

**SB**

**159**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 159

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act relating to advance directives BRU: MI/DD Services  
for Mental Health Treatment Component: Alaska Psychiatric Institute  
 Sponsor: Rieger COMPONENT SERIAL NO. 311  
 Requestor: Senate HES 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: 00.0

**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.  
 Division: DMH&DD  
 Approved by Com: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

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

PREPARER TO PROVIDE  
For further dis FISCAL NOTE

E OFFICE

# SENATE COMMITTEE REPORT

*has no fiscal*

DATE: 2/15/96

DATE TURNED INTO OFFICE: 3/13/96

The Judiciary Committee considered SB 159

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

Φ

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_
- adopt previous \_\_\_\_\_ CS SB 159 (HES)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
 House Bill:  
 same title  
 technical change  
 new: SCR\*

SIGNING: DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>W. Ellis</i>	<input checked="" type="checkbox"/>				
<i>Richard Span</i>	<input checked="" type="checkbox"/>				
<i>Mike Hill</i>	<input checked="" type="checkbox"/>				
<i>Al Adams</i>	<input checked="" type="checkbox"/>				
<b>CHAIR:</b> <i>John T. Taylor</i>	<input checked="" type="checkbox"/>				

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>Health &amp; Soc. Services</i>	<i>1/24/96</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Alaska State Senate

**SENATOR STEVE RIEGER**  
District 1



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) 255 9155

## 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.

SPONSOR STATEMENT

## 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  
Ramona Barnes  
Tom Bnce  
Kay Brown  
Con Bunde  
John Davies  
Bettye Davis  
Gary Lee Davis  
Kim Elton  
David Finkelstein

Brian Porter  
Caren Robinson  
Norman Rokeberg  
Jerry Sanders  
Gene Themault  
Cynthia Toohey  
Al Vezey  
Bill Williams  
Ed Willis

Richard Foster  
Joseph Green  
Ben Grussendorf  
Mark Hanley  
Ivan Ivan  
Jeannette James  
Pete Kelly  
Vic Kohng  
Pete Kott  
Gene Kubina  
Don Long  
Jerry Macke  
Terry Martin  
Beverly Masek  
Carl Moses  
Eldon Mueller  
Mike Navarre  
Irene Nicholas  
Scott Ogan  
Sean Pamela  
Gail Phillips

### SENATORS:

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Dave Donley  
Jim Duncan  
Johnny Ellis  
Steve Frank  
Lyda Green  
Rick Halford  
Lyman Hoffman  
Tim Kelly  
Loren Leman  
Georgianna Lincoln  
Mike Miller  
Dino Pearce  
Randy Phillips  
Steve Rieger  
Ben Sharp  
Robin Taylor  
John Torgerson  
Fred Zharoff

(907) 563-1000  
FAX 563-2045



# Southcentral

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## COUNSELING CENTER

4020 Folker Street · Anchorage, Alaska 99508

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. Riegan	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 McGillivary, M.Ed.  
CEO/President

Sharon Lundy, M.S.  
Chair of the Board



**Charter North  
Behavioral Health System**

2530 DeBarr Road  
Anchorage, Alaska 99508  
(907) 258-7575 • Fax (907) 277-7844

April 16, 1995

Marveen Coggins  
Legislative Aid  
Representative Cynthia Toohy  
Room 104  
State Capital  
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 Toohy 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 medications.  
Having Bio-polar, and a single  
parent, with numerous hospitalization  
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 really 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.  
It is an important step in helping our mental  
health care.

Sincerely,

Doug Johnson

29 January 96

Dear Senator Rieger:

I support House Bill 318 and  
Want to see passed Senate Bill 15

Sincerely,

Janett Hoady

P.O. Box 1353

Palmer, AK 99645

RECEIVED FEB 02 1996

RECEIVED FEB 05 1996

01-25-96

SUBJECT

Dear Senator Ringer:

I would appreciate  
you passing SB 157

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 isn'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 L. Hart

10011 Village Drive

Wasilla, AK 99654

3-7404