

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the Necessity)
for the Hospitalization of:)
)
WILLIAM BIGLEY,)
)
Respondent.)

Case No. 3AN-08-1252 PR

MOTION FOR CLARIFICATION OF ORDER

The State of Alaska, Alaska Psychiatric Institute (“API”), by and through the Office of the Attorney General, hereby moves for clarification of this Court’s order of November 25, 2008 (“the order”), granting the administration of court-ordered medication and 90-day commitment for Respondent William S. Bigley (“Mr. Bigley”). Specifically, given the conclusions reached in the order regarding Mr. Bigley’s mental health status, Mr. Bigley’s continued instability and commitment at API, and the stay in place for this order, API respectfully requests that this Court clarify the order to allow for the administration of emergency medication under the guidelines of AS 47.30.838.

In his continued commitment at API, Mr. Bigley has not yet stabilized. As noted in the attached affidavits from his treating physician, Dr. Kahnaz Khari, and the Interim Medical Director of API, Dr. Jenny Love, Mr. Bigley exhibits at times self-harming behaviors or violent tendencies.¹ When Mr. Bigley exhibits such behaviors, the medical staff at API may evaluate him and determine that the administration of emergency medication is medically appropriate to prevent significant physical harm to Mr. Bigley or to others. Generally, emergency medication is the standard of care in emergency psychiatric situations.² Thus far in Mr. Bigley’s most-recent commitment,

¹ See Affidavit of Dr. Kahnaz Khari (“Khari Affidavit”), attached at Exhibit 1, and Affidavit of Dr. Jenny Love (“Love Affidavit”), attached at Exhibit 2.

² See Love Affidavit.

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2 recent commitment, emergency medication has been administered three times.³ Under
3 AS 47.30.838(c), API's staff may administer emergency medication no more than three
4 times without court approval under AS 47.30.839. API filed for and was granted
5 approval for the administration of medication by order of this Court on November 25,
6 2008. Due to the stay also issued in the order, however, API may not administer this
7 medication to him until December 17, 2008. As a result of the stay and the statutory
8 limits on emergency medication, API is unable to administer either the medication
9 ordered by this Court or further dosages of emergency medication should Mr. Bigley
10 become a danger to himself or others.

11 As noted in the order, if Mr. Bigley "...were released from API without
12 having first been stabilized with psychotropic medication, he would not be able to care
13 for himself." Mr. Bigley has not yet achieved a level of stability that would allow for
14 release from API, and has exhibited a variety of psychotic behaviors.⁴ Given
15 Mr. Bigley's current commitment to API, and this Court's own conclusion that without
16 stabilization, he would be unable to care for himself outside of API, API requests
17 clarification of the order to allow for the administration of emergency medication if a
18 crisis period should arise. Such a clarification would allow API to keep Mr. Bigley
19 within the safety of the facility, and would further ensure the safety of Mr. Bigley and
20 others within the hospital. Without such a clarification, API may be left with no choice
21 but to release Mr. Bigley from the hospital, as it cannot continue to house a patient who
22 presents a danger to himself or to others with no appropriate method of treating that
23 patient. At this point, releasing Mr. Bigley would be detrimental to the patient and in
24 opposition to the opinions expressed in the order. As such, API requests that this Court

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³ See Khari Affidavit.

⁴ See Khari Affidavit.

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clarify the order so as to allow the continued administration of emergency medication as necessary and appropriate under AS 47.30.838.

DATED: 12/3/08

TALIS J. COLBERG
ATTORNEY GENERAL

By: *Erin A. Pohland*
Erin A. Pohland
Assistant Attorney General
Alaska Bar No. NA14009

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