
From: Jane Pierson
Sent: Friday, April 28, 2017 1:10 PM
To: Helen Phillips
Subject: SB 83

Helen could you please distribute to members?

Representative Wilson,
Thank you for your question about Section 11:

Sec. 11 AS 47.62.030(b), (1) allows the state to step in when the state feels that a decision, including action or inaction MAY adversely affect the health, safety, welfare, or tight of the older Alaskan or resident....
So even if one has a representative or guardian the discretion is left up to the state. Is that correct?

Section 11: AS 47.62.030 (b) states that the Office of the Long Term Care Ombudsman is only allowed to share information other agencies with the consent of the resident, legal guardian or resident representative. The one exception is when the resident is unable to provide consent and does not have a resident representative of any kind to provide consent. In this situation the Long Term Care Ombudsman is able to share information if we believe the situation may adversely affect the health, safety, welfare, or rights of the older Alaskan or resident; it is in the best interest of the resident, the State Long Term Care Ombudsman approves the referral and we do not have evidence that the resident would disagree with the referral.

There have been situations in which we strongly suspected the person acting as the Power of Attorney was exploiting a resident who was unable to give consent. We refer these complaints to the Office of Elder Fraud, who is able to substantiate whether or not the Power of Attorney is exploiting the elder. In one case the Power of Attorney was in fact spending over \$3,000 per month of the residents funds on herself.

This section only applies to us sharing information to another agency for investigation. At the time of referral, we may not know for sure if someone is being abused or exploited.

Please let me know if you have any additional questions.

Teresa Holt

Long Term Care Ombudsman
3745 Community Park Loop, Suite 200
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From: Jane Pierson [<mailto:Jane.Pierson@akleg.gov>]
Sent: Friday, April 28, 2017 10:21 AM
To: Holt, Teresa M (DOR) <teresa.holt@alaska.gov>
Subject: FW: SB 83

Hi Teresa,

Can you get an answer to Rep. Wilson on this question before today's HFIN hearing on SB83?

Jane W. Pierson, House Finance Aide
Representative Neal Foster
Alaska State Capitol, Room 410
Juneau, AK 99801
Office: (907) 465-6841
Cell: (907) 978-5115

From: Rep. Tammie Wilson
Sent: Friday, April 28, 2017 8:49 AM
To: Jane Pierson <Jane.Pierson@akleg.gov>
Subject: RE: SB 83

Dear Jane,

I could not find an answer to this concern, maybe I missed it.

Sec. 11 AS 47.62.030(b), (1) allows the state to step in when the state feels that a decision, including action or inaction MAY adversely affect the health, safety, welfare, or right of the older Alaskan or resident....

So even if one has a representative or guardian the discretion is left up to the state. Is that correct?

Tammie

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