AN ACT

Relating to the discharge of patients from hospitals and to caregivers of patients after discharge from a hospital; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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AN ACT

Relating to the discharge of patients from hospitals and to caregivers of patients after discharge from a hospital; and providing for an effective date.

* Section 1. AS 18.20 is amended by adding new sections to read:

**Article 5. Discharge of Hospital Patients.**

**Sec. 18.20.500. Aftercare assessment and designation of caregiver.** Before discharging a patient, a hospital shall assess the patient's ability for self-care after discharge and provide the patient with the opportunity to designate a caregiver who agrees to provide aftercare for the patient in a private residence after discharge.

**Sec. 18.20.510. Planning, instruction, and training.** (a) A hospital shall give the patient and the patient's designated caregiver the opportunity to participate in planning for the patient's discharge from the hospital.

(b) Before discharge, a hospital shall provide a patient and the patient's designated caregiver with instruction and training as necessary for the designated
caregiver to perform medical and nursing aftercare following discharge.

Sec. 18.20.520. Notification of discharge. A hospital shall notify a patient's designated caregiver of the patient's discharge or transfer.

Sec. 18.20.530. Discharge policies. (a) A hospital shall adopt and maintain written discharge policies. The policies must comply with AS 18.20.500 - 18.20.590.

(b) The discharge policies of a hospital must specify the requirements for documenting the identity of a patient's designated caregiver and the details of the discharge plan for the patient, including professional follow-up as specified in the discharge plan.

(c) The discharge policies of a hospital may incorporate established evidence-based practices that include

1. standards for accreditation adopted by a nationally recognized hospital accreditation organization; or
2. the conditions of participation for hospitals adopted by the Centers for Medicare and Medicaid Services.

(d) The discharge policies of a hospital must ensure that the discharge planning is appropriate to the condition of the patient, and the hospital shall interpret the discharge policies in a manner and as necessary to meet the needs and condition of the patient and the abilities of the patient's designated caregiver.

(e) AS 18.20.500 - 18.20.590 do not require that a hospital adopt discharge policies that would

1. delay a patient's discharge or transfer to another facility; or
2. require the disclosure of protected health information without obtaining a patient's consent as required by state and federal laws governing health information privacy and security.

Sec. 18.20.540. Construction of provisions. The provisions of AS 18.20.500 - 18.20.590 may not be construed to

1. create a right of action against a hospital, a hospital employee, or a contractor of the hospital, including a person who contracts with the hospital to provide instruction to a designated caregiver, based on an action performed or not performed under AS 18.20.500 - 18.20.590; or
(2) replace, change, or otherwise affect rights or remedies that are
provided under another provision of law, including common law.

Sec. 18.20.550. Coordination with other authority. AS 18.20.500 -
18.20.590 may not be interpreted to interfere with the powers or duties of
(1) an agent operating under a valid advance health care directive
under AS 13.52; or
(2) a legal guardian of the patient.

Sec. 18.20.590. Definitions. In AS 18.20.500 - 18.20.590,
(1) "aftercare" includes
(A) assistance with the activities of daily living or activities
that are instrumental to the activities of daily living;
(B) wound care, medication administration, medical equipment
operation, mobility assistance, and other medical or nursing tasks; and
(C) other assistance related to the patient's condition at the time
of discharge;
(2) "designated caregiver" means a caregiver designated by the patient
who agrees to provide aftercare to the patient in a private residence;
(3) "discharge" means a patient's release from a hospital following the
patient's admission to the hospital;
(4) "hospital" has the meaning given in AS 18.20.130, but does not
include a hospital that is limited to the treatment of mental disorders;
(5) "private residence" does not include a rehabilitative facility, a
hospital, a nursing home, an assisted living facility, a group home, or another licensed
health care facility.

*Sec. 2. This Act takes effect January 1, 2017.