



LAWS OF ALASKA

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Source

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Chapter No.

63

AN ACT

Relating to advance directives for mental health treatment.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 17, 1996

Actual Effective Date: September 15, 1996

AN ACT

1 Relating to advance directives for mental health treatment.

2

3 * **Section 1.** AS 47.30 is amended by adding new sections to read:

4 ARTICLE 11. PERSONAL DECLARATION OF PREFERENCES
5 FOR MENTAL HEALTH TREATMENT.

6 Sec. 47.30.950. DECLARATION. (a) An adult of sound mind may make a
7 declaration of preferences or instructions regarding mental health treatment. The
8 preferences or instructions may include consent to or refusal of mental health
9 treatment.

10 (b) A declaration for mental health treatment continues in effect for three years
11 or until revoked, whichever is sooner. The authority of a named attorney-in-fact and
12 an alternative attorney-in-fact named in the declaration continues in effect as long as
13 the declaration appointing the attorney-in-fact is in effect or until the attorney-in-fact
14 has withdrawn. If a declaration for mental health treatment has been invoked and is
15 in effect at the expiration of three years after its execution, the declaration remains

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1 effective until the principal is no longer incapable.

2 Sec. 47.30.952. DESIGNATION OF ATTORNEY-IN-FACT. (a) A
3 declaration may designate a competent adult to act as attorney-in-fact to make
4 decisions about mental health treatment. An alternative attorney-in-fact may also be
5 designated to act as attorney-in-fact if the original designee is unable or unwilling to
6 act at any time. An attorney-in-fact who has accepted the appointment in writing may
7 make decisions about mental health treatment on behalf of the principal only when the
8 principal is incapable. The decisions must be consistent with desires the principal has
9 expressed in the declaration.

10 (b) The following may not serve as attorney-in-fact:

11 (1) the attending physician or mental health service provider, or an
12 employee of the physician or provider, if the physician, provider, or employee is
13 unrelated to the principal by blood, marriage, or adoption;

14 (2) an owner, operator, or employee of a health care facility in which
15 the principal is a patient or resident if the owner, operator, or employee is unrelated
16 to the principal by blood, marriage, or adoption.

17 (c) An attorney-in-fact may withdraw by giving notice to the principal. If a
18 principal is incapable, the attorney-in-fact may withdraw by giving notice to the
19 attending physician or provider. The attending physician or provider shall note the
20 withdrawal as part of the principal's medical record. A person who has withdrawn
21 under the provisions of this subsection may rescind the withdrawal by executing an
22 acceptance after the date of the withdrawal. The acceptance must be in the same form
23 as provided by AS 47.30.970 for accepting an appointment. A person who rescinds
24 a withdrawal shall give notice to the principal if the principal is capable or to the
25 principal's health care provider if the principal is incapable.

26 (d) The designation of an attorney-in-fact under this section supersedes a
27 previous or subsequent designation of an attorney-in-fact regarding mental health
28 treatment unless otherwise specifically provided in the declaration executed under
29 AS 47.30.950 - 47.30.980 or in the document that designates the other attorney-in-fact.

30 Sec. 47.30.954. SIGNATURE; WITNESSES. (a) A declaration is effective
31 only if it is signed by the principal and two competent adult witnesses. The witnesses

1 must attest that the principal is personally known to them, signed the declaration in
2 their presence, appears to be of sound mind, and is not under duress, fraud, or undue
3 influence.

4 (b) The following may not serve as a witness to the signing of a declaration:

5 (1) the attending physician or mental health service provider or a
6 relative of the physician or provider;

7 (2) an owner, operator, or relative of an owner or operator of a health
8 care facility in which the principal is a patient or resident; or

9 (3) a person related to the principal by blood, marriage, or adoption.

10 Sec. 47.30.956. OPERATION OF DECLARATION. (a) A declaration
11 becomes operative when it is delivered to the principal's physician or other mental
12 health treatment provider and remains valid until revoked or expired. The physician
13 or provider shall act in accordance with an operative declaration when the principal has
14 been found to be incapable. The physician or provider shall continue to obtain the
15 principal's informed consent to all mental health treatment decisions if the principal
16 is capable of providing informed consent or refusal.

17 (b) Upon being presented with a declaration, a physician or other provider
18 shall make the declaration a part of the principal's medical record. When acting under
19 authority of a declaration, a physician or provider shall comply with it to the fullest
20 extent possible, consistent with reasonable medical practice, the availability of
21 treatments requested, and applicable law. If the physician or other provider is
22 unwilling at any time to comply with the declaration, the physician or provider may
23 withdraw from providing treatment consistent with the exercise of independent medical
24 judgment and shall promptly notify the principal and the attorney-in-fact and document
25 the notification in the principal's medical record.

26 Sec. 47.30.958. POWERS OF ATTORNEY-IN-FACT. (a) The
27 attorney-in-fact does not have authority to make mental health treatment decisions
28 unless the principal is incapable.

29 (b) The attorney-in-fact is not, as a result of acting in that capacity, personally
30 liable for the cost of treatment provided to the principal.

31 (c) Except to the extent the right is limited by the declaration or any federal

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1 law, an attorney-in-fact has the same right as the principal to receive information
2 regarding the proposed mental health treatment and to receive, review, and consent to
3 disclosure of medical records relating to that treatment. This right of access does not
4 waive any evidentiary privilege.

5 (d) In exercising authority under the declaration, the attorney-in-fact has a duty
6 to act consistently with the desires of the principal as expressed in the declaration. If
7 the principal's desires are not expressed in the declaration and not otherwise known
8 by the attorney-in-fact, the attorney-in-fact has a duty to act in what the
9 attorney-in-fact in good faith believes to be the best interests of the principal.

10 (e) An attorney-in-fact is not subject to criminal prosecution, civil liability, or
11 professional disciplinary action for an action taken in good faith under a declaration
12 for mental health treatment.

13 Sec. 47.30.960. LIMITATIONS. A person may not be required to execute or
14 to refrain from executing a declaration as a criterion for insurance, as a condition for
15 receiving mental or physical health services, or as a condition of discharge from a
16 health care facility.

17 Sec. 47.30.962. ACTIONS CONTRARY TO DECLARATION. The physician
18 or provider may subject the principal to mental health treatment in a manner contrary
19 to the principal's wishes as expressed in a declaration for mental health treatment only

20 (1) if the principal is committed to a treatment facility under this
21 chapter and treatment is authorized in compliance with AS 47.30.825 - 47.30.865; or

22 (2) in cases of emergency endangering life or health.

23 Sec. 47.30.964. RELATION TO OTHER STATUTES. A declaration does not
24 limit any authority provided in this chapter either to take a person into custody or to
25 admit, retain, or treat a person in a health care facility.

26 Sec. 47.30.966. REVOCATION. A declaration may be revoked in whole or
27 in part at any time by the principal if the principal is not incapable. A revocation is
28 effective when a capable principal communicates the revocation to the attending
29 physician or other provider. The attending physician or other provider shall note the
30 revocation as part of the principal's medical record.

31 Sec. 47.30.968. LIMITED IMMUNITY. A physician or provider who

1 administers or does not administer mental health treatment according to and in good
 2 faith reliance upon the validity of a declaration is not subject to criminal prosecution,
 3 civil liability, or professional disciplinary action resulting from a subsequent finding
 4 of a declaration's invalidity.

5 Sec. 47.30.970. FORM OF DECLARATION. A declaration for mental health
 6 treatment shall be in substantially the following form:

7 DECLARATION FOR MENTAL HEALTH TREATMENT

8 I, _____,
 9 being an adult of sound mind, wilfully and voluntarily make this declaration
 10 for mental health treatment to be followed if it is determined by a court, two
 11 physicians that include a psychiatrist, or one physician and a professional
 12 mental health clinician, that my ability to receive and evaluate information
 13 effectively or communicate decisions is impaired to such an extent that I lack
 14 the capacity to refuse or consent to mental health treatment. "Mental health
 15 treatment" means electroconvulsive treatment, treatment of mental illness with
 16 psychotropic medication, and admission to and retention in a health care
 17 facility for a period up to 17 days.

18 I understand that I may become incapable of giving or withholding
 19 informed consent for mental health treatment due to the symptoms of a
 20 diagnosed mental disorder. These symptoms may include:

21 _____
 22 _____

23 PSYCHOTROPIC MEDICATIONS

24 If I become incapable of giving or withholding informed consent for
 25 mental health treatment, my wishes regarding psychotropic medications are as
 26 follows:

27 _____ I consent to the administration of the following medications: _____

28 _____

29 _____ I do not consent to the administration of the following medications: _____

30 _____

31 Conditions or limitations: _____

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ELECTROCONVULSIVE TREATMENT

If I become incapable of giving or withholding informed consent for mental health treatment, my wishes regarding electroconvulsive treatment are as follows:

____ I consent to the administration of electroconvulsive treatment.

____ I do not consent to the administration of electroconvulsive treatment.

Conditions or limitations: _____

ADMISSION TO AND RETENTION IN FACILITY

If I become incapable of giving or withholding informed consent for mental health treatment, my wishes regarding admission to and retention in a health care facility for mental health treatment are as follows:

____ I consent to being admitted to a health care facility for mental health treatment for up to ____ days.

____ I do not consent to being admitted to a health care facility for mental health treatment.

This directive cannot, by law, provide consent to retain me in a facility for more than 17 days.

Conditions or limitations: _____

ADDITIONAL PREFERENCES OR INSTRUCTIONS

Conditions or limitations: _____

ATTORNEY-IN-FACT

I appoint:

NAME _____

ADDRESS _____

1 TELEPHONE NO. _____
 2 to act as my attorney-in-fact to make decisions regarding my mental health
 3 treatment if I become incapable of giving or withholding informed consent for
 4 that treatment.

5 If the person named above refuses or is unable to act on my behalf, or
 6 if I revoke that person's authority to act as my attorney-in-fact, I authorize the
 7 following person to act as my attorney-in-fact:

8 NAME _____

9 ADDRESS _____

10 TELEPHONE NO. _____

11 My attorney-in-fact is authorized to make decisions that are consistent
 12 with the wishes I have expressed in this declaration or, if not expressed, as are
 13 otherwise known to my attorney-in-fact. If my wishes are not expressed and are
 14 not otherwise known by my attorney-in-fact, my attorney-in-fact is to act in
 15 what my attorney-in-fact believes to be my best interests.

16 OTHER DOCUMENTS

17 _____ I have executed a general power-of-attorney or a power-of-attorney
 18 under AS 13.26 that includes the power to make decisions regarding health care
 19 services for myself. I authorize the attorney-in-fact appointed under this
 20 declaration and the attorney-in-fact appointed under a general power-of-attorney
 21 under AS 13.26 to serve

22 _____ jointly with consent of each other as to my mental health
 23 treatment;

24 _____ separately without each other's consent as to my mental health
 25 treatment.

26 _____ I have not executed a general power-of-attorney or a power-of-attorney
 27 under AS 13.26 that includes the power to make decisions regarding health care
 28 services for myself.

29 _____
 30 (Signature of Declarant/Date)

31 _____

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1 (Address)

2 _____
3 (Telephone Number)

4 AFFIRMATION OF WITNESSES

5 We affirm that the principal is personally known to us, that the principal
6 signed or acknowledged the principal's signature on this declaration for mental
7 health treatment in our presence, that the principal appears to be of sound mind
8 and not under duress, fraud, or undue influence, and that neither of us is a
9 person appointed as an attorney-in-fact by this document; the principal's
10 attending physician or mental health service provider or a relative of the
11 physician or provider; the owner, operator, or relative of an owner or operator
12 of a facility in which the principal is a patient or resident; or a person related
13 to the principal by blood, marriage, or adoption.

14 Witnessed By:

15 _____
16 (Signature of Witness/Date)

15 _____
16 (Printed Name of Witness)

17 _____
18 (Address)

19 _____
20 (Telephone Number)

21 _____
22 (Signature of Witness/Date)

21 _____
22 (Printed Name of Witness)

23 _____
24 (Address)

25 _____
26 (Telephone Number)

27 ACCEPTANCE OF APPOINTMENT AS ATTORNEY-IN-FACT

28 I accept this appointment and agree to serve as attorney-in-fact to make
29 decisions about mental health treatment for the principal. I understand that I
30 have a duty to act in a manner consistent with the desires of the principal as
31 expressed in this appointment. I understand that this document gives me

1 authority to make decisions about mental health treatment only while the
 2 principal is incapable as determined by a court, two physicians that include a
 3 psychiatrist, or one physician and a professional mental health clinician. I
 4 understand that the principal may revoke this declaration in whole or in part at
 5 any time and in any manner when the principal is not incapable.

6 _____
 7 (Signature of Attorney-in-fact/Date)

_____ (Printed name)

8 _____
 9 (Address)

10 _____
 11 (Telephone Number)

12 _____
 13 (Signature of Alternate Attorney-in-fact/Date)

_____ (Printed name)

14 _____
 15 (Address)

16 _____
 17 (Telephone Number)

18 NOTICE TO PERSON MAKING A DECLARATION
 19 FOR MENTAL HEALTH TREATMENT

20 This is an important legal document. It creates a declaration for mental
 21 health treatment. Before signing this document, you should know these
 22 important facts:

23 (1) This document allows you to make decisions in advance
 24 about three types of mental health treatment: psychotropic medication,
 25 electroconvulsive therapy, and short-term (up to 17 days) admission to a
 26 treatment facility. The instructions that you include in this declaration will be
 27 followed only if a court, two physicians that include a psychiatrist, or a
 28 physician and a professional mental health clinician believe that you are
 29 incapable of making treatment decisions. Otherwise, you will be considered
 30 capable to give or withhold consent for the treatments.

31 (2) You may also appoint a person as your attorney-in-fact to

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1 make these treatment decisions for you if you become incapable. The person
2 you appoint has a duty to act consistent with your desires as stated in this
3 document or, if your desires are not stated or otherwise made known to the
4 attorney-in-fact, to act in a manner consistent with what the person in good
5 faith believes to be in your best interest. For the appointment to be effective,
6 the person you appoint must accept the appointment in writing. The person
7 also has the right to withdraw from acting as your attorney-in-fact at any time.

8 (3) This document will continue in effect for a period of three
9 years unless you become incapable of participating in mental health treatment
10 decisions. If this occurs, the directive will continue in effect until you are no
11 longer incapable.

12 (4) You have the right to revoke this document in whole or in
13 part at any time you have not been determined to be incapable. YOU MAY
14 NOT REVOKE THIS DECLARATION WHEN YOU ARE CONSIDERED
15 INCAPABLE BY A COURT, TWO PHYSICIANS THAT INCLUDE A
16 PSYCHIATRIST, OR A PHYSICIAN AND A PROFESSIONAL MENTAL
17 HEALTH CLINICIAN. A revocation is effective when it is communicated to
18 your attending physician or other provider.

19 (5) If there is anything in this document that you do not
20 understand, you should ask a lawyer to explain it to you. This declaration will
21 not be valid unless it is signed by two qualified witnesses who are personally
22 known to you and who are present when you sign or acknowledge your
23 signature.

24 Sec. 47.30.972. PENALTY. It is a class A misdemeanor for a person without
25 authorization of the principal to knowingly alter, forge, conceal, or destroy a
26 declaration executed under AS 47.30.950 - 47.30.980, the reinstatement or revocation
27 of a declaration executed under AS 47.30.950 - 47.30.980, or any other evidence or
28 document reflecting the principal's desires and interests with the intent or effect of
29 affecting a mental health care decision. In this section, "knowingly" has the meaning
30 given in AS 11.81.900(a).

31 Sec. 47.30.980. DEFINITIONS. In AS 47.30.950 - 47.30.980,

1 (1) "attending physician" means the licensed physician who has primary
2 responsibility for the care and treatment of the declarant;

3 (2) "attorney-in-fact" means an adult properly appointed under
4 AS 47.30.950 - 47.30.980 to make mental health treatment decisions for a principal
5 under a declaration for mental health treatment and also means an alternative attorney-
6 in-fact;

7 (3) "facility" means a

8 (A) designated treatment facility, as defined in AS 47.30.915;

9 (B) nursing home; or

10 (C) assisted living home licensed under AS 47.33;

11 (4) "incapable" means that, in the opinion of the court in a guardianship
12 proceeding under AS 13.26, in the opinion of two physicians that include a
13 psychiatrist, or in the opinion of a physician and a professional mental health clinician,
14 a person's ability to receive and evaluate information effectively or communicate
15 decisions is impaired to such an extent that the person currently lacks the capacity to
16 make mental health treatment decisions;

17 (5) "mental health treatment" means electroconvulsive treatment,
18 treatment with psychotropic medication, and admission to and retention in a facility
19 for a period not to exceed 17 days;

20 (6) "professional mental health clinician" means a person having at
21 least a master's degree in psychology, social work, counseling, child guidance, or
22 nursing with specialization or experience in mental health; if employed by a mental
23 health physician clinic, a "professional mental health clinician" must also be licensed
24 to practice in the state in which service is being provided or be a clinical member in
25 good standing of the American Association for Marriage and Family Therapy, and be
26 working in the clinician's field of expertise; in this paragraph, "mental health physician
27 clinic" means a clinic, operated by one or more psychiatrists, that exclusively or
28 primarily provides mental health services furnished by a psychiatrist or by one or more
29 licensed psychologists, licensed psychological associates, licensed clinical social
30 workers, licensed nurse practitioners, licensed psychiatric nursing clinical specialists,
31 or clinical members in good standing of the American Association for Marriage and

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1 Family Therapy, who are working in their field of expertise under the direct
2 supervision of a psychiatrist.

3 * Sec. 2. AS 13.26.335 is amended to read:

4 Sec. 13.26.335. ADDITIONAL OPTIONAL PROVISIONS TO STATUTORY
5 FORM POWER OF ATTORNEY. Each of the following provisions may be included
6 in a statutory form power of attorney:

7 (1) IF YOU HAVE GIVEN THE AGENT AUTHORITY REGARDING
8 HEALTH CARE SERVICES UNDER SUBDIVISION (L), COMPLETE THE
9 FOLLOWING:

10 () I have executed a separate declaration under AS 18.12,
11 known as a "Living Will."

12 () I have not executed a "Living Will."

13 () I have executed a separate declaration under
14 AS 47.30.950 - 47.30.980 regarding mental health treatment. If I
15 have appointed an attorney-in-fact under AS 47.30.950 - 47.30.980,
16 I authorize that attorney-in-fact and the attorney-in-fact whom I
17 have appointed in this document to serve

18 () jointly with consent of each other as to my
19 mental health treatment

20 () separately without each other's consent as to my
21 mental health treatment.

22 () I have not executed a separate declaration under
23 AS 47.30.950 - 47.30.980.

24 (2) YOU MAY DESIGNATE AN ALTERNATE ATTORNEY-IN-
25 FACT. ANY ALTERNATE YOU DESIGNATE WILL BE ABLE TO EXERCISE
26 THE SAME POWERS AS THE AGENT(S) YOU NAMED AT THE BEGINNING
27 OF THIS DOCUMENT. IF YOU WISH TO DESIGNATE AN ALTERNATE OR
28 ALTERNATES, COMPLETE THE FOLLOWING:

29 If the agent(s) named at the beginning of this document is
30 unable or unwilling to serve or continue to serve, then I appoint the
31 following agent to serve with the same powers:

1 First alternate or successor attorney-in-fact

2 _____
3 (Name and address of alternate)
4 _____

5 Second alternate or successor attorney-in-fact

6 _____
7 (Name and address of alternate)

8 (3) YOU MAY NOMINATE A GUARDIAN OR CONSERVATOR.
9 IF YOU WISH TO NOMINATE A GUARDIAN OR CONSERVATOR, COMPLETE
10 THE FOLLOWING:

11 In the event that a court decides that it is necessary to appoint
12 a guardian or conservator for me, I hereby nominate (Name and
13 address of person nominated) to be considered by the court for
14 appointment to serve as my guardian or conservator, or in any similar
15 representative capacity.

16 * Sec. 3. AS 13.26.344(l) is amended to read:

17 (l) In the statutory form power of attorney, the language conferring general
18 authority with respect to health care services shall be construed to mean that, as to the
19 health care of the principal, whether to be provided in the state or elsewhere, the
20 principal authorizes the agent to

21 (1) have access to and disclose to others medical and related
22 information and records;

23 (2) consent or refuse to consent to medical care or relief for the
24 principal from pain, but the agent may not authorize the termination of life-sustaining
25 procedures;

26 (3) take all steps necessary to enforce a properly executed declaration
27 under AS 18.12;

28 (4) take all steps necessary to enforce a properly executed
29 declaration under AS 47.30.950 - 47.30.980 unless the principal has provided that
30 an attorney-in-fact appointed under AS 47.30.950 - 47.30.980 shall have exclusive
31 authority with regard to mental health treatment and the attorney-in-fact

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1 appointed under AS 47.30.950 - 47.30.980 has not withdrawn:

2 (5) consent or refuse to consent to the principal's psychiatric care, but
3 the consent does not authorize a voluntary commitment or placement in a mental
4 health treatment facility, electroconvulsive [CONVULSIVE] or electric-shock therapy,
5 psychosurgery, sterilization, or an abortion except that, if the principal has properly
6 executed a declaration under AS 47.30.950 - 47.30.980, the agent may consent to
7 voluntary commitment or placement in a mental health treatment facility and
8 electroconvulsive or electric-shock therapy if that consent is consistent with the
9 wishes expressed in the declaration under AS 47.30.950 - 47.30.980 and if the
10 principal has not designated another attorney-in-fact to have exclusive authority
11 to make decisions regarding mental health treatment:

12 (6) [(5)] arrange for care or lodging of the principal in a hospital,
13 nursing home, or hospice;

14 (7) [(6)] grant releases to health care professionals or health care
15 institutions;

16 (8) [(7)] hire, discharge, or compensate an attorney, accountant, expert
17 witness, or assistant when the agent considers the action to be desirable for the proper
18 execution of the powers described in this subsection; and

19 (9) [(8)] do any other act or acts that the principal can do through an
20 agent and that the agent considers desirable or necessary to provide for the principal's
21 physical or mental well-being.

22 * Sec. 4. AS 47.30.825(b) is amended to read:

23 (b) The patient and the following persons, at the request of the patient, are
24 entitled to participate in formulating the patient's individualized treatment plan and to
25 participate in the evaluation process as much as possible, at minimum to the extent of
26 requesting specific forms of therapy, inquiring why specific therapies are or are not
27 included in the treatment program, and being informed as to the patient's present
28 medical and psychological condition and prognosis: (1) the patient's counsel, (2) the
29 patient's guardian, (3) a mental health professional previously engaged in the patient's
30 care outside of the evaluation facility or designated treatment facility, (4) a
31 representative of the patient's choice, (5) a person designated as the patient's

1 attorney-in-fact with regard to mental health treatment decisions under
2 AS 13.26.332 - 13.26.358, AS 47.30.950 - 47.30.980, or other power-of-attorney, and
3 (6) [(5)] the adult designated under AS 47.30.725. The mental health care professionals
4 may not withhold any of the information described in this subsection from the patient
5 or from others if the patient has signed a waiver of confidentiality or has designated
6 the person who would receive the information as an attorney-in-fact with regard
7 to mental health treatment.

8 * Sec. 5. AS 47.30.825(f) is amended to read:

9 (f) A patient capable of giving informed consent has the absolute right to
10 accept or refuse electroconvulsive [ELECTRO-CONVULSIVE] therapy or aversive
11 conditioning. A patient who lacks substantial capacity to make this decision may not
12 be given this therapy or conditioning without a court order unless the patient
13 expressly authorized that particular form of treatment in a declaration properly
14 executed under AS 47.30.950 - 47.30.980 or has authorized an attorney-in-fact to
15 make this decision and the attorney-in-fact consents to the treatment on behalf of
16 the patient.

17 * Sec. 6. AS 47.30.836 is amended to read:

18 Sec. 47.30.836. PSYCHOTROPIC MEDICATION IN NONEMERGENCIES.
19 An evaluation facility or designated treatment facility may not administer psychotropic
20 medication to a patient in a situation that does not involve a crisis under
21 AS 47.30.838(a)(1) unless the patient

22 (1) [THE PATIENT] has the capacity to give informed consent to the
23 medication, as described in AS 47.30.837, and gives that consent; the facility shall
24 document the consent in the patient's medical chart; [OR]

25 (2) authorized the use of psychotropic medication in a declaration
26 properly executed under AS 47.30.950 - 47.30.980 or authorized an attorney-in-
27 fact to consent to the use of psychotropic medication for the patient and the
28 attorney-in-fact does consent; or

29 (3) [THE PATIENT] is determined by a court to lack the capacity to
30 give informed consent to the medication and the court approves use of the medication
31 under AS 47.30.839.

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1 * Sec. 7. AS 47.30.838(a) is amended to read:

2 (a) Except as provided in (c) **and (d)** of this section, an evaluation facility or
3 designated treatment facility may administer psychotropic medication to a patient
4 without the patient's informed consent, regardless of whether the patient is capable of
5 giving informed consent, only if

6 (1) there is a crisis situation, or an impending crisis situation, that
7 requires immediate use of the medication to preserve the life of, or prevent significant
8 physical harm to, the patient or another person, as determined by a licensed physician
9 or a registered nurse; the behavior or condition of the patient giving rise to a crisis
10 under this paragraph and the staff's response to the behavior or condition must be
11 documented in the patient's medical record; the documentation must include an
12 explanation of alternative responses to the crisis that were considered or attempted by
13 the staff and why those responses were not sufficient; and

14 (2) the medication is ordered by a licensed physician; the order

15 (A) may be written or oral and may be received by telephone,
16 facsimile machine, or in person;

17 (B) may include an initial dosage and may authorize additional,
18 as needed, doses; if additional, as needed, doses are authorized, the order must
19 specify the medication, the quantity of each authorized dose, the method of
20 administering the medication, the maximum frequency of administration, the
21 specific conditions under which the medication may be given, and the
22 maximum amount of medication that may be administered to the patient in a
23 24-hour period;

24 (C) is valid for only 24 hours and may be renewed by a
25 physician for a total of 72 hours, including the initial 24 hours, only after a
26 personal assessment of the patient's status and a determination that there is still
27 a crisis situation as described in (1) of this subsection; upon renewal of an
28 order under this subparagraph, the facts supporting the renewal shall be written
29 into the patient's medical record.

30 * Sec. 8. AS 47.30.838 is amended by adding a new subsection to read:

31 (d) An evaluation facility or designated treatment facility may administer

1 psychotropic medication to a patient without the patient's informed consent if the
2 patient is unable to give informed consent but has authorized the use of psychotropic
3 medication in a declaration properly executed under AS 47.30.950 - 47.30.980 or has
4 authorized an attorney-in-fact to consent to this form of treatment for the patient and
5 the attorney-in-fact does consent.