

**News Release
To Patient Rights Organizations:**

December 26, 2006

Disability Law / Psychiatric Rights / Alaska Mental Health Board have agreed, in principle, that AS47.30.847—psychiatric patient grievance procedure—needs to be revised.

We would like to explain why detail needs to be added to the statute.

In a recent Supreme Court decision, the justices stated there is a clear unavoidable tension between hospitals seeking convenience / economics and patient rights which can manifest itself in patient abuse.

Psychiatric hospitals have in the past and will in the future take advantage of any statute / grievance procedure that is vague and allows loopholes.

Following is some of the loopholes that psychiatric hospitals are taking advantage of in the present statute:

1. The present statute says patients have a right to file a formal grievance, but some of the hospitals call everything an informal complaint and the patient's concern never makes it to a formal grievance.
2. Some hospitals have no reasonable due process for the grievances.
3. Present statute says patients must be informed of the existence and content of the grievance procedure but it doesn't specify that it must be in writing—so some hospitals refuse to release a written copy of the grievance procedure.
4. The present statute doesn't say the grievance procedure has to be released to the general public or guardians, etc.
5. The present statute says that there must be an Impartial Body to hear patient's grievances, but the statute doesn't define what an Impartial Body is. Presently it is generally the C.E.O. of the hospital who establishes the Impartial Body and it usually consists of hospital employees. By no stretch of the imagination would employees be considered impartial.
6. Federal regulation says a grievance must be answered in writing, but since some hospitals call everything an informal complaint, they can get around that provision.

(con.)

7. Federal regulations say patients must be informed of their rights prior to receiving services or having services discontinued. There is nothing corresponding to that Federal regulation in the grievance procedure/ state statute that would assure hospital compliance.

Psychiatric patients deserve to have a grievance procedure statute that psychiatric hospitals cannot take advantage of through loopholes and that is going to take detail in the statute. Other states have faced the same problem and they have remedied it by adding more detail to their statute.

We need a revised grievance procedure statute in Alaska and it needs to have more detail.

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