

**ALASKA STATE LEGISLATURE**  
**HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

March 15, 2022

3:10 p.m.

**MEMBERS PRESENT**

Representative Liz Snyder, Co-Chair  
Representative Tiffany Zulkosky, Co-Chair  
Representative Ivy Spohnholz  
Representative Zack Fields  
Representative Ken McCarty  
Representative Mike Prax  
Representative Christopher Kurka

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 172

"An Act relating to admission to and detention at a subacute mental health facility; establishing a definition for 'subacute mental health facility'; establishing a definition for 'crisis residential center'; relating to the definitions for 'crisis stabilization center'; relating to the administration of psychotropic medication in a crisis situation; relating to licensed facilities; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 172

SHORT TITLE: MENTAL HEALTH FACILITIES & MEDS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

04/12/21	(H)	READ THE FIRST TIME - REFERRALS
04/12/21	(H)	JUD, HSS, FIN
05/14/21	(H)	JUD AT 1:00 PM GRUENBERG 120
05/14/21	(H)	Heard & Held
05/14/21	(H)	MINUTE (JUD)
05/15/21	(H)	JUD AT 1:00 PM GRUENBERG 120
05/15/21	(H)	-- MEETING CANCELED --
02/14/22	(H)	JUD AT 1:00 PM GRUENBERG 120
02/14/22	(H)	-- MEETING CANCELED --

02/16/22 (H) JUD AT 1:30 PM GRUENBERG 120  
02/16/22 (H) Heard & Held  
02/16/22 (H) MINUTE (JUD)  
02/21/22 (H) JUD AT 1:00 PM GRUENBERG 120  
02/21/22 (H) Heard & Held  
02/21/22 (H) MINUTE (JUD)  
02/23/22 (H) JUD AT 1:30 PM GRUENBERG 120  
02/23/22 (H) Heard & Held  
02/23/22 (H) MINUTE (JUD)  
02/25/22 (H) JUD AT 1:30 PM GRUENBERG 120  
02/25/22 (H) Moved CSHB 172 (JUD) Out of Committee  
02/25/22 (H) MINUTE (JUD)  
02/28/22 (H) JUD RPT CS (JUD) NEW TITLE 3DP 1DNP 1NR  
1AM  
02/28/22 (H) DP: DRUMMOND, SNYDER, CLAMAN  
02/28/22 (H) DNP: EASTMAN  
02/28/22 (H) NR: KREISS-TOMKINS  
02/28/22 (H) AM: VANCE  
03/08/22 (H) HSS AT 3:00 PM DAVIS 106  
03/08/22 (H) Heard & Held  
03/08/22 (H) MINUTE (HSS)  
03/15/22 (H) HSS AT 3:00 PM DAVIS 106

**WITNESS REGISTER**

HEATHER CARPENTER, Health Care Policy Advisor  
Office of the Commissioner  
Department of Health and Social Services  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 172.

NANCY MEADE, General Counsel  
Administrative Staff  
Office of the Administrative Director  
Alaska Court System  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 172.

STEVEN BOOKMAN, Senior Assistant Attorney General  
Human Services Section  
Civil Division (Anchorage)  
Department of Law  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 172.

STEVE WILLIAMS, Chief Executive Officer  
Alaska Mental Health Trust Authority  
Department of Revenue  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 172.

**ACTION NARRATIVE**

[3:10:07 PM](#)

**CO-CHAIR LIZ SNYDER** called the House Health and Social Services Standing Committee meeting to order at 3:10 p.m. Representatives Kurka, Prax, Spohnholz, Zulkosky, Fields, and Snyder were present at the call to order. Representative McCarty arrived as the meeting was in progress.

**HB 172-MENTAL HEALTH FACILITIES & MEDS**

[3:11:03 PM](#)

CO-CHAIR SNYDER announced that the only order of business would be HOUSE BILL NO. 172, "An Act relating to admission to and detention at a subacute mental health facility; establishing a definition for 'subacute mental health facility'; establishing a definition for 'crisis residential center'; relating to the definitions for 'crisis stabilization center'; relating to the administration of psychotropic medication in a crisis situation; relating to licensed facilities; and providing for an effective date."

[3:13:45 PM](#)

CO-CHAIR SNYDER turned to questions from the committee.

[3:13:49 PM](#)

CO-CHAIR ZULKOSKY asked about the recommendations from Gottstein with the law project on civil rights.

[3:14:48 PM](#)

HEATHER CARPENTER, Health Care Policy Advisor, Office of the Commissioner, Department of Health and Social Services (DHSS) explained that the trust held a meeting on March 7, including

Gottstein. Ms. Carpenter said she agreed with his 5 edits in concept and went on to explain the details of the edits.

REPRESENTATIVE ZULKOSKY asked if it was possible for the department to submit the edits to the co-chairs' offices.

MS. CARPENTER replied, "Absolutely."

[3:17:12 PM](#)

REPRESENTATIVE FIELDS thanked Ms. Carpenter for her work with Mr. Gottstein.

[3:17:24 PM](#)

REPRESENTATIVE PRAX directed attention to Section 3, on page 2, and asked the difference between "deliverance", "arrest", and "involuntarily commit".

MS. CARPENTER offered her understanding that Sections 1 through 10 are conforming edits to the 2020 law, "The Alternative to Arrest." She explained that the person in crisis would be taken to an evaluation center, and she deferred to the public safety for a more in-depth answer.

REPRESENTATIVE PRAX asked whether it would be accurate to say delivery to a mental health or crisis center wouldn't show up on Court View.

MS. CARPENTER directed the question to Nancy Meade.

[3:20:48 PM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, confirmed Representative Prax was correct that a delivery to a mental health or crisis center would not show on Court View.

[3:21:20 PM](#)

REPRESENTATIVE FIELDS asked Ms. Carpenter if his understanding is correct that if the bill passed, it would expand some facilities, and he asked what the funding streams would look like.

MS. CARPENTER explained what the facilities would look like and explained the concept of "No wrong door." She went on to

explain what would happen if the crisis was not resolved at that stage.

REPRESENTATIVE FIELDS asked what centers would be included in the program.

MS. CARPENTER answered non-profit providers. She said she does have a list of which providers have been approved and offered to provide it to the committee.

REPRESENTATIVE FIELDS asked how this would change the workforce.

MS. CARPENTER talked about the work DHSS is doing to identify the changes and outlined various ways the department is working on workforce development.

[3:25:11 PM](#)

REPRESENTATIVE KURKA asked about wording on page 6, mentioned the 72-hour hold, and asked what the rationale is for excluding weekends and holidays.

MS. CARPENTER explained that the department aligned the wording with how it is done today under AS 47.30.

[3:27:07 PM](#)

STEVEN BOOKMAN, Senior Assistant Attorney General, Human Services Section, Civil Division (Anchorage), Department of Law, echoed Ms. Carpenter that the idea behind the wording was to keep the timing in line with previous law. He explained that it can be difficult to provide the correct care without observation. He mentioned the high standard to involuntarily commit someone and pointed to Ms. Meade to give more specifics regarding court system availability.

[3:29:05 PM](#)

MS. MEADE explained that the courts are staffed 24 hours.

REPRESENTATIVE KURKA voiced his concern that convenience is what determines how long someone is held. He asked how it balances with the rights of the individual.

MS. MEADE replied that the court issues an expert within 24 hours and within that order the court sets a subsequent hearing date.

[3:32:38 PM](#)

REPRESENTATIVE SPOHNHOLZ asked Ms. Carpenter if there has been any discussion on capital funding for the facilities outlined in the bill.

MS. CARPENTER explained that the department has not been able to have detailed conversations about capital costs.

[3:34:33 PM](#)

STEVE WILLIAMS, Chief Executive Officer, Alaska Mental Health Trust Authority, Department of Revenue (DOR), stated his belief that Ms. Carpenter covered it well, and he mentioned that DOR is looking at costs involved in starting and maintaining the facilities. He mentioned that the department is working with a similar program in Arizona, as well as local providers.

REPRESENTATIVE SPOHNHOLZ cited a similar program in Georgia that was able to address 90 percent of mental health crises via call centers, and she asked about efforts to fund call centers.

MR. WILLIAMS responded that revenue questions were being explored.

REPRESENTATIVE SPOHNHOLZ opined that the governor should use the extra revenue from oil windfall to fund these projects.

[3:38:13 PM](#)

REPRESENTATIVE FIELDS voiced his agreement with Representative Spohnholz. He asked how the language would protect the public from "menacing" people with mental illness.

MS. CARPENTER pointed to Mr. Bookman for more details around the criminal process.

REPRESENTATIVE FIELDS clarified that he is talking about "people who are disturbed" who have yet to commit a crime.

MS. CARPENTER confirmed that the bill is aimed at that issue and explained that the "mobile crisis teams" would be the first response, and then if that has not resolved the issue, they would be taken to a crisis center.

REPRESENTATIVE FIELDS asked if it's fair to say in the judgement of the providers, that they would be able to involuntarily commit someone they deem a threat to themselves or others.

MS. CARP explained they would have the power to do that and emphasized that this is not about criminal proceedings.

[3:42:06 PM](#)

REPRESENTATIVE ZULKOSKY asked who, within the existing continuum, would be able to provide crisis stabilization centers, and who would be available to do this work.

MS. CARPENTER explained that it depends on the community, and she gave examples. She repeated that DHSS hopes to have all the services within the 1015 waiver.

MR. WILLIAMS talked about the conversations held with "all sorts" of mental health providers. He said the department is considering how the framework can be applied to specific communities.

REPRESENTATIVE ZULKOSKY asked if the respective organizations would apply through the department.

MS. CARPENTER explained the layers of procedure that providers must follow and noted that the providers would have to apply for approval through the department; she emphasized the department's role in communicating between the providers.

CO-CHAIR SNYDER asked what the time frame would be to open doors of crisis centers today if the money to do so were available.

MS. CARPENTER explained that it was provider specific, and she was unsure of an exact timeline. She expressed her hesitancy to speak for providers.

CO-CHAIR SNYDER commented that best-case scenario would probably be in months, if not years.

MS. CARPENTER confirmed that in a best-case scenario it would take months, and she emphasized that a year is not that long in "the provider world."

[3:53:46 PM](#)

REPRESENTATIVE KURKA asked what protocols for obtaining parental consent exist in the bill or in existing regulation.

MS. CARPENTER answered that the rights of respondents are outlined in the bill. She also pointed out that there is existing statute regarding the rights of minors in this scenario.

REPRESENTATIVE KURKA pointed out that in the Matanuska-Susitna ("Mat-Su") Valley there is a need for developable land, and he asked whether the Alaska Mental Health Trust Authority would get any funding from "the land trust."

[3:56:20 PM](#)

MR. WILLIAMS explained that "the trust" is actively engaged in investigating much of what is being discussed.

REPRESENTATIVE KURKA asked if Mr. Williams viewed the trust as an advisory group.

MR. WILLIAMS said that the trust is advisory as well as a funding source.

[3:59:10 PM](#)

REPRESENTATIVE SPOHNHOLZ asked whether DOR has used those resources previously for capital grants.

MR. WILLIAMS confirmed that the trust does provide funding for capital grants.

REPRESENTATIVE SPOHNHOLZ commented that while this discussion has been focused on Title 47 holds, people who have experienced mental health holds are not criminals. She pointed to the many reasons that someone could have a psychiatric crisis.

[4:02:56 PM](#)

REPRESENTATIVE PRAX, returning to the issue of the 72-hour hold, asked how dependents of those in 72-hour hold are addressed.

MS. CARPENTER explained, in the example of a single parent, it would likely involve child services. She offered to follow up in writing.

REPRESENTATIVE PRAX said that would be fine.

[4:05:04 PM](#)

REPRESENTATIVE MCCARTY asked what has been done to provide an electronic health record for continuity of care.

MS. CARPENTER explained that electronic health records take a variety of different avenues. She reminded the committee that the program will be part of the Alaska Health Information Exchange (Alaska HIE).

REPRESENTATIVE MCCARTY stated that the heartbeat of Arizona's system is the communication. He voiced his dislike of the Alaska Automated Information Management System (AKAIMS). He emphasized the importance of good communication in crisis care.

MS. CARPENTER agreed that it is important to think about how the health information exchange will be connected. She talked about how other areas in electronic health records could be improved, and she mentioned the Alaska Tribal Health System.

REPRESENTATIVE MCCARTY mentioned his 12-year work in health communication. He said, "We do have the technology," and he asked what the legislature can do to make sure all factors are working.

MS. CARPENTER said she will take [the question] back to the department, and she emphasized the focus on ensuring connections are made so that an individual's record follows as the individual "flows through the system."

[4:14:03 PM](#)

REPRESENTATIVE KURKA stated he understands the benefit of sharing data and asked how that is balanced with the patient's right to privacy.

MS. CARPENTER explained it would be covered by the Health Insurance Portability and Accountability Act (HIPAA).

REPRESENTATIVE KURKA talked about the birth of his second born. He asked how someone in a mental health crisis provides informed consent.

MS. CARPENTER deferred to Mr. Bookman to address the question.

[4:16:12 PM](#)

MR. BOOKMAN explained that providers can exchange information for treatment purposes.

REPRESENTATIVE KURKA expressed his desire to read HIPAA.

[4:17:40 PM](#)

REPRESENTATIVE PRAX mentioned concerns over involuntary medications and asked whether HB 172 would change law regarding involuntary medications.

MS. CARPENTER explained that the current bill would make no changes to the current administration of crisis medications. She also spoke to Mr. Gottstein's concerns and mentioned that she had worked with him to make edits.

[4:20:37 PM](#)

REPRESENTATIVE KURKA asked for clarification as to where the changes were reflected.

MS. CARPENTER explained that those changes were not in the current draft.

[4:21:36 PM](#)

The committee took a brief at-ease.

[4:21:41 PM](#)

REPRESENTATIVE MCCARTY addressed Representative Kurka's question regarding confidentiality and HIPAA. He explained what is involved in an involuntary hold and what is outlined in HIPAA. He talked about his experience in Kodiak.

CO-CHAIR SNYDER pointed to Mr. Bookman for further information.

[4:27:59 PM](#)

MR. BOOKMAN confirmed and pointed to the rights of the patient.

[4:29:02 PM](#)

CO-CHAIR SNYDER reminded the committee about the amendment deadline.

[HB 172 was held over.]

4:30:08 PM

**ADJOURNMENT**

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:30 p.m.