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Chapter: Classification 
Subject: Classification For Transfer to Mental Health or Psychiatric Facility 

Authority
In accordance with AS 44.28.030, AS 33.30.021, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

Purpose
To establish procedures for the classification and transfer of those prisoners in need of residential mental health treatment to an appropriate facility.

Application
To all employees and prisoners.

Definitions
As used in this document, the following definitions shall apply:

A. Mental Health Professional:
   A Mental Health Clinician or Psychological Counselor employed by the Department; a mental health professional as defined by AS 47.30.915 (11) “…mental health professional means a psychiatrist or physician who is licensed to practice in this state or employed by the federal government; a clinical psychologist licensed by the state Board of Psychologists and Psychological Associate Examiners; a psychological associate trained in clinical psychology and licensed by the Board of Psychologists and Psychological Associate Examiners; a registered nurse with a master's degree in psychiatric nursing, licensed by the State Board of Nursing; and a social worker with a master's degree in social work and substantial experience in the field of mental illness…”

B. Psychiatric/Mental Health Facility:
   A hospital or a hospital unit that provides 24-hour in-patient psychiatric care and treatment for mentally ill inmates; the Alaska Psychiatric Institute (API), located in Anchorage, is Alaska's only designated hospital for the in-patient care and treatment of involuntarily committed mentally ill persons; generally considered the most appropriate facility for prisoners who require in-patient psychiatric treatment; any public, private, or contract hospital used for evaluation, diagnosis, and treatment of mentally ill prisoners as deemed necessary by the commissioner.

Policy
The Department will provide mental health services to prisoners in accordance with 807.13, Mental Health Administration and Services. Prisoners who require mental health services will be provided access to such services appropriate to their individual treatment needs, to include transfer to a mental health or psychiatric facility inside or outside Alaska.

Procedures
A. When, in the opinion of institutional or contract mental health professional personnel, the local institutional mental health resources do not adequately meet a prisoner's current mental health treatment needs, the prisoner may be administratively transferred to a more appropriate institution in accordance with 750.01, Administrative Transfer.
B. In the case of a prisoner requiring a level of mental health treatment beyond that available in an institution, the prisoner may be transferred to a mental health or psychiatric facility, as follows:

1. In emergency cases which require a prisoner's immediate transfer into a psychiatric facility for mental health observation or stabilization, the transfer is an interim emergency medical placement and does not require a classification hearing unless:
   a. the prisoner is not returned to the original institution within 20 days, in which case the prisoner must be provided a classification hearing in accordance with 2. below within 30 days after the transfer; or
   b. A clinical diagnosis indicates the need for treatment in a psychiatric facility for more than 10 days, in which case the prisoner must be provided a classification hearing in accordance with 2. below within 15 days after the diagnosis.

2. A prisoner who has been transferred to a mental health facility under 1. above and who requires a classification hearing, or a prisoner being considered for long-term transfer to a psychiatric hospital inside or outside the State of Alaska for observation or treatment of a mental illness must be provided a classification hearing, as follows:
   a. Notice of all the following rights at least 10 days before the classification hearing required under b. below;
   b. A tape recorded classification hearing in accordance with 735.03, Initial Classification;
   c. Disclosure, at the time of notice of the hearing, of the evidence being relied upon as the basis for the transfer;
   d. An opportunity to be heard in person, and to present testimony of witnesses and confront and cross-examine witnesses, except upon findings of good cause for not permitting such presentation, confrontation, or cross-examination;
   e. An independent decision maker not involved in the recommended transfer, who may be an impartial member of the institution's staff, who shall preside over the hearing;
   f. A written statement by the decision maker as to the evidence relied upon and reasons for transferring the prisoner;
   g. Availability of legal counsel, if the prisoner is financially unable to furnish counsel, as permitted in accordance with AS 18.85;
   h. The right to appeal to the Deputy Commissioner for Operations a decision for transfer within five working days following receipt of notice of decision in accordance with 760.01, Appeal Procedures; and
   i. For out-of-state transfers in accordance with 750.02, Out-Of-State Transfers, a stay of transfer until the appeal per h. above has been decided.

3. The physician, psychologist or psychiatrist who previously determined that the prisoner is suffering from a mental illness for which treatment in a mental health facility is appropriate must testify at the classification hearing in accordance with 2. above. If the mental health professional who made the finding of mental illness is presently unavailable, another physician, psychologist or psychiatrist designated by the Commissioner may be substituted to testify at the classification hearing.

Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and
any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

Applicable forms:

Index: 735.02, 735.01A, 735.03B & 807.13A
Form: .02- Security Designation for Short-Term Sentenced Prisoners
       .01A- Designation/Classification Form Instructions For Sentenced Prisoners
       .03B- Needs Assessment Survey
       .13A- Guilty But Mentally Ill Alert