

SENATE BILL NO. 44

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR CLAMAN

Introduced: 1/17/25
Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the rights of minors undergoing evaluation or inpatient treatment at**
2 **psychiatric hospitals; relating to the use of seclusion or restraint of minors at psychiatric**
3 **hospitals; relating to a report published by the Department of Health; relating to**
4 **inspections by the Department of Health of certain psychiatric hospitals; and providing**
5 **for an effective date."**

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

7 * **Section 1.** AS 47.30 is amended by adding a new section to read:

8 **Sec. 47.30.843. Minors undergoing inpatient mental health evaluation and**
9 **treatment.** A minor undergoing evaluation or inpatient treatment at a psychiatric
10 hospital has the right, unless it is otherwise prohibited by law or court order or
11 considered therapeutically unadvisable by an overseeing physician, to have
12 confidential telephone or video communication each week for at least one cumulative
13 hour over not more than four occasions with the minor's parent or legal guardian or

1 other adult approved by an overseeing physician. The psychiatric hospital shall
2 facilitate the communication.

3 * **Sec. 2.** AS 47.32.030 is amended by adding new subsections to read:

4 (e) The Department of Health shall prepare an annual report regarding minors
5 in psychiatric hospitals and, not later than November 1 of each year, publish the report
6 on the department's Internet website, submit the report to the senate secretary and the
7 chief clerk of the house of representatives, and notify the legislature that the report is
8 available. The report must

9 (1) contain information on the uses of seclusion and restraint reported
10 under AS 47.32.200(g), including the aggregate total of the uses of seclusion or
11 restraint at each psychiatric hospital in which minors undergo evaluation or inpatient
12 treatment;

13 (2) summarize the department's findings from the inspections
14 conducted under AS 47.32.110(d); and

15 (3) contain data provided by the Department of Family and
16 Community Services under (f) of this section regarding minors who receive care at
17 psychiatric hospitals.

18 (f) The Department of Family and Community Services shall annually

19 (1) collect data on the number of minors who received residential care
20 at psychiatric hospitals in the state, the number of minors in state custody who
21 received residential care at out-of-state psychiatric hospitals, and the amount of time
22 each of those minors spent at psychiatric hospitals in each of those settings; and

23 (2) provide the data collected under (1) of this subsection to the
24 Department of Health for inclusion in the report required under (e) of this section.

25 * **Sec. 3.** AS 47.32.110(c) is amended to read:

26 (c) Upon petition of the department with licensing authority for the entity
27 under AS 47.32.010 and after a hearing held upon reasonable notice to the entity, the
28 court shall issue an order to an officer or employee of that department authorizing the
29 officer or employee to enter for any of the purposes described in (a) **or (d)** of this
30 section.

31 * **Sec. 4.** AS 47.32.110 is amended by adding a new subsection to read:

1 (d) A designated agent or employee of the Department of Health shall
2 conduct, at least twice each year, an unannounced inspection of each psychiatric
3 hospital in which minors undergo evaluation or inpatient treatment and in which a
4 minor has spent more than three nights in the preceding year. In conducting an
5 inspection under this subsection, the Department of Health shall interview at least 50
6 percent of the minor patients of the psychiatric hospital. Staff of the psychiatric
7 hospital may not be present during an interview conducted under this subsection.

8 * **Sec. 5.** AS 47.32.200 is amended by adding a new subsection to read:

9 (g) A psychiatric hospital shall notify the Department of Health in writing of
10 each use of seclusion or restraint on a minor, including the use of a chemical,
11 mechanical, or physical restraint. The psychiatric hospital shall notify the Department
12 of Health and the parent or guardian of the minor not later than one business day after
13 the use of seclusion or restraint.

14 * **Sec. 6.** This Act takes effect July 1, 2025.