ended up spending two months there.

“I felt like a zombie for two months since I had no control and no voice over the situation,” Jaime testified to the House Health and Social Services committee Thursday.

The legal reforms are necessary, he said.

[Aging out of Alaska’s foster care system on his own terms]

Sarah Lewis, also a former foster youth turned advocate, testified about the lingering scars she said spending time in residential psychiatric treatment has left for family members.

“It will live with them for a lifetime,” she said.

Correction: A previous version of this story incorrectly reported the frequency of annual inspections in the proposed legislation. House Bill 366 and Senate Bill 231 both would require unannounced inspections of facilities by state health care licensing authorities twice a year, not quarterly.

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Michelle Theriault Boots is a longtime reporter for the Anchorage Daily News. She focuses on in-depth stories about the intersection of public policy and Alaskans' lives. Before joining the ADN in 2012, she worked at daily newspapers up and down the West Coast and earned a master's degree from the University of Oregon.