

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 184
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATOR DAVIS

Introduced: 2/8/06

Referred: Health, Education and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to mental health patient rights and to a hospital's duty to provide same**
2 **sex staff for providing care to a mental health patient."**

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

4 *** Section 1.** AS 18.20 is amended by adding a new section to read:

5 **Sec. 18.20.095. Mental health patient's right to same sex staff.** (a) A patient
6 18 years of age or older who is receiving mental health treatment and being provided
7 intimate care at a hospital shall have a right to have care provided by a staff member
8 who is the same sex as the patient.

9 (b) A supervisor or manager employed by a hospital shall

10 (1) post a notice of the right provided under (a) of this section in a
11 conspicuous place; and

12 (2) if, after reasonable and good faith efforts to comply, the hospital is
13 unable to comply with the requirement under (a) of this section, document in the
14 patient record that intimate care was provided by a staff member of the sex opposite to

1 the patient.

2 (c) Staff members employed by a hospital shall

3 (1) provide privacy for each patient, especially for patients who are the
4 opposite sex and when patient care involves intimate bodily functions, unavoidable
5 intimate touching, or nudity;

6 (2) except when with another staff member of the opposite sex, avoid
7 entering patient care areas for a person of the opposite sex and areas specified for
8 persons of the opposite sex;

9 (3) only conduct routine safety checks and rounds of bedrooms,
10 bathrooms, and shower areas of a patient who is the same sex as the staff member; and

11 (4) when entering a patient care area of a patient of the opposite sex or
12 an area specified for a person of the opposite sex, announce the staff member's
13 presence from the doorway and conduct business from the doorway whenever
14 feasible.

15 (d) In this section,

16 (1) "intimate care" means hygienic care, including bathing, dressing,
17 changing, and toileting, that involves a patient's perineal area and, for a female patient,
18 the patient's breasts; "intimate care" does not include activities done in preparation for
19 medical procedures;

20 (2) "mental health treatment" means admission to a hospital primarily
21 for electroconvulsive treatment or treatment with psychotropic medication, or
22 admission to and retention in a health care institution for other mental health
23 treatment;

24 (3) "staff member" means a person employed by a hospital to provide
25 direct patient care.