

CS FOR SENATE BILL NO. 342(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/13/02

Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the long term care ombudsman."**

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

3 * **Section 1.** AS 47.62.015(a) is amended to read:

4 (a) The ombudsman shall **identify**, investigate, and resolve **complaints** [A
5 COMPLAINT] made by or on behalf of **older Alaskans who reside** [AN OLDER
6 ALASKAN WHO RESIDES] in a long term care facility in the state if the **complaints**
7 **relate** [COMPLAINT RELATES] to a decision, action, or failure to act by a provider
8 or a representative of a provider of long term care services, or by a public agency or
9 social services agency, that may adversely affect the health, safety, welfare, or rights
10 of **one or more older Alaskans. The ombudsman shall visit the residents of long**
11 **term care facilities in the state, the residents' representatives, and others to**
12 **identify complaints covered by this subsection and to exchange information**
13 **regarding the health, safety, welfare, and rights of the residents. Subject to the**
14 **confidentiality provisions of AS 47.62.030, the ombudsman shall provide**
15 **information to public agencies regarding the problems of older Alaskans who**

1 **reside in long term care facilities in the state** [THE OLDER ALASKAN].

2 * **Sec. 2.** AS 47.62.015(b) is amended to read:

3 (b) The ombudsman may **identify**, investigate, and resolve **complaints** [A
4 COMPLAINT] made by or on behalf of **older Alaskans related** [AN OLDER
5 ALASKAN RELATING] to the long term care or residential circumstances of **one or**
6 **more older Alaskans** [THE OLDER ALASKAN]. Complaints under this subsection
7 may relate to any issue not covered under (a) of this section, including **an** [THE] older
8 Alaskan's landlord, senior citizen housing, a public assistance program, a public grant
9 program for services to older Alaskans, public utilities, health care facilities, and
10 health care providers.

11 * **Sec. 3.** AS 47.62.015 is amended by adding new subsections to read:

12 (d) The ombudsman shall analyze, comment on, and monitor the development
13 and implementation of federal, state, and local laws, rules, regulations, and policies
14 with respect to the health, safety, welfare, and rights of residents of long term care
15 facilities. The ombudsman may facilitate public comment on laws, rules, regulations,
16 policies, and actions that relate to the health, safety, welfare, and rights of the residents
17 of long term care facilities.

18 (e) The ombudsman shall promote the development of citizen organizations
19 interested in the health, safety, welfare, and rights of older Alaskans who reside in
20 long term care facilities in the state.

21 (f) The ombudsman shall provide technical support for the development of
22 resident councils and family councils whose members are interested in protecting the
23 well-being and rights of the residents of long term care facilities in the state.

24 (g) In addition to volunteers who may provide office assistance, the
25 ombudsman shall recruit volunteers who, after training under AS 47.62.020 and in
26 accordance with policies and procedures established by the ombudsman, may assist
27 the ombudsman by

28 (1) informing residents of long term care facilities, their
29 representatives, and others about the rights of the residents; and

30 (2) identifying, investigating, and resolving complaints described
31 under AS 47.62.015(a).

1 * **Sec. 4.** AS 47.62.025(a) is amended to read:

2 (a) A person may not deny access to a long term care facility or to an older
3 Alaskan by the ombudsman or an employee, volunteer, or other representative of the
4 office. A person may not deny immediate access to a long term care facility or to
5 an older Alaskan by the ombudsman or an employee, volunteer, or other
6 representative of the office if the ombudsman or employee, volunteer, or other
7 representative of the office states that

8 (1) the purpose for requesting access is to investigate a complaint
9 made by or on behalf of an older Alaskan who resides in the facility; and

10 (2) immediate access is necessary to protect the health, safety,
11 welfare, or rights of a resident of the facility.