

CS FOR HOUSE BILL NO. 115(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/26/01

Referred: Rules

Sponsor(s): REPRESENTATIVES KAPSNER, James, Dyson, Wilson, Cissna, Joule

SENATOR Olson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the definition of 'mental health professional' for certain mental**
2 **health proceedings and treatments; relating to the services of certain medical**
3 **professionals in civil proceedings for the commitment of certain intoxicated persons;**
4 **allowing a physician assistant or advanced nurse practitioner to certify the need for**
5 **emergency treatment as a result of intoxication; and providing for an effective date."**

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

7 *** Section 1.** AS 47.30.915(11) is amended to read:

8 (11) "mental health professional" means a psychiatrist or physician
9 who is licensed to practice in this state or employed by the federal government; a
10 clinical psychologist licensed by the state Board of Psychologist and Psychological
11 Associate Examiners; a psychological associate trained in clinical psychology and
12 licensed by the Board of Psychologist and Psychological Associate Examiners; a
13 registered nurse with a master's degree in psychiatric nursing, licensed by the State

1 Board of Nursing; **a marital and family therapist licensed by the Board of Marital**
 2 **and Family Therapy; a professional counselor licensed by the Board of**
 3 **Professional Counselors;** and a **clinical** social worker **licensed by the Board of**
 4 **Social Work Examiners** [WITH A MASTER'S DEGREE IN SOCIAL WORK AND
 5 SUBSTANTIAL EXPERIENCE IN THE FIELD OF MENTAL ILLNESS];

6 * **Sec. 2.** 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
 15 person sought to be committed within two days before the certificate's date.

16 * **Sec. 3.** AS 47.37.180(f) is amended to read:

17 (f) A copy of the written application for commitment and of the physician's,
 18 **physician assistant's, or advanced nurse practitioner's** certificate, and a written
 19 explanation of the person's right to legal counsel, shall be given to the person within
 20 24 hours after commitment by the administrator, who shall provide a reasonable
 21 opportunity for the person to consult with legal counsel.

22 * **Sec. 4.** AS 47.37.190(a) is amended to read:

23 (a) A spouse or guardian, a relative, the certifying physician, **physician**
 24 **assistant, advanced nurse practitioner,** or the administrator in charge of an approved
 25 public treatment facility may petition the court for a 30-day involuntary commitment
 26 order. The petition must allege that the person is an alcoholic or drug abuser who (1)
 27 has threatened, attempted to inflict, or inflicted physical harm on another and that
 28 unless committed is likely to inflict physical harm on another; or (2) is incapacitated
 29 by alcohol or drugs. A refusal to undergo treatment does not constitute evidence of
 30 lack of judgment as to the need for treatment. The petition must be accompanied by a
 31 certificate of a licensed physician, **physician assistant, or advanced nurse**

1 **practitioner** who has examined the person within two days before submission of the
2 petition, unless the person whose commitment is sought has refused to submit to a
3 medical examination, in which case the fact of refusal must be alleged in the petition.
4 The certificate must set out the physician's findings **of the examination** in support of
5 the allegations of the petition.

6 * **Sec. 5.** AS 47.37.200(a) is amended to read:

7 (a) At the hearing for a 30-day commitment required under AS 47.37.190(b),
8 the court shall hear all relevant testimony, including, if possible, the testimony of at
9 least one **person** [LICENSED PHYSICIAN] who has examined the person whose
10 commitment is sought **under AS 47.37.180(b) or 47.37.190(a)**. The person whose
11 commitment is sought shall be present unless the court believes that being present is
12 likely to be injurious to the person, in which case the court may conduct the hearing
13 telephonically. The court may examine the person in open court, or, if advisable,
14 examine the person out of court. If the person has refused to be examined **under**
15 **AS 47.37.180(b) or 47.37.190(a)** [BY A LICENSED PHYSICIAN], the person shall
16 be given an opportunity to request examination by a court-appointed licensed
17 physician, **physician assistant, or advanced nurse practitioner**. If the person fails
18 to request a medical examination and there is sufficient evidence to believe that the
19 allegations of the petition are true, or, if the court believes that more medical evidence
20 is necessary, the court may issue a temporary order committing the person to a private
21 or public facility for a period of not more than five days for purposes of a diagnostic
22 examination.

23 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).