

HB

505



Alaska State Legislature

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REPRESENTATIVE FRED DYSON

HB 505—MENTAL HEALTH PROFESSIONALS SPONSOR STATEMENT

The growth of Alaska's clinical mental health profession is a commendable response to the needs of our state's youth and adults, and to Alaska's mental health system as a whole. More safety is needed for our citizens who experience acute psychiatric crises. Currently, in many regions of our state, there is a shortage of mental health professionals who are authorized to respond to a variety of significant public safety circumstances. Because of the limited focus of the current Title 47 definitions, many licensed professionals who are qualified to aid these Alaskans are not authorized to do so. HB 505 addresses this concern by updating the statutory definition of 'mental health professional,' resulting in an increase in the efficacy of Alaska's mental health system.

HB 505 expands the definition of 'mental health professional' to include (1) a licensed marital and family therapist, (2) a licensed professional counselor, (3) a licensed clinical social worker, and (4) a person who is trained and experienced and who is in the process of qualifying for licensure. This updates the current Title 47 definition, which was composed before the establishment of licensing standards for these master-level clinicians.

The broadening of the 'mental health professional' definition will increase the number of licensed, master-level professionals who will be (1) authorized to evaluate prisoners for psychological or psychiatric treatment, (2) authorized to evaluate minors who may need to be confined to, or released from, a residential treatment center, (3) liable to report incidents of harm, and (4) authorized to perform civil commitments.

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FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 505
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Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: RELATING TO THE DEFINITION OF MENTAL HEALTH
PROFESSIONAL BRU: Community Mental Health Grants
 Component: General Comm Mental Hlth Grnts
 Sponsor: HOUSE (HES)
 Requestor: _____ Component Number: 307

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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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CHANGE IN REVENUES (0)						
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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						
Othe (Specify Type--do not abbrevia						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB505 changes the definition of MHP by adding the licensed disciplines of clinical social worker, marital and family therapist and professional counselor, and allowing experienced unlicensed master's level mental health graduates who are seeking licensure, and are supervised by a licensed MHP to do the work of an MHP. This bill increases access to mental health services to several different consumer populations by increasing the pool of prospective employees in a time of shortage. It also encourages licensure of experienced individuals, which increases the quality and accountability of the professions serving vulnerable Alaskans.

This bill has no fiscal impact.

Prepared by: Sarah Brinkley, Admin Manager Phone 465-3167
 Division: Mental Health & DD Date/Time 03/20/02
 Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 03/2/002
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

HB505--Changing the Definition of Mental Health Professional

How the Initial Civil Commitment Evaluation for Ex Parte Works

When a person experiencing a mental health crisis needs an evaluation for possible admittance to a mental health hospital, a "mental health professional" (MHP) is called in to conduct an evaluation. The goal of the evaluation is to determine if the person has a mental illness, and as a result, is suicidal, homicidal or "gravely disabled". If the MHP determines that the person fits these criteria, and the individual refuses voluntary hospitalization, a call is placed to a consulting psychiatrist or physician. If the consulting psychiatrist or physician concurs with the evaluation that the person is at dire risk, the MHP contacts a judge, who hearing the results of the evaluation makes the decision whether or not to involuntarily commit the individual to a 72-hour hold. While hospitalized, a psychiatrist examines the person. If there continues to be sufficient risk of harm, there is a court hearing for extended commitment. At anytime during this process if the person no longer meets commitment criteria, they are released.

Current Definition

The current definition included every discipline of mental health practitioner at the time: licensed psychiatrist or physician, licensed clinical psychologist or licensed psychologist, registered nurse with a master's degree in psychiatric nursing, or any kind of social worker with a master's degree and experience.

Since the statute was written in 1981, the nation and Alaska have been licensing Clinical Social Workers (LCSW), Licensed Marital and Family Therapists (LMFT) and Licensed Professional Counselors (LPC).

To do an ex parte eval you must work in a hospital or State funded mental health center. Across the state, there are approximately 140 mental health clinicians doing emergency services evaluations. In reality, only half of these clinicians fit the current definition.

Under current statute there is a legal precedent for having unlicensed, social workers with experience do evaluations. HB505 would include master's level clinicians who are experienced, but also supervised and working toward licensure.

- LMFTs, LPCs and LCSWs are clinically qualified to serve these needs.
- Including all licensed mental health disciplines and requiring that unlicensed clinicians hold a master's degree, be experienced, supervised and working toward licensure, enlarges the pool of MHPs who must meet legislatively mandated standards of education, experience and professionalism to qualify for one of the 140 present emergency services positions. **People who do not hold one of these jobs cannot do civil commitment evaluations. A judge makes the decision about commitment.**

Comparison Chart for Mental Health Disciplines covered under HB505

License Requirement	Psychologist	Psych. Assoc.	LCSW	LMFT	LPC
Education	Ph.D. from program approved by Board	MA from program approved by the Board	MS from program approved by the Board	MA from a Regional Accrediting agency (Specifies course work)	MA from a National or Regional Accrediting Agency (60 total graduate hours)
No Improper Conduct or Investigations in other states	Not engaged in dishonorable conduct	Not engaged in dishonorable conduct	Of good moral character	Has not engaged in conduct that is grounds for disciplinary sanctions	Not under investigation in this or another jurisdiction, & has not had any license suspended or revoked
Post Graduate Supervised Experience	1 year	2 years	2 years or 3000 hours	1500 clinical contact hours, 100 hours of individual supervision, 100 hours of group supervision	3000 hours of clinical contact, 1000 hours of face to face counseling, 100 hrs face to face supervision
Exam Required	Yes	Yes	Yes	Yes	Yes
Professional References	5 required by regulation	2 required by regulation	3	1 verification of supervised experience & fitness	2 references and 1 verification of employment for 2 years
Practice Definitions	Diagnosis Treatment Emotional/Mental Disorders Individual group	Dependent on experience and training	Diagnosis Treatment Mental & Emotional Disorders Individuals, families, groups, communities	Diagnosis Treatment Mental & Emotional Disorders Individuals, families, groups	Diagnosis Treatment Mental & Emotional Disorders Individual, group, and organizations

For details please see Statutory Definitions of Alaska's Mental Health Disciplines document

Prepared by DHSS - based on current law

STATUTORY DEFINITIONS OF ALASKA'S MENTAL HEALTH DISCIPLINES

Presented in the order in which they were recognized with licensure

Licensed Psychologists and Licensed Psychological Associates

Psychologists (Ph.D.) in Alaska currently holding licenses 132

Psychological Associates (MA) currently holding licenses 38

Sec. 08.86.130. Licensing requirements. (FOR PSYCHOLOGISTS)

(a) The board shall issue a psychologist license to a person who

(1) holds an earned doctorate degree, from an academic institution whose program of graduate study for a doctorate degree in psychology meets the criteria established by the board by regulation, in

(A) clinical psychology;

(B) counseling psychology; or

(C) education in a field of specialization considered equivalent by the board;

(2) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

(3) has one year of post doctoral supervised experience approved by the board; and

(4) takes and passes the objective examination developed or approved by the board.

(b) The board may not deny recognition as an accredited or approved academic institution to an educational institution solely because its program has not been accredited by a professional organization of psychologists.

Sec. 08.86.160. Licensing requirements. (FOR PSYCHOLOGICAL ASSOCIATES)

(a) The board shall issue a psychological associate license to a person who

(1) holds an earned master's degree from an academic institution whose program of graduate study for a master's degree in psychology meets the criteria established by the board by regulation in

(A) clinical psychology;

(B) counseling psychology; or

(C) education in a field of specialization considered equivalent by the board;

(2) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

(3) has two years of post master's supervised experience approved by the board; and

(4) takes and passes the objective examination developed or approved by the board for psychological associates.

(b) The board may not deny recognition as an accredited or approved academic institution to an educational institution solely because its program has not been accredited by a professional organization of psychologists.

Sec. 08.86.230. Definitions. In this chapter,

(6) "to practice psychology" means to render or offer to render for a fee to individuals, groups, organizations, or the public for the diagnosis, prevention, treatment, or amelioration of psychological problems and emotional and mental disorders of individuals or groups or for conducting research on human behavior, a psychological

service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, including

(A) the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships;

(B) the methods and procedures of interviewing, counseling, psychotherapy, biofeedback, behavior modification, and hypnosis;

(C) constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

Sec. 08.86.164. Scope of practice by associate.

(a) A psychological associate shall be licensed to provide psychological services within the nature and extent of the psychological associate's training and experience as defined in regulation.

Licensed Social Workers

Social Workers (Ph.D. or MA) currently holding licenses 347

Sec. 08.95.110. License requirements.

(a) The board shall issue a license to practice clinical social work to a person who

(1) has received a master's degree or a doctoral degree in social work from a college or university approved by the board;

(2) has completed, within the 10 years before application for licensure and under the supervision of a licensed clinical social worker, licensed psychologist, or licensed psychiatrist either

(A) a minimum of two years of continuous full-time employment in postgraduate clinical social work; or

(B) a minimum of 3,000 hours of less than full-time employment in a period of not less than two years in postgraduate clinical social work;

(3) is of good moral character;

(4) is in good professional standing and is fit to practice social work as determined by the board;

(5) has provided three professional references that are acceptable to the board, including, if the applicant

(A) was previously employed to practice social work, one reference from a person who was the applicant's employer while practicing social work unless the applicant demonstrates to the satisfaction of the board that the applicant is unable to satisfy the requirement of this subparagraph through no fault of the applicant; and

(B) is currently employed to practice social work, a reference from the applicant's current employer;

(6) has satisfactorily completed the examination given by the board for clinical social worker licensing; and

(7) has paid required fees.

(b) The board shall issue a license authorizing use of the title "master social worker" to a person who

(1) satisfies the requirements of (a)(1), (3) - (5), and (7) of this section; and

(2) has satisfactorily completed the examination given by the board for master social worker licensing.

Sec. 08.95.990. **Definitions.** In this chapter,

(2) "clinical social work" means the diagnosis of psychiatric disorders and the use of techniques of applied psychotherapy of a nonmedical nature while practicing social work;

(6) "social work" means a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior is directed, through the application of social work principles and methods, at helping individuals to achieve more adequate, satisfying, and productive social adjustments;

(7) "social work principles and methods" include counseling of a nonmedical nature to assist in the treatment of mental and emotional conditions of individuals, families, and groups; providing information and referral services; providing or arranging for the provision of social services; explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, provide, or improve social and health services; and doing research related to social work.

Licensed Marital and Family Therapists

Marital and Family Therapists (Ph.D. or MA) currently licensed 100

Sec. 08.63.100. **Qualifications for license to practice.**

(a) The board shall issue a license to practice marital and family therapy to a person who

(1) applies on a form provided by the board;

(2) pays the fee established under AS 08.01.065 ;

(3) furnishes evidence satisfactory to the board that the person

(A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.63.210 ;

(B) holds a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction substantially equivalent to the following:

(i) three courses or nine semester or 12 quarter hours of course work in marital and family therapy;

(ii) three courses or nine semester or 12 quarter hours of course work in marital and family studies;

(iii) three courses or nine semester or 12 quarter hours of course work in human development;

(iv) one course or three semester or four quarter hours of course work in professional studies or professional ethics and law;

(v) one course or three semester or four quarter hours of course work in research; and

(vi) one year of supervised clinical practice in marital and family therapy;

(C) after receiving a degree described in (B) of this paragraph, has

(i) practiced marital and family therapy within three years of the person's application, including 1,500 hours of direct clinical contact with couples and families; and

- (ii) been supervised in the clinical contact for at least 200 hours, including 100 hours of individual supervision and 100 hours of group supervision approved by the board;
 - (D) has received training related to domestic violence; and
 - (E) has passed a written or oral examination administered by the board.
- (b) Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board, but whose course of degree study did not include all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B) of this section.
- (c) An applicant who fails an examination given under this section may not retake the examination for a period of six months from the date of the examination that the applicant failed.
- (d) A license issued under this section shall be renewed biennially by the applicant on a date set by the department and approved by the board. It shall be renewed by payment of the fee established under AS 08.01.065 and by satisfaction of the continuing education requirements established by the board for the renewal of licenses issued under this section.

Sec. 08.63.900. **Definitions.** In this chapter, unless the context indicates otherwise,

(5) "practice of marital and family therapy" means the diagnosis and treatment of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for marital and family therapy, whether cognitive, affective, or behavioral, within the context of human relationships, particularly marital and family systems; marital and family therapy involves

(A) the professional application of assessments and treatments of psychotherapeutic services to individuals, couples, and families for the purpose of treating the diagnosed emotional and mental disorders;

(B) an applied understanding of the dynamics of marital and family interactions, along with the application of psychotherapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships and family life;

Licensed Professional Counselors

Professional Counselors (Ph.D. or MA) currently licensed 275

Sec. 08.29.110. Qualifications for licensure.

- (a) The board shall issue a professional counselor license to a person who applies for the license, submits the required fee, submits two letters of recommendation from professional counselors who are familiar with the applicant's practice of professional counseling, and presents evidence satisfactory to the board that the person
- (1) is at least 18 years of age;
 - (2) is not under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter;
 - (3) has not had a license related to the practice of counseling, psychology, marital and family therapy, or social work in this or another jurisdiction suspended, revoked, or

surrendered in lieu of discipline unless the license has been fully reinstated in that jurisdiction;

(4) has passed a written examination as required by the board; the board may provide that passing a nationally recognized examination for professional counselors is sufficient to meet the examination requirement of this paragraph;

(5) has successfully completed either

(A) an earned doctoral degree in counseling or a related professional field from a regionally accredited institution of higher education approved by the board; or

(B) an earned master's degree in counseling or a related professional field, from a regionally or nationally accredited institution of higher education approved by the board, consisting of at least 48 semester hours and at least 12 other graduate semester hours in counseling during or after earning the master's degree, for a total of at least 60 hours; and

(6) has, after completing the requirement of either (5)(A) or (B) of this subsection, had at least 3,000 hours of supervised experience in the practice of professional counseling performed over a period of at least two years under the supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of direct counseling with individuals, couples, families, or groups and at least 100 hours of face-to-face supervision by a supervisor approved under AS 08.29.210 unless, under regulations of the board, the board allows the supervision to be by telephonic or electronic means because of the remote location of the counselor.

(b) The board may, in its regulations, specify the areas of study that must be covered in order to meet the educational requirements of (a) of this section.

Sec. 08.29.490. Definitions. In this chapter,

(1) "practice of professional counseling" means, subject to (C) of this paragraph, the application of principles, methods, or procedures of the counseling profession to diagnose or treat, other than through the use of projective testing or individually administered intelligence tests, mental and emotional disorders that are referenced in the standard diagnostic nomenclature for individual, group, and organizational therapy, whether cognitive, affective, or behavioral, within the context of human relationships and systems; if otherwise within the scope of this paragraph, "practice of professional counseling" includes

(A) the professional application of evaluation techniques, treatments, and therapeutic services to individuals and groups for the purpose of treating the emotional and mental disorders;

(B) an applied understanding of the dynamics of the individual and of group interactions, along with the application of therapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships; and

(C) consistent with regulations adopted by the board under AS 08.29.020(a)(4), administration and use of appropriate assessment instruments that measure or diagnose problems or dysfunctions within the course of human growth and development as part of a counseling process or in the development of a treatment plan;

Initial Civil Commitment for Ex Parte

1. Person experiences a mental health crisis and needs an evaluation for possible admittance to a mental health hospital.
2. A "mental health professional" is called in to conduct an ex parte evaluation.
3. The evaluator must work in a hospital (a doctor or psychiatrist) or be employed at a state-funded community mental health center.
4. The evaluation is to determine if the person has a mental illness and, as a result, is suicidal, homicidal or "gravely disabled", each of these criteria require there to be an indication of real, imminent risk. Examples of "grave disability" are an individual who stops eating and is near starvation because they hear voices that say someone has poisoned the food, or they are so delusional that they are at risk of freezing to death because they have no awareness of their bodies needs for survival.
5. If the mental health professional determines the person fits this criteria and the individual refuses voluntary hospitalization, a call is placed to a consulting psychiatrist or physician.
6. If the consulting psychiatrist or physician concurs that the person is at risk, the mental health professional contacts a judge.
7. Upon hearing the results of the evaluation, the judge makes the decision as to whether or not there is sufficient criteria to initiate an ex parte hold of the individual for up to 72-hours for purposes of obtaining a full psychiatric evaluation done by a psychiatrist.
8. If there continues to be sufficient risk of harm, a court hearing is held to determine the appropriateness for a civil commitment.
9. Anytime throughout this process if the person no longer meets the commitment criteria, the individual is released from the hospital.

Mental Health Professional

Current Definition

1. Licensed Psychiatrist
2. Licensed Physician
3. Licensed Clinical Psychologist
4. Licensed Psychological Associate
5. Registered Nurse with a Master's Degree in Psychiatric Nursing
6. Any Type of Social Worker with a Master's Degree and Experience

SB 302 New Definition

1. Licensed Psychiatrist
2. Licensed Physician
3. Licensed Clinical Psychologist
4. Licensed Psychological Associate
5. Registered Nurse with a Master's Degree in Psychiatric Nursing
6. Licensed Clinical Social Worker
7. Licensed Marital and Family Therapist
8. Licensed Professional Counselors
9. Master-level clinician, with experience, under supervision and seeking licensure

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4. The evaluation is to determine if the person has a mental illness and, as a result, is suicidal, homicidal or "gravely disabled", each of these criteria require there to be an indication of real, imminent risk. Examples of "grave disability" are an individual who stops eating and is near starvation because they hear voices that say someone has poisoned the food, or they are so delusional that they are at risk of freezing to death because they have no awareness of their bodies needs for survival.
5. If the mental health professional determines the person fits this criteria and the individual refuses voluntary hospitalization, a call is placed to a consulting psychiatrist or physician.
6. If the consulting psychiatrist or physician concurs that the person is at risk, the mental health professional contacts the judicial officer on call.
7. Upon hearing the results of the evaluation, the judicial officer makes the decision as to whether or not the testimony of the mental health professional is sufficient to support a judicial finding that the statutory criteria (threat of harm to self, others or grave disability) have been met. If the judicial officer determines that the testimony is sufficient, the judicial officer will enter a verbal and written order allowing the individual to be held at an evaluation facility for up to 72-hours so that a full psychiatric evaluation can be done by a psychiatrist. This what is commonly known as an ex parte order. This order is provided to the individual and states that there is probable cause to find that the individual is suffering from a mental illness and as a result of that illness they are a threat to self, others, or gravely disabled. This order also appoints the public defender to represent the individual if further proceedings are needed.
8. If at anytime during this process if the individual no longer meets the commitment criteria, the individual is released from the hospital.

Mental Health Professional

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9. Master-level clinician, with experience, under supervision and seeking licensure

The original statutory definition for "mental health professional" (MHP) was written into Title 47, when psychiatrists, physicians, psychologists, master's level psychologists (psychological associates) and psychiatric nurses were the only licensed mental health professions. At that time, master's level social workers were not licensed, but were acknowledged under the definition and allowed to do civil commitment evaluations if they had "substantial experience". Since then, the clinical mental health field has expanded to license social workers, marital and family therapists (MFT), and professional counselors (LPC).

In addition to the use of the mental health professional definition for persons evaluating adults in acute psychiatric crisis and facing mental health commitment, the definition also applies to those working with incarcerated adults with mental illnesses, youth in the custody of the Divisions of Family and Youth Services or Juvenile Justice, and with vulnerable adults in a variety of health care settings.

Licensing these professional mental health clinicians is critical to the public safety, and to hold accountable people working with vulnerable populations. Today, there are not enough people within the current definition of a mental health professional licensed to do this work. At the same time, there are hundreds of licensed professionals who do not fall within the current definition and cannot do the work.

This bill changes the definition of MHP to acknowledge the licensing of clinical social workers (LCSW), MFTs and LPCs, and makes provisions for those working toward licensure. By including experienced master's level clinicians working toward licensure, the bill also increases the capacity of our mental health system to protect Alaska's youth and adults who are experiencing acute psychiatric crisis in our communities, to protect and safeguard vulnerable adults from harm, and to treat mentally ill adults who are incarcerated.

Changing the definition of MHP would increase the number of trained professionals working in the field who are:

- required to report incidents of harm to vulnerable adults;
- allowed to provide mental health treatment to prisoners;
- authorized to evaluate children and minors in custody for appropriateness to be placed in secure residential treatment centers;
- eligible to work in one of the 140 jobs at community mental health centers where emergency evaluations are done on individuals experiencing a crisis, to determine suicidality, homicidality and grave disability in preparation for a judge's decision on appropriateness for mental health civil commitment to a hospital in Fairbanks, Anchorage or Juneau.