

SB

159

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 159

Revision Date:	_____	Dept. Affected:	<u>Health and Social Services</u>
Title:	<u>An Act relating to advance directives for Mental Health Treatment</u>	BRU:	<u>MH/DD Services</u>
Sponsor:	<u>Rieger</u>	Component:	<u>Alaska Psychiatric Institute</u>
Requestor:	<u>Senate HES</u>	COMPONENT SERIAL NO.:	<u>311</u>
		See also (SN#):	_____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$0.0

POSITIONS:

FULL-TIME	N/A					
PART-TIME	N/A					
TEMPORARY	N/A					

ANALYSIS: (Attach a separate page if necessary)

This bill will not have a fiscal impact on the Division.

Prepared by: Leonard Abel, Ph.D. *Leonard Abel, Ph.D.*
 Division: DMH&DD
 Approved by Com: Karen Ferdue, Commissioner *Karen Ferdue*
 Agency: Department of Health & Social Services

Phone: 465-3370
 Date: 01/24/96
 Date: 1/24/96

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 21, 1996

FURTHER REFERRALS:

Date of Committee Action: 3/28/96

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

CSSB 159(HES) am

CS FOR SENATE BILL NO. 159(HES) am

MENTAL HEALTH TREATMENT DECLARATIONS

"An Act relating to advance directives for mental health treatment."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) H7SS/2/15/96

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Ann L. Davis</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>William Pateley</i>			<input checked="" type="checkbox"/>	
<i>Carol Ann...</i>	<input checked="" type="checkbox"/>			
<i>Carla B...</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE

Carla B...

Alaska State Senate

SENATOR STEVE RIEGER
District I

Senate Finance Committee
Chair, Senate Transportation Committee

Legislative Budget and Audit Committee
Administrative Regulation Review Committee
Legislative Council



During Session:
State Capitol, Room 516
Juneau, Alaska 99801
(907) 465-3879

716 West 4th Avenue, Suite 530
Anchorage, Alaska 99501
(907) 258-8188

SPONSOR STATEMENT

SB 159 "An Act relating to advance directives for mental health treatment."

Senate Bill 159 allows individuals to make decisions in advance about three types of mental health treatment: psychotropic medication, electroconvulsive therapy, and a short-term admission of up to 17 days into a treatment facility. These decisions are documented in a declaration for mental health treatment and will be used only during any period in which a patient is incapable of consenting to or refusing treatment.

The declaration is set up so that an individual may also appoint a person as an attorney-in-fact to make those treatment decisions for them if they become incapable. The attorney-in-fact would make sure those written instructions are followed or make treatment decisions for the individual if the instructions have not been written down. The attorney-in-fact must accept the appointment in writing and may withdraw from this duty at any time.

The declaration will remain in effect for three years unless the individual becomes incapable of making mental health treatment decisions. If this occurs, the directive continues in effect until the individual is no longer incapable. The individual has the right to revoke all or part of the declaration at any time as long as they have not been determined to be incapable.

This legislation would enable persons to make their own mental health decisions prior to any future mental health crisis they might encounter. The legislation was requested by the Mental Health Consumers of Alaska.

DECLARATION FOR MENTAL HEALTH TREATMENT

By Dorothy Peavey, Executive Director of
Mental Health Consumers of Alaska

An advanced directive is a written instruction, such as a living will or durable power of attorney for health care, relating to the provision of health care when an individual's condition makes him or her unable to make treatment decisions.

The Declaration for Mental Health Treatment is an attempt to bring the advanced directive philosophy to the provision of mental health care — psychotropic medications, electroconvulsive therapy, or short-term (up to 17 days) admission to a treatment facility.

Based on a similar law in Oregon, the Declaration provides an individual the opportunity to spell out his or her preferences in the event of his or her incapacitation. It provides the individual the opportunity to make his or her wishes known on the treatments that have worked in the past and that he or she desires in the future, treatments that have not worked in the past or that he or she does not desire in the future, which physician cares for him or her, in which hospital he or she is treated. Most importantly, it provides for a substitute decisionmaker with whom the doctors would consult should the Declaration not be specific enough or the doctors are recommending a treatment not specified.

The Declaration is initiated when an individual is "of sound mind." Declarations may not name attending physicians or mental health providers as the "attorney-in-fact" (substitute decisionmaker). The attorney-in-fact does not have authority to make mental health treatment decisions unless the principal is "incapable." The instructions that are included in a Declaration will be followed only if a court, two physicians that include a psychiatrist, or a physician and professional mental health clinician believe that the person is incapable of making treatment decisions. Otherwise, an individual is considered capable to give or withhold consent for treatment.

A Declaration may be revoked in whole or in part at any time an individual has not been determined to be incapable. An individual is "incapable," when it is the opinion of a court, two physicians that include a psychiatrist, or a physician and a professional mental health clinician, an individual's ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that the person currently lacks the capacity to make mental health treatment decisions.

In the past two years in Oregon, where they have Declarations, they have found that individuals

who had fought hospitalization and medication in the past, now were more willing to go to the hospital because they felt their decisions would be heeded.

Initially introduced into the Alaska Legislature as House Bill 318 by Representative Cynthia Toohey and as Senate Bill 159 by Senator Steve Rieger, the Declaration should be scheduled for hearings early in the next Legislative Session.

Endorsements of the Declaration may be mailed to either Mental Health Consumers of Alaska, Representative Toohey, or Senator Rieger at "Alaska State Legislature, State Capitol, Juneau, AK 99801-1182."

Dorothy Peavey, Executive Director of Mental Health Consumers of Alaska, would welcome comments and questions at 907-277-3817 or 800-478-3817. ♡

NINETEENTH ALASKA STATE LEGISLATURE

All mail should be sent to: State Capitol
Juneau, AK 99801-1182

REPRESENTATIVES:

Alan Austerman	Brian Porter
Ramona Barnes	Caren Robinson
Tom Brice	Norman Rokeberg
Kay Brown	Jerry Sanders
Con Bunde	Gene Thernault
John Davies	Cynthia Toohey
Bettye Davis	Al Vezey
Gary Lee Davis	Bill Williams
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Southcentral

COUNSELING CENTER

4020 Folker Street · Anchorage, Alaska 99508

(907) 563-1000
FAX 563-2045

November 29, 1995

Senator Steve Rieger
Room 516
State Capitol
Juneau, Ak 99801-1182

Dear Senator Rieger:

This letter is in support of Senate Bill 159, Declaration for Mental Health Treatment. Mental Health Consumers of Alaska used declaration models from other states to work towards developing legislation that would allow Alaskans to establish a document stipulating the consumer's mental health treatment preferences, much like a living will. The consumer would have this document prepared in the event they are declared mentally incompetent.

The management and staff at Anchorage Community Mental Health Services, Inc., support Senate Bill 159, and feel that the declaration process would help to empower the consumer. The ACMHS Board of Directors adopted a recommendation in support of the Declaration for Mental Health Treatment at their October 20, 1994, Board meeting.

The Board, management, and staff of Anchorage Community Mental Health Services appreciated your introduction of Senate Bill 159, and the mental health community applauds your continued support of this bill.

Sincerely,

Ken Taylor
Executive Director

cc: Dorothy Peavey
Mental Health Consumers of Alaska





Working for
Alaska's
Mental
Health

Post-it Fax Note	7671	Date	1/31/96	# of pages	1
To	Betty	From	Dorothy Peavey		
Co./Dept.	Sen. Riccio	Co.	MHA		
Phone #		Phone #	277 3817		
Fax #	465-2069	Fax #	277 2193		

Mental Health Association in Alaska

4050 Lake Otis Parkway, Suite 202 • Anchorage, Alaska 99508-5221 • (907) 563-0880 • Fax (907) 563-0881

October 24, 1995

Dorothy Peavey, M.S.W.
Executive Director
Mental Health Consumers of Alaska
101 East 9th Avenue, Suite 3-A
Anchorage, Alaska 99501

Re: Senate Bill No. 159

"An Act relating to advance directives for mental health treatment."

Dear Dorothy:

The Board of Directors would like to support the legislation the Mental Health Consumers of Alaska has brought to the attention of Alaskan lawmakers, i.e. Senate Bill No. 159. It is our belief that this kind of self-advocacy and self-empowerment process in allowing consumers of mental health treatment services the ability to pre-plan and direct caregivers in treatment issues is simply a matter of basic human rights.

We compliment you personally on the hard work you have completed on this issue. We will stand by you and the Mental Health Consumers of Alaska in assuring this legislation is brought to the attention of the public and those for whom we advocate. Please do not hesitate in listing the Mental Health Association in Alaska as a strong supporter of the advance directives for mental health treatment.

Sincerely;

Jan McGillivray, M.Ed.
CEO/President

Sharon Lundy, M.S.
Chair of the Board

Serving Alaska Since 1953

Home of D/ART. Depression/Awareness-Recognition-Treatment Program



April 16, 1995

Marveen Coggins
Legislative Aid
Representative Cynthia Toohey
Room 104
State Capitol
Juneau, Alaska 99801-1182

Dear Marveen:

Please accept my apology for being so late in responding to your request to review the mental health treatment bill Representative Toohey is considering. I have reviewed the bill and found no problems with it from a facility perspective.

Please feel free to contact me with any further questions or if I can be of further assistance.

Sincerely,

Kathleen M. Cronin
Chief Executive Officer

RECEIVED FEB 05 1996

Dear Senator Reiger

HB-318 would help mental illness with (miracostones). Having Bio-polar, and a single parent, with numerous hospitalizations I know now what works well that is why I haven't been in for 2 years. Please work with us. These programs + Bills really work, when used right

Thank You

Jaymie

Jaymie Murphy
2107 Chickaloon
Wasilla AK 99654

RECEIVED FEB 05 1996

Box 1107

Palmer, Ak. 99645

24 Jan 96

Dear Senator Reiger

I am writing to you in regard to SB 159. I would like to see SB 159 passed. This bill would allow me choices of care that I can make before I am in an incapable position. This is an important step in helping our mental health care.

Sincerely,

Jim Williams

29 January '96

Dear Senator Rieger:

I support House Bill 318 and
Want to see passed Senate Bill 159.

Sincerely,

Janett Grady

P.O. Box 1353

Palmer, AK 99645

RECEIVED FEB 02 1996

RECEIVED FEB 05 1996

DATE

01-25-96

SUBJECT

Dear Senator Rieger:

I would appreciate
you processing SB 159.

As I am ever in a
hospital for treatment

I would like to have
a part in the decision
making.

My husband was
hospitalized and forced
to be strapped into bed.
This wasn't fair and he
should be able to make
decisions with the assistance
of an advocate.

Thank you for your
support and taking time
to listen.

Sincerely,

Donna Hart

100 Heritage Drive

Wasilla, AK 99654

73-7404

**TONY KNOWLES, GOVERNOR**

State of Alaska

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone: 907-563-5355 • Fax: 907-563-5357

March 28, 1996

Senator Steve Rieger
Room 516
State Capitol
Juneau, Alaska 99801-1182

RE: Council's position on Senate Bill 159

Dear Senator Rieger;

Thank you for your efforts in addressing the mental health needs of Alaskans through Senate Bill 159. The Governor's Council on Disabilities and Special Education believes that Senate Bill 159 improves mental health care by preserving a patient's right to choose the method of medical treatment.

Legislation allowing people to make a mental health treatment declaration before an episode of illness gives patients control over their medical care when they are incapacitated. In addition, the legislation removes several barriers for care providers. With a declaration in place, doctors are able to expedite a comprehensive treatment program for the patient.

The Council supports Senate Bill 159 because it grants Alaskans the right to decide their own mental health treatment. If you have any questions or comments, please contact the Council's Executive Director, David Maltman, at (907)563-5355.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Fitzgerald".

Kathy Fitzgerald, Chair

cc: Representative Cynthia Toohey (I)HES Co-Chair
Representative Con Bunde (H)HES Co-Chair