

CS FOR SENATE BILL NO. 72(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/29/16

Referred: Today's Calendar

Sponsor(s): SENATORS GIESSEL, Gardner, Stevens, Micciche, Bishop, Egan, MacKinnon, McGuire, Costello, Stoltze

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the discharge of patients from hospitals and to caregivers of patients**
2 **after discharge from a hospital; and providing for an effective date."**

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

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

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

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

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

13 (b) Before discharge, a hospital shall provide a patient and the patient's
14 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

1 (2) replace, change, or otherwise affect rights or remedies that are
2 provided under another provision of law, including common law.

3 **Sec. 18.20.550. Coordination with other authority.** AS 18.20.500 -
4 18.20.590 may not be interpreted to interfere with the powers or duties of

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

7 (2) a legal guardian of the patient.

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

9 (1) "aftercare" includes

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

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

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

16 (2) "designated caregiver" means a caregiver designated by the patient
17 who agrees to provide aftercare to the patient in a private residence;

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

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

22 (5) "private residence" does not include a rehabilitative facility, a
23 hospital, a nursing home, an assisted living facility, a group home, or another licensed
24 health care facility.

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