

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 of 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 is amended by adding a new section to read:

8 **Sec. 47.30.843. Minors undergoing inpatient mental health evaluation and**
9 **treatment.** A minor undergoing evaluation or inpatient treatment at a treatment
10 facility has the right, unless it is otherwise prohibited by law or court order or
11 considered therapeutically unadvisable by an overseeing physician, to have
12 confidential telephone or video communication each week for at least one cumulative
13 hour over not more than four occasions with the minor's parent or legal guardian or

1 other adult approved by an overseeing physician. The treatment facility shall facilitate
2 the communication. In this section, "treatment facility" means a hospital, clinic,
3 institution, center, or other health care facility licensed to provide inpatient mental
4 health evaluation or treatment to minors.

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

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

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

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

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

18 (d) A designated agent or employee of the Department of Health shall
19 conduct, at least twice each year, an unannounced inspection of each treatment facility
20 in which minors undergo evaluation or inpatient treatment and in which a minor has
21 spent more than three nights in the preceding year. In conducting an inspection under
22 this subsection, the Department of Health shall interview at least 50 percent of the
23 minor patients of the treatment facility. Staff of the treatment facility may not be
24 present during an interview conducted under this subsection.

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

26 (g) A treatment facility shall notify the Department of Health in writing of
27 each use of seclusion or restraint, including the use of a chemical, mechanical, or
28 physical restraint, on a minor. The treatment facility shall notify the Department of
29 Health and the parent or guardian of the minor not later than one business day after the
30 use of seclusion or restraint.

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

1 (22) "treatment facility" means a hospital, clinic, institution, center, or
2 other health care facility licensed to provide inpatient mental health evaluation or
3 treatment to minors.

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