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Bannister  
1/26/16

**CS FOR SENATE BILL NO. 72(HSS)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR GIESSEL

**A BILL**

**FOR AN ACT ENTITLED**

"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:**

\* **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 lay caregiver who agrees to provide aftercare for the patient in the patient's home after discharge.

**Sec. 18.20.510. Planning, instruction, and training.** (a) A hospital shall give the patient and the patient's designated lay 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 lay caregiver with instruction and training as necessary for the designated

lay caregiver to perform medical and nursing aftercare following discharge.

**Sec. 18.20.520. Notification of discharge.** A hospital shall notify a patient's designated lay 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 lay caregiver and the details of the discharge plan for the patient.

(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 lay 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 an instruction contractor, 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.

1                   **Sec. 18.20.550. Coordination with other authority.** AS 18.20.500 -  
2                   18.20.590 may not be interpreted to interfere with the powers or duties of

3                   (1) an agent operating under a valid advance health care directive  
4                   under AS 13.52; or

5                   (2) a legal guardian of the individual.

6                   **Sec. 18.20.590. Definitions.** In AS 18.20.500 - 18.20.590,

7                   (1) "aftercare" includes

8                   (A) assistance with the activities of daily living or activities  
9                   that are instrumental to the activities of daily living;

10                  (B) wound care, medication administration, medical equipment  
11                  operation, mobility assistance, and other medical or nursing tasks; and

12                  (C) other assistance related to the patient's condition at the time  
13                  of discharge;

14                  (2) "designated lay caregiver" means a lay caregiver designated by the  
15                  patient who agrees to provide aftercare to the patient;

16                  (3) "discharge" means a patient's release from a hospital following the  
17                  patient's admission to the hospital;

18                  (4) "hospital" has the meaning given in AS 18.20.130, but does not  
19                  include a hospital that is limited to the treatment of mental disorders;

20                  (5) "lay caregiver" means an individual who provides aftercare to a  
21                  patient in the patient's home after the patient's discharge.

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