



# LAWS OF ALASKA

2001

**Source**  
SCS CSHB 115(HES)

**Chapter No.**  
72

## AN ACT

Relating to the services of certain medical professionals in civil proceedings for the commitment of certain intoxicated persons; allowing a physician assistant or advanced nurse practitioner to certify the need for emergency treatment as a result of intoxication; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** July 3, 2001  
**Actual Effective Date:** July 4, 2001

AN ACT

1 Relating to the services of certain medical professionals in civil proceedings for the  
2 commitment of certain intoxicated persons; allowing a physician assistant or advanced nurse  
3 practitioner to certify the need for emergency treatment as a result of intoxication; and  
4 providing for an effective date.

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6 \* Section 1. AS 47.37.180(b) is amended to read:

7 (b) The certifying physician, physician assistant, advanced nurse  
8 practitioner, spouse, guardian, or relative of the person to be committed, or any other  
9 responsible person, may make a written application for commitment under this  
10 section, directed to the administrator of the approved public treatment facility. The  
11 application must state facts to support the need for emergency treatment and be  
12 accompanied by a physician's, physician assistant's, or advanced nurse  
13 practitioner's certificate supporting the need for emergency treatment and stating that  
14 the physician, physician assistant, or advanced nurse practitioner has examined the

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1 person sought to be committed within two days before the certificate's date.

2 \* **Sec. 2.** AS 47.37.180(f) is amended to read:

3 (f) A copy of the written application for commitment and of the physician's,  
4 **physician assistant's, or advanced nurse practitioner's** certificate, and a written  
5 explanation of the person's right to legal counsel, shall be given to the person within  
6 24 hours after commitment by the administrator, who shall provide a reasonable  
7 opportunity for the person to consult with legal counsel.

8 \* **Sec. 3.** AS 47.37.190(a) is amended to read:

9 (a) A spouse or guardian, a relative, the certifying physician, **physician**  
10 **assistant, advanced nurse practitioner,** or the administrator in charge of an approved  
11 public treatment facility may petition the court for a 30-day involuntary commitment  
12 order. The petition must allege that the person is an alcoholic or drug abuser who (1)  
13 has threatened, attempted to inflict, or inflicted physical harm on another and that  
14 unless committed is likely to inflict physical harm on another; or (2) is incapacitated  
15 by alcohol or drugs. A refusal to undergo treatment does not constitute evidence of  
16 lack of judgment as to the need for treatment. The petition must be accompanied by a  
17 certificate of a licensed physician, **physician assistant, or advanced nurse**  
18 **practitioner** who has examined the person within two days before submission of the  
19 petition, unless the person whose commitment is sought has refused to submit to a  
20 medical examination, in which case the fact of refusal must be alleged in the petition.  
21 The certificate must set out the physician's, **physician assistant's, or advanced nurse**  
22 **practitioner's** findings **of the examination** in support of the allegations of the  
23 petition.

24 \* **Sec. 4.** AS 47.37.200(a) is amended to read:

25 (a) At the hearing for a 30-day commitment required under AS 47.37.190(b),  
26 the court shall hear all relevant testimony, including, if possible, the testimony of at  
27 least one **person** [LICENSED PHYSICIAN] who has examined the person whose  
28 commitment is sought **under AS 47.37.180(b) or 47.37.190(a).** The person whose  
29 commitment is sought shall be present unless the court believes that being present is  
30 likely to be injurious to the person, in which case the court may conduct the hearing  
31 telephonically. The court may examine the person in open court, or, if advisable,

1 examine the person out of court. If the person has refused to be examined under  
2 AS 47.37.180(b) or 47.37.190(a) [BY A LICENSED PHYSICIAN], the person shall  
3 be given an opportunity to request examination by a court-appointed licensed  
4 physician, physician assistant, or advanced nurse practitioner. If the person fails  
5 to request a medical examination and there is sufficient evidence to believe that the  
6 allegations of the petition are true, or, if the court believes that more medical evidence  
7 is necessary, the court may issue a temporary order committing the person to a private  
8 or public facility for a period of not more than five days for purposes of a diagnostic  
9 examination.

10 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).