

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**

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

10 **Sec. 18.20.510. Planning, instruction, and training.** (a) A hospital shall give
11 the patient and the patient's designated lay 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 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.

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 individual.

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 lay caregiver" means a lay caregiver designated by the patient who agrees to provide aftercare to the patient;

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

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