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Bannister  
2/22/16

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

**BY**

**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 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

1 caregiver to perform medical and nursing aftercare following discharge.

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

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

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

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

12 (1) standards for accreditation adopted by a nationally recognized  
13 hospital accreditation organization; or

14 (2) the conditions of participation for hospitals adopted by the Centers  
15 for Medicare and Medicaid Services.

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

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

22 (1) delay a patient's discharge or transfer to another facility; or

23 (2) require the disclosure of protected health information without  
24 obtaining a patient's consent as required by state and federal laws governing health  
25 information privacy and security.

26 **Sec. 18.20.540. Construction of provisions.** The provisions of AS 18.20.500 -  
27 18.20.590 may not be construed to

28 (1) create a right of action against a hospital, a hospital employee, or a  
29 contractor of the hospital, including a person who contracts with the hospital to  
30 provide instruction to a designated caregiver, based on an action performed or not  
31 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.