

LDIR#105

MENTAL HEALTH



ALASKA LEGISLATIVE COUNCIL

MENTAL HEALTH LAWS

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REPORT OF COMMITTEE ON LAW AND LEGISLATION
TO GOVERNOR'S MENTAL HEALTH PLANNING BOARD

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OUTLINE OF REPORT

Introduction:

1. Task Force on Legislation and Law; General Method of Approach
2. Achievements to date.
3. Basic and legal principles involved in an Alaska Mental Health Act.
 - a) Purpose of a Mental Health Act.
 - b) Treatment for non-dangerous persons cannot be compulsory
 - c) Compulsory treatment, in or out of hospitals, when permissible.
 - d) Medical-legal conflict
 - e) Patient's rights must be safeguarded
 - f) Review needed throughout treatment process to protect patient's rights.
4. General Criticism of Present Laws.
5. Bibliography; Method of Citing References; Abbreviations used.

Part I Alaska Mental Health Act; Powers, Duties of Department;
Definitions; Sectional Headings; Logical Arrangement needed

- A. Form and Arrangement of Proposed AMHA
- B. Statement of Purposes of Mental Health Act
- C. Definitions of words "likely to injure himself or others"
- D. Definition of "mentally ill."
- E. Powers and Duties of Department

Part II Alaska Mental Health Act - Non-Judicial Hospitalization:

- A. Voluntary - upon application of self or guardian
- B. Involuntary - patients admitted upon application of interested party plus physician's certificate.
- C. Emergency Hospitalization.
- D. Newly Admitted Patients.
- E. Application for discharge and emergency detention

Part III Alaska Mental Health Act - Judicial Hospitalization:

- A. Institution of proceedings
- B. Service of petition.
- C. Pre-Hearing Medical Examinations (Designated Examiners).
- D. Notice of Hearing.
- E. Presence of Patient at Hearing.
- F. Time of Hearing.
- G. Right to Counsel.

RECOMMENDATIONS OF THE GOVERNOR'S COMMITTEE

ON MENTAL HEALTH PLANNING

(Pages 12 - 14)

TASK FORCE VI

TEXT OF THE
INTERSTATE COMPACT ON MENTAL HEALTH

(Pages 74 - 80)

The Council of State Governments,
"Suggested State Legislation, Program for 1958"

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

CODE TITLES
of
SELECTED STATES

ORGANIZATION OF CODE

TITLES

SELECTED STATES

COMPARISON OF TITLES BETWEEN
CHAPTER 87, SESSION LAWS OF ALASKA 1957
and
AS 47.30.010 - 47.30.340

COMPARISON OF SECTION NUMBERS

between

ch. 87, SLA 1957 and AS 47.30.010 - 47.30.340

PUBLIC LAW 88-597

DISTRICT OF COLUMBIA HOSPITALIZATION
OF THE MENTALLY ILL ACT

September 15, 1964

STATUTORY DEFINITIONS OF THE
MENTALLY ILL

From Table II-A, p. 44 - 48, The Mentally Disabled
and the Law.

DEFINITIONS OF
MENTAL COMPETENCY

Selected States

ALASKA LAW CONTAINING TERMINOLOGY

RELATING TO MENTAL CAPACITY

CHART OF DIFFERENCES BETWEEN
INCOMPETENCY AND HOSPITALIZATION

HOUSE BILL NO. 96

FOURTH LEGISLATURE - FIRST SESSION

"An Act relating to the transportation of the mentally ill; and providing for an effective date."

SENATE BILL NO. 92

FOURTH LEGISLATURE - FIRST SESSION

"An Act relating to residence of the
mentally ill."

A Synopsis of

"THE COMING UPHEAVAL IN PSYCHIATRY"

by

Maya Pines

From Harper's, October 1965

AN ACT RELATING TO THE ESTABLISHMENT OF COMMUNITY
MENTAL HEALTH SERVICES PROGRAMS, PROVIDING FOR STATE
GRANTS-IN-AID TO ASSIST LOCAL COMMUNITIES AND
NONPROFIT CORPORATIONS IN ESTABLISHING AND
OPERATING SUCH PROGRAMS.

The Council of State Governments,

"Suggested State Legislation, Program for 1959"

CHAPTER 164
SESSION LAWS OF ALASKA
1957

ADJUDICATION OF COMPETENCY

OF

MENTALLY ILL PERSON

State of Oregon

AN ACT TO PROVIDE FOR THE INSTITUTIONAL
TREATMENT OF USERS OF NARCOTICS

A suggested Act based on a Washington,
D.C. Act passed by Congress in 1953.

AN ACT CONCERNING ALCOHOLISM AND
ALCOHOLICS: PROVIDING FOR THE SCIENTIFIC
TREATMENT AND REHABILITATION OF
ALCOHOLICS

State of Indiana

INDIANA

ALCOHOLISM REHABILITATION COUNSELOR IX