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OMBUDSMAN INVESTIGATES ALASKA PSYCHIATRIC INSTITUTE

February 8, 2022 JUNEAU — Alaska State Ombudsman, Kate Burkhart, has released a report of a recent investigation of a complaint about the Alaska Psychiatric Institute (API). The Ombudsman initiated this investigation after receiving an anonymous complaint on November 17, 2020.

The complaint included 13 allegations. The Ombudsman prioritized investigation of allegations about patient treatment, hospital oversight, and discrimination and bullying in the workplace. Based on a preponderance of the evidence, the Ombudsman found that:

1. API has not consistently created and/or updated treatment plans, which are required by federal regulation 42 CFR 482.61 for all patients;
2. API has not provided active treatment, as defined by federal regulation 42 CFR 482.60-62, consistently to all patients; and
3. API has failed to prevent, mitigate, or resolve behaviors creating a hostile and/or discriminatory work environment.

The Ombudsman found the allegation that Health Facilities Licensing and Certification did not conduct site visits in response to complaints about API during the COVID-19 pandemic (2020) unsupported by the evidence.

Treatment plans are a required part of the medical documentation for inpatient psychiatric hospitals. Treatment plans also provide an opportunity for patients to provide input about their treatment goals, modalities, and progress. The evidence showed that patients' initial treatment plans provided the same "cookie cutter" services — psychiatric nursing and medication — regardless of the reason for admission. A significant number of master treatment plans lacked evidence of psychiatrist oversight (required by federal regulation), specific treatment and therapeutic services, or individualized treatment goals.

The evidence showed that, despite assertions made by API management, patients were not offered active treatment as required by federal regulation. While patients were offered groups facilitated by psychiatric nursing assistants, mental health treatment and rehabilitation services by licensed health care professionals was not consistently provided by API.

The Ombudsman made similar critical findings in 2019, based on a preponderance of evidence that API was not providing adequate treatment planning or active treatment to patients. The Ombudsman made, and API accepted, recommendations to address these deficits (among others) in 2019. During the 2020-2021 investigation, evidence showed that those recommendations were either not implemented or had been implemented and then stopped with changes in API management.

The Ombudsman reiterated the previous recommendations to improve treatment planning and access to active treatment at API. The Department of Health and Social Services (DHSS) responded that it “agrees with the substance of the recommendation” to fully implement the ombudsman recommendations accepted in 2019. However, the Department included an explanation of obstacles to successful implementation and did not fully commit to implement the Ombudsman’s recommendation.

The ombudsman investigation revealed a pattern of employment complaints to API human resources and leadership being dismissed, ignored, or only partially investigated. These complaints included allegations of racial discrimination, gender discrimination, bullying, sexual harassment, and other conduct in violation of API policy and/or state and federal law. The investigation also revealed evidence that API and DHSS leadership were aware of complaints about API managers, whom the anonymous complaint alleged had engaged in “hostility and staff intimidation,” and had restricted staff’s “ability to voice concerns regarding management” – but still denied any such complaints had been made.

The Ombudsman made recommendations to address the complaint that API failed to prevent, mitigate, or resolve behaviors creating a hostile and/or discriminatory work environment. DHSS accepted one recommendation and declined the other.

API is Alaska’s only psychiatric hospital. It plays a critical role in the statewide mental health system, responsible for providing inpatient psychiatric treatment for the most acutely mentally ill. When API is unable to fulfill its role and responsibility, the impact extends to every community in Alaska. The Ombudsman has made recommendations to help improve the hospital culture and patient care.

The public report of the investigation is available at <https://ombud.alaska.gov/>

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