

**CS FOR HOUSE BILL NO. 147(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/31/99

Referred: Judiciary

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to vulnerable adults; and providing for an effective date."

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

3 \* **Section 1.** AS 47.24.015(c) is amended to read:

4 (c) The department, or its designee, shall immediately terminate an  
5 investigation under this section upon the request of the vulnerable adult who is the  
6 subject of the report made under AS 47.24.010 unless [. HOWEVER, IF] the  
7 investigation to that point has resulted in reasonable cause to believe that the  
8 vulnerable adult is in need of protective services, the request is made personally by  
9 the vulnerable adult and the vulnerable adult is not competent to make the  
10 request on the adult's own behalf, or the request is made by the vulnerable  
11 adult's guardian, attorney-in-fact, or surrogate decision maker and that person  
12 is the alleged perpetrator of abuse and is being investigated under this chapter.  
13 If the department has reasonable cause to believe that the vulnerable adult is in  
14 need of protective services,

15 (1) the department may petition the court as set out in AS 47.24.019;

1 or

2 (2) the department or its designee may refer the report made to the  
3 department under AS 47.24.010 to a police officer for criminal investigation.

4 \* **Sec. 2.** AS 47.24.019(a) is amended to read:

5 (a) If, after investigation under AS 47.24.015, the department has reasonable  
6 cause to believe that a vulnerable adult is in need of protective services and is an  
7 incapacitated person, the department may petition the court under AS 13.26 for  
8 appointment of a guardian or temporary guardian, or for a change of guardian, for  
9 the vulnerable adult for the purpose of deciding whether to consent to the receipt of  
10 protective services for the vulnerable adult.

11 \* **Sec. 3.** AS 47.24.019(c) is amended to read:

12 (c) If a vulnerable adult who has consented to receive protective services, or  
13 on whose behalf consent to receive protective services has been given, is prevented by  
14 a caregiver, guardian, attorney-in-fact, or surrogate decision maker from receiving  
15 those services, the department may [ASSIST THE VULNERABLE ADULT OR THE  
16 PERSON WHO CONSENTED TO THE VULNERABLE ADULT'S RECEIPT OF  
17 THE SERVICES TO] petition the superior court for an injunction restraining the  
18 caregiver, guardian, attorney-in-fact, or surrogate decision maker from interfering  
19 with the provision of protective services to the vulnerable adult.

20 \* **Sec. 4.** AS 47.24.050 is amended to read:

21 **Sec. 47.24.050. Confidentiality of reports.** (a) Investigation reports and  
22 reports of the abandonment, exploitation, abuse, neglect, or self-neglect of a vulnerable  
23 adult filed under this chapter are confidential and are not subject to public inspection  
24 and copying under AS 09.25.110 - 09.25.125. However, in accordance with this  
25 chapter and regulations adopted under this chapter, investigation reports may be used  
26 by appropriate agencies, legislators, or other individuals inside and outside the state,  
27 in connection with investigations or judicial proceedings involving the abandonment,  
28 exploitation, abuse, neglect, or self-neglect of a vulnerable adult.

29 (b) The department shall disclose a report of the abandonment, exploitation,  
30 abuse, neglect, or self-neglect of a vulnerable adult if the vulnerable adult who is the  
31 subject of the report or the vulnerable adult's guardian, attorney-in-fact, or

1        **surrogate decision maker** consents in writing. **The department may not disclose**  
2        **a report of the abandonment, exploitation, abuse, neglect, or self-neglect of a**  
3        **vulnerable adult to the vulnerable adult’s guardian, attorney-in-fact, or surrogate**  
4        **decision maker if that person is an alleged perpetrator of abuse and is being**  
5        **investigated under this chapter.** The department shall, upon request, disclose the  
6        number of verified reports of abandonment, exploitation, abuse, neglect, or self-neglect  
7        of a vulnerable adult that occurred at an institution that provides care for vulnerable  
8        adults or that were the result of actions or inactions of a public home care provider.

9        \* **Sec. 5.** TRANSITION. A department affected by this Act may proceed to adopt  
10       regulations necessary to implement this Act. Regulations to implement a provision of this Act  
11       take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date  
12       of sec. 1 of this Act.

13       \* **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).