

Nancy Dahlstrom  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Chrissy Vogeley, Project Coordinator  
Department of Family and Community Services

**FROM:** April Simpson, Alaska Administrative Code Coordinator   
Office of the Lieutenant Governor

**DATE:** March 26, 2025

**RE:** Filed Permanent Regulations: Department of Family and Community Services  
Department of Family and Community Services regulations re: Civil Commitment (7 AAC 72.010)

---

Attorney General File:	2024200170
Regulation Filed:	3/26/2025
Effective Date:	4/25/2025
Print:	254, July 2025

cc with enclosures: Beth Parsons, Paralegal 2  
Department of Law

Bob Dame, Alaska Legal Analyst  
LexisNexis

Nicole M. Fritz, Project Analyst  
Department of Family and Community Services



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Law**

CIVIL DIVISION

P.O. Box 110300  
Juneau, Alaska 99811  
Main: 907.465.3600  
Fax: 907.465.2520

March 26, 2025

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *7 AAC 72.010 - .900 - Family & Comm. Services - Civil Commitment*  
Our file: 2024200170

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Family and Community Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Family and Community Services after the close of the public comment period.

The regulations concern Title 7, Chapter 72 of the Alaska Administrative Code which contains regulations related to civil commitment. The Department of Family and Community Services adopted changes related to the designation of evaluation and treatment facilities to clarify eligibility for designation and to update application requirements. The Department also repealed certain regulations and made conforming amendments.

The November 3, 2024 public notice and the March 21, 2025 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060; however, after the title page was removed, the regulations are now 13 pages, not 14 pages as stated in the adoption order.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
Digitally signed by  
Rebecca C. Polizzotto  
Date: 2025.03.26  
09:49:01 -08'00'  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

RCP/AHR

CC w/enclosure: Chrissy Vogeley, Project Coordinator  
Department of Family and Community Services

Nicole M. Fritz, Project Analyst  
Department of Family and Community Services, Office of the  
Commissioner

Laura Russell, Assistant Attorney General  
Department of Law

Amy H. Robinson, Assistant Attorney General  
Department of Law

APPENDIX I: Adoption Order

ORDER ADOPTING CHANGES TO REGULATIONS  
OF DEPARTMENT OF FAMILY AND COMMUNITY SERVICES

The attached <sup>13</sup>14 pages of regulations, dealing with Civil Commitment, are adopted and certified to be a correct copy of the regulation changes that the Department of Family and Community Services adopts under the authority of AS 47.30.530, AS 47.30.540, AS 47.30.660, AS 47.30.845, AS 47.31.025, AS 47.31.090, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Family and Community Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 3/21/25




Kim Kovol, Commissioner  
Department of Family and Community Services

April Simpson for Nancy Dahlstrom

FILING CERTIFICATION

I, [name of lieutenant governor], Lieutenant Governor for the State of Alaska, certify that on March 26, 2025, at 3:45 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
[signature]  
for Lieutenant Governor Nancy Dahlstrom

Effective: April 25, 2025.  
Register: 254, July 2025.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

7 AAC 72.010 is repealed:

**7 AAC 72.010. Scope of chapter.** Repealed. (Eff. 3/30/85, Register 93; am 3/16/2001, Register 157; repealed 4 / 25 / 2025, Register 254)

((Note to publisher: please delete the Editor's Note following 7 AAC 72.010.)))

7 AAC 72.012 is repealed:

**7 AAC 72.012. Adoption by reference.** Repealed. (Eff. 3/16/2001, Register 157; repealed 4 / 25 / 2025, Register 254)

((Note to publisher: please delete the Editor's Note following 7 AAC 72.012.)))

7 AAC 72.015(a) is amended to read:

**7 AAC 72.015. Facilities eligible [GENERAL REQUIREMENTS] for designation; exemption from designation.** (a) The department will only approve [ONLY] the following facilities under this chapter and AS 47.30.660 - 47.30.915 to operate as a designated treatment facility [DESIGNATED EVALUATION OR TREATMENT FACILITIES]:

(1) a [GENERAL ACUTE CARE] hospital that

[(A)] is licensed under AS 47.32.010 [AS 18.20.020] and 7 AAC 12.610;

[AND

(B) CERTIFIES TO THE DEPARTMENT THAT THE HOSPITAL IS IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF

(i) AS 47.30.660 - 47.30.915; AND

(ii) THIS CHAPTER, INCLUDING PROVISIONS OF 7 AAC 12

THAT ARE ADOPTED BY REFERENCE IN 7 AAC 72.012]; or

(2) a facility that

(A) is exempt from state licensure but is accredited by **a nationally recognized accreditation organization** [THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS]; and

(B) **is operated under 25 U.S.C. 5301 - 5423 (Indian Self-Determination and Education Assistance Act), as amended** [CERTIFIES TO THE DEPARTMENT THAT THE FACILITY IS IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF

(i) AS 47.30.660 - 47.30.915;

(ii) THIS CHAPTER; AND

(iii) STANDARDS AND PROCEDURES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE APPLICABLE TO GENERAL ACUTE CARE HOSPITALS, SET OUT IN 7 AAC 72.012].

7 AAC 72.015 is amended by adding new subsections to read:

(c) The department will approve the following facilities under this chapter and AS 47.30.660 - 47.30.915 to operate as a designated evaluation facility:

(1) a hospital that is licensed under AS 47.32.010 and 7 AAC 12.610;

(2) a crisis residential center licensed under AS 47.32.010 as a subacute mental health facility; and

(3) a facility that

(A) is exempt from state licensure;

(B) is operated under 25 U.S.C. 5301 - 5423 (Indian Self-Determination

and Education Assistance Act), as amended; and

(C) complies with the requirements for an evaluation facility under AS 47.30.660 - 47.30.915.

(d) An evaluation facility or treatment facility that is operated by the department is exempt from the facility designation requirements of this chapter. (Eff. 3/16/2001, Register 157; am 4 / 25 / 2025, Register 254)

**Authority:** AS 47.30.660 AS 47.31.025 AS 47.31.090

((Note to publisher: please delete the Editor's Note following 7 AAC 72.015.)))

7 AAC 72.017 is repealed:

**7 AAC 72.017. Function of a designated facility.** Repealed. (Eff. 3/16/2001, Register 157; repealed 4 / 25 / 2025, Register 254)

7 AAC 72.020(a) is amended to read:

**7 AAC 72.020. Application for facility designation.** (a) The administrator of a facility described in 7 AAC 72.015 [7 AAC 72.015(a)] may apply for designation [OF THAT FACILITY] as an evaluation facility or [AS A] treatment facility **by submitting an application to the department on a form and in a manner prescribed by the department that includes** [UNDER THIS CHAPTER. THE ADMINISTRATOR SHALL APPLY FOR DESIGNATION ON A FORM SUPPLIED BY THE DEPARTMENT. THE FORM MUST BE ACCOMPANIED BY THE FOLLOWING]:

(1) [FOR A GENERAL ACUTE CARE HOSPITAL DESCRIBED IN 7 AAC 72.015(a)(1),



(A) a copy of the **facility's** [HOSPITAL'S] current license;  
[HOWEVER,] if the **facility is a** hospital is operating under a provisional license issued under 7 AAC 12.610, the administrator shall also **submit** [PROVIDE] a written report **that describes** [OF THE NATURE OF] each violation and [OF] the **facility's** efforts to achieve compliance;

**(2)** [(B) THE] certification [OF COMPLIANCE DESCRIBED IN 7 AAC 72.015(A)(1)(B)], on a form **provided** [SUPPLIED] by the department, **that the facility is in compliance with AS 47.30.660 - 47.30.915 and this chapter;** [AND]

**(3)** [(C)] a copy of the table of contents for the **facility's** [HOSPITAL'S] policies and procedures, prepared as described in (b) of this section; the complete policies and procedures must be available for department review, and a copy of any specific procedure must be provided if requested by the department; **and**

**(4)** [(2)] for an accredited facility described in 7 AAC 72.015(a)(2),  
[(A)] a copy of the facility's current accreditation;  
[(B) THE CERTIFICATION OF COMPLIANCE DESCRIBED IN  
7 AAC 72.015(A)(2)(B), ON A FORM SUPPLIED BY THE DEPARTMENT;  
(C) A COPY OF THE MOST RECENT ACCREDITATION REPORT  
ISSUED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE  
ORGANIZATIONS]; if the report describes a [TYPE I] deficiency, the administrator shall **submit** [PROVIDE] a written report **that describes each** [OF THE NATURE OF EACH TYPE I] deficiency and [OF] the **facility's** efforts to achieve compliance [; and  
(D) A COPY OF THE TABLE OF CONTENTS FOR THE FACILITY'S  
POLICIES AND PROCEDURES, PREPARED AS DESCRIBED IN (B) OF THIS

SECTION; THE COMPLETE POLICIES AND PROCEDURES MUST BE AVAILABLE FOR DEPARTMENT REVIEW, AND A COPY OF ANY SPECIFIC PROCEDURE MUST BE PROVIDED IF REQUESTED BY THE DEPARTMENT].

7 AAC 72.020(b) is amended to read:

(b) The administrator of a designated facility shall develop, and amend as necessary, written policies and procedures that cover

- (1) personnel administration;
- (2) fiscal administration;
- (3) patient records;
- (4) patient rights under AS 47.30.817 - 47.30.865 [, CONSISTENT WITH

7 AAC 12.890 AND AS 47.30.825 - 47.30.865];

- (5) language and cultural relevance of services;
- (6) coordination and continuity of services;
- (7) services for patients with physical disabilities;
- (8) management of pharmaceuticals;
- (9) quality assurance procedures;
- (10) program evaluation procedures;
- (11) ongoing in-service training; and
- (12) interdisciplinary services for patients with an alcohol or drug problem or a developmental disability, including planning for treatment before and after discharge.

7 AAC 72.020(c) is repealed:

(c) Repealed 4 / 25 / 2025.

7 AAC 72.020(d) is repealed:

(d) Repealed 4 / 25 / 2025.

7 AAC 72.020(e) is repealed:

(e) Repealed 4 / 25 / 2025. (Eff. 3/30/85, Register 93; am 3/16/2001, Register 157; am 6/24/2004, Register 170; am 4 / 25 / 2025, Register 254)

**Authority:** AS 47.30.660

((Note to publisher: please delete the first paragraph of the Editor's Note following 7 AAC 72.020.)))

7 AAC 72.040(a) is amended to read:

**7 AAC 72.040. Decision on application for designation.** (a) Within 60 days after receipt of a written application for designation under 7 AAC 72.020(a), after review of any additional information requested under (b) of this section [, AFTER REVIEW OF ANY PUBLIC COMMENT RECEIVED UNDER 7 AAC 72.020(d)], and based on the department's determination as to whether the facility complies with 7 AAC 72.015(a) or 7 AAC 72.015(c), as applicable [7 AAC 72.015], the department will, in writing, either

(1) approve the application, with modifications or conditions as necessary, make a decision on any request for a waiver submitted under 7 AAC 72.030, and designate the facility as an evaluation facility or as a treatment facility; or

(2) deny the application and specify the reasons for denial.

(Eff. 3/30/85, Register 93; am 3/16/2001, Register 157; am 4/25/2025, Register 254)

**Authority:** AS 47.30.660

7 AAC 72.050 is amended to read:

**7 AAC 72.050. Annual report regarding facility designation.** (a) On or before June 30 of each year, the administrator of a designated facility shall submit to the department, on a form supplied by the department, the following:

(1) for a [GENERAL ACUTE CARE] hospital described in 7 AAC 72.015(a)(1),

(A) a copy of the **facility's** [HOSPITAL'S] current license; [HOWEVER,] if the **facility** [HOSPITAL] is operating under a provisional license issued under 7 AAC 12.610, the administrator [ALSO] shall **also submit** [PROVIDE] a written report **that describes** [OF THE NATURE OF] each violation and **the facility's** [OF THE] efforts to achieve compliance;

(B) [THE] certification [OF COMPLIANCE DESCRIBED IN 7 AAC 72.015(a)(1)(B)], on a form supplied by the department, **that the facility is in compliance with AS 47.30.660 - 47.30.915 and this chapter;** [HOWEVER,] if a waiver has been granted under 7 AAC 72.030, the administrator shall also submit a report setting out the status of the **facility's compliance plan and schedule** [ATTEMPTS TO MEET THE SCHEDULE OF COMPLIANCE REQUIRED BY 7 AAC 72.030(b)(4)];

(C) a list of [ANY] policies and procedures described in 7 AAC 72.020(b) that have been updated during the previous year and a copy of the current table of contents for the policies and procedures; and

(D) a copy of each written agreement prepared under 7 AAC 72.110<sub>2</sub> or a certification attesting that each written agreement already submitted to the department is still in effect;

(2) for a facility described in 7 AAC 72.015(a)(2),

(A) a copy of the facility's current accreditation;

(B) [THE] certification [OF COMPLIANCE DESCRIBED IN 7 AAC 72.015(a)(2)(B)], on a form supplied by the department, **that the facility is in compliance with AS 47.30.660 - 47.30.915 and this chapter**; [HOWEVER,] if a waiver has been granted under 7 AAC 72.030, the administrator shall also submit a report setting out the status of the **facility's compliance plan and schedule** [ATTEMPTS TO MEET THE SCHEDULE OF COMPLIANCE REQUIRED BY 7 AAC 72.030(b)(4)];

(C) a copy of the **facility's** most recent accreditation report [ISSUED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTH CARE ORGANIZATIONS]; if the report describes a [TYPE I] deficiency, the administrator shall provide a written report of the nature of each [TYPE I] deficiency and of the efforts to achieve compliance;

(D) a list of [ANY] policies and procedures described in 7 AAC 72.020(b) that have been updated during the previous year and a copy of the current table of contents for the policies and procedures; and

(E) a copy of each written agreement prepared under 7 AAC 72.110<sub>2</sub> or a certification attesting that each written agreement already submitted to the department is still in effect.

(b) The department will review the information submitted under this section and will

advise the administrator in writing that the department finds the facility to be in compliance with this chapter, unless the department finds that the facility no longer meets the requirements for designation set out in 7 AAC 72.015(a) or 7 AAC 72.015(c), as applicable [7 AAC 72.015]. If the department finds that the facility no longer

(1) meets the requirements [,] for designation [, INCLUDING A VIOLATION OF ANY REQUIREMENT REFERRED TO IN 7 AAC 72.012], the department will notify the administrator in writing under 7 AAC 72.070; or

(2) complies with the conditions of any waiver issued under 7 AAC 72.030, the department will rescind the waiver under 7 AAC 72.030(c). (Eff. 3/30/85, Register 93; am 3/16/2001, Register 157; am 4 / 25 / 2025, Register 254)

**Authority:** AS 47.30.660

7 AAC 72.070(a) is amended to read:

(a) Based on the department's review of a facility's performance under this chapter, including a review of information provided by the facility or by an interested person under (e) of this section, the department will revoke the facility's designation if the department determines that the facility does not substantially comply with

(1) the applicable requirements of AS 47.30.660 - 47.30.915; or

(2) the applicable requirements of this chapter[, INCLUDING A PROVISION OF 7 AAC 12 THAT IS ADOPTED BY REFERENCE IN 7 AAC 72.012].

7 AAC 72.070(e) is amended to read:

(e) An interested person may submit a request to the department, asking that the

department revoke a facility's designation, and clearly stating how the facility has failed to comply with an applicable provision of AS 47.30.660 - 47.30.915 or this chapter [, INCLUDING A PROVISION OF 7 AAC 12 THAT IS ADOPTED BY REFERENCE IN 7 AAC 72.012].

Within 14 days after receiving a request under this subsection, the department will send the interested person and the administrator of the facility written notification as to whether the department will perform a review under (a) of this section. (Eff. 3/30/85, Register 93; am 3/16/2001, Register 157; am 6/24/2004, Register 170; am 4 / 25 / 2025, Register 254)

**Authority:** AS 47.30.660

7 AAC 72.080 is amended to read:

**7 AAC 72.080. General requirements for a designated facility. The administrator of a designated evaluation facility or designated treatment facility** [IN ADDITION TO COMPLYING WITH THIS CHAPTER, INCLUDING ANY APPLICABLE REQUIREMENTS OF 7 AAC 12 THAT ARE ADOPTED BY REFERENCE IN 7 AAC 72.012, THE ADMINISTRATOR] shall ensure that

- (1) staff members receive training to develop appropriate interactions with patients;
- (2) properly trained and qualified staff handle the protection, security, and observation of patients;
- (3) children under 18 years of age do not share a room with adults;
- (4) discharge plans are initiated early in the evaluation or treatment process and that the facility provides stabilization, establishes diagnoses, and initiates care with the goal of permitting the patient's early return to the community for follow-up care; discharge planning at

an evaluation facility includes determining whether a patient should be released or transferred to a treatment facility, and whether the patient needs medication;

(5) treatment is individualized; as necessary, the administrator shall hire or contract with staff to deliver necessary specialized care; **and**

(6) subject to the disclosure restrictions of 42 C.F.R. Part 2, for a patient who is also receiving treatment for alcohol or drug abuse at a facility that receives federal financial assistance as described in 42 C.F.R. Part 2, the local community mental health center or other after-care agency is notified within 48 hours if a client from that center or agency, or an unassigned patient, is admitted for care, after obtaining a release for this notification from the patient [; AND

(7) A DETERMINATION IS MADE AS TO WHETHER A PATIENT IS A CANDIDATE FOR PLACEMENT AND MONITORING IN THE COMMUNITY'S LOCAL CRISIS RESPITE PROGRAM AND, IF THAT IS THE CASE, ENSURE THAT THE PATIENT IS PLACED IN THAT PROGRAM AS SOON AS POSSIBLE]. (Eff. 3/30/85, Register 93; am 3/16/2001, Register 157; am 4 / 25 / 2025, Register 254)

**Authority:** AS 47.30.660

7 AAC 72.150(a) is amended to read:

**7 AAC 72.150. Patient records.** (a) **For** [IN ADDITION TO COMPLYING WITH 7 AAC 12.770, AS ADOPTED BY REFERENCE IN 7 AAC 72.012, FOR] each patient, a facility shall maintain a clinical record with forms that document the facility's use of the emergency examination or the evaluation procedure set out in 7 AAC 72.220 - 7 AAC 72.260.



Register 254, July 2025

FAMILY AND COMMUNITY SERVICES

(Eff. 3/30/85, Register 93; am 3/16/2001, Register 157; am 9/23/2004, Register 171; am 4 / 25 / 2025, Register 254)

**Authority:** AS 47.30.660 AS 47.30.845

7 AAC 72.900(6) is amended to read:

(6) "[DESIGNATED] evaluation facility" has the meaning given [THE TERM "EVALUATION FACILITY"] in AS 47.30.915 [AS 47.31.100];

7 AAC 72.900(8) is amended to read:

(8) "evaluation" means an examination and assessment of a person's

(A) mental health, conducted by a mental health professional; and

(B) physical condition, conducted by a physician, physician assistant, or

advanced practice registered nurse;

7 AAC 72.900(12) is repealed:

(12) repealed 4 / 25 / 2025;

7 AAC 72.900(16) is repealed:

(16) repealed 4 / 25 / 2025;

7 AAC 72.900(19) is repealed:

(19) repealed 4 / 25 / 2025. (Eff. 3/30/85, Register 93; am 3/16/2001,

Register 157; am 6/24/2004, Register 170; am 4 / 25 / 2025, Register 254)

Register 254, July 2025

FAMILY AND COMMUNITY SERVICES

**Authority:** AS 47.30.530      AS 47.30.660      AS 47.31.090  
AS 47.30.540      AS 47.31.025