

SENATE BILL NO. 120

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR GIESSEL BY REQUEST

Introduced: 5/6/19

Referred: Health and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to administration of psychotropic medication to a patient without the**
2 **patient's informed consent; and providing for an effective date."**

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

4 * **Section 1.** AS 47.30.838(a) is amended to read:

5 (a) Except as provided in (c) and (d) of this section, an evaluation facility or
6 designated treatment facility may administer psychotropic medication to a patient
7 without the patient's informed consent, regardless of whether the patient is capable of
8 giving informed consent, only if

9 (1) there is a crisis situation, or an impending crisis situation, that
10 requires immediate use of the medication to preserve the life of, or prevent significant
11 physical harm to, the patient or another person, as determined by a [LICENSED]
12 physician or a registered or advanced practice registered nurse; the behavior or
13 condition of the patient giving rise to a crisis under this paragraph and the staff's
14 response to the behavior or condition must be documented in the patient's medical

1 record; the documentation must include an explanation of alternative responses to the
 2 crisis that were considered or attempted by the staff and why those responses were not
 3 sufficient; and

4 (2) the medication is ordered by a [LICENSED] physician, physician
 5 assistant, or advanced practice registered nurse; the order

6 (A) may be written or oral and may be received by telephone,
 7 facsimile machine, or in person;

8 (B) may include an initial dosage and may authorize additional,
 9 as needed, doses; if additional, as needed, doses are authorized, the order must
 10 specify the medication, the quantity of each authorized dose, the method of
 11 administering the medication, the maximum frequency of administration, the
 12 specific conditions under which the medication may be given, and the
 13 maximum amount of medication that may be administered to the patient in a
 14 24-hour period;

15 (C) is valid for only 24 hours and may be renewed by a
 16 physician, physician assistant, or advanced practice registered nurse for a
 17 total of 72 hours, including the initial 24 hours, only after a personal
 18 assessment of the patient's status and a determination that there is still a crisis
 19 situation as described in (1) of this subsection; upon renewal of an order under
 20 this subparagraph, the facts supporting the renewal shall be written into the
 21 patient's medical record.

22 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 TRANSITION: REGULATIONS. The Department of Health and Social Services may
 25 adopt regulations necessary to implement the changes made by this Act. The regulations take
 26 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
 27 law implemented by the regulations.

28 * **Sec. 3.** Section 2 of this Act takes effect immediately under AS 01.10.070(c).