

Sen. Bettye Davis,

January 7, 2008

First, we want to say “thank you” for all of the work you and your staff have done putting together and presenting Senate Bill 186.

Second; We are requesting a couple of changes—We would like added to part B, page 1 (line 11-15) or added separately:

“Under no circumstances shall the remedies requested in a grievance be denied nor shall the processing of a grievance be refused because of the availability of a less formal procedure.”

The reason we want to add that phrase is because some facilities front-load their grievance procedures. By that we mean some facilities tell patients they can file a grievance, but first the patient is asked or required by the facility to go through an informal complaint process. And because of lengthy informal processes, some patients are never allowed or have the opportunity to file a formal grievance.

This is one of our major issues that prompted us to ask for a bill to revise AS47.30.847. There is nothing in the old AS47.30.847 that prevented psychiatric facilities from front-loading and it is not clear in the proposed Sen. Bill 186 that front-loading is not acceptable.

Medicaid and Medicare have recognized front-loading as a loophole that facilities use which prevents patients from filing a grievance. Front-loading is a clear denial of patient rights. A patient in the informal complaint process never receives a written answer, there is no appeal process, etc. Some states have already outlawed front-loading and we agree; and that is why we ask that this addition be made.

Third; The phrase “to an Impartial Body” should be added back into the bill on page 1, line 10. An “Impartial Body” can consist of a single person. The reason we want that added is because we don’t want a Doctor or a nurse directly named in the grievance being the person deciding the resolution of a grievance—we want somebody impartial; which could be anybody not named in the grievance.

Fourth; We are asking that the word “or unit” be added to Page 3, line 30. It should read:

“An evaluation facility or unit and a designated treatment facility or unit shall have a designated staff member who is trained in mental health consumer advocacy...”

The reason we want to add that is we want all facilities and units to have a designated person to assist patients.

Fifth; Most psychiatric facilities keep quarterly statistics. On page 4, lines 11 and 12—We would like to have statistics kept by facilities and sent to the state on a quarterly basis. Annual is too long a time.

Sixth; On page 4, line 20 to 22—We are asking that the definition of a grievance be revised and the word “or suggestion” be dropped (deleted). The new definition of a grievance would read as follows:

- (1) “grievances” means a complaint or concern made by a grievant on a form provided by a public or private mental health treatment or evaluation facility or unit;

Seventh; Suggested changes to page 4, line 23 and 24; it should read:

“grievant” means any patient or patient’s representative filing a grievance at a public or private mental health treatment or evaluation facility or unit.

We would appreciate any help you could give us on making the changes we suggested.

Thank you,

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