

33-LS1196B
Bergerud
4/17/24

CS FOR SENATE BILL NO. 231()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATORS CLAMAN, Giessel

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the rights of minors undergoing evaluation or inpatient treatment at**
2 **treatment facilities; relating to the use of seclusion or restraint on minors at treatment**
3 **facilities; relating to a report published by the Department of Health; relating to**
4 **inspections by the Department of Health of certain treatment facilities; and providing**
5 **for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 47.30.840 is amended by adding a new subsection to read:

8 (c) A minor undergoing evaluation or inpatient treatment at a treatment
9 facility has the right, unless otherwise prohibited by law or court order or if it is
10 considered therapeutically unadvisable by an overseeing physician, to have
11 confidential telephone or video communication each week for at least one cumulative
12 hour over not more than four occasions with the minor's parent or legal guardian or
13 other adult approved by an overseeing physician. The treatment facility shall facilitate

1 the communication.

2 * **Sec. 2.** AS 47.32.030 is amended by adding a new subsection to read:

3 (e) The Department of Health shall annually publish a report on the
4 department's Internet website on the uses of seclusion and restraint reported under
5 AS 47.32.200(g). The report must include the aggregate total of the uses of seclusion
6 or restraint at each treatment facility in which minors undergo evaluation or inpatient
7 treatment.

8 * **Sec. 3.** AS 47.32.110(c) is amended to read:

9 (c) Upon petition of the department with licensing authority for the entity
10 under AS 47.32.010 and after a hearing held upon reasonable notice to the entity, the
11 court shall issue an order to an officer or employee of that department authorizing the
12 officer or employee to enter for any of the purposes described in (a) **or (d)** of this
13 section.

14 * **Sec. 4.** AS 47.32.110 is amended by adding a new subsection to read:

15 (d) A designated agent or employee of the Department of Health shall
16 conduct, at least twice each year, an unannounced inspection of each treatment facility
17 in which minors undergo evaluation or inpatient treatment. In conducting an
18 inspection under this subsection, the Department of Health shall interview at least 50
19 percent of the minor patients of the treatment facility. Staff of the treatment facility
20 may not be present during an interview conducted under this subsection.

21 * **Sec. 5.** AS 47.32.200 is amended by adding a new subsection to read:

22 (g) A treatment facility in which minors undergo evaluation or inpatient
23 treatment shall notify the Department of Health in writing of each use of seclusion or
24 restraint, including the use of a chemical, mechanical, or physical restraint, on a
25 minor. The treatment facility shall notify the Department of Health and the parent or
26 guardian of the minor not later than one business day after the use of seclusion or
27 restraint.

28 * **Sec. 6.** AS 47.32.900 is amended by adding a new paragraph to read:

29 (22) "treatment facility" has the meaning given in AS 47.30.915.

30 * **Sec. 7.** This Act takes effect July 1, 2024.