

HOUSE CS FOR CS FOR SENATE BILL NO. 342(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 5/1/02

Referred: Rules

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3 * **Section 1.** AS 47.62.015 is repealed and reenacted to read:

4 **Sec. 47.62.015. Duties of the long term care ombudsman.** (a) The long
5 term care ombudsman may, personally or through a representative of the office,

6 (1) identify, investigate, and resolve complaints that are made by or on
7 behalf of older Alaskans who reside in a long term care facility in the state if the
8 complaints relate to a decision, action, or failure to act by a provider or a
9 representative of a provider of long term care services, or by a public agency or social
10 services agency, that may adversely affect the health, safety, welfare, or rights of one
11 or more older Alaskans;

12 (2) visit the residents of long term care facilities in the state, the
13 residents' representatives, and others to identify, investigate, and resolve complaints
14 covered by (1) of this subsection;

15 (3) subject to the confidentiality provisions of AS 47.62.030, provide

1 information to public agencies regarding the problems of older Alaskans who reside in
2 long term care facilities in the state;

3 (4) identify, investigate, and resolve complaints that are made by or on
4 behalf of older Alaskans related to the long term care or residential circumstances of
5 one or more older Alaskans; complaints under this paragraph may relate to any issue
6 not covered under (1) of this subsection, including an older Alaskan's landlord, senior
7 citizen housing, a public assistance program, a public grant program for services to
8 older Alaskans, public utilities, health care facilities, and health care providers;

9 (5) analyze, comment on, and monitor the development and
10 implementation of federal, state, and local laws, rules, regulations, and policies with
11 respect to the health, safety, welfare, and rights of residents of long term care
12 facilities; the ombudsman may personally or through representatives of the office,
13 facilitate public comment on laws, rules, regulations, policies, and actions that relate
14 to the health, safety, welfare, and rights of the residents of long term care facilities;

15 (6) promote the development of citizen organizations interested in the
16 health, safety, welfare, and rights of older Alaskans who reside in long term care
17 facilities in the state;

18 (7) provide technical support for the development of resident councils
19 and family councils whose members are interested in protecting the well-being and
20 rights of the residents of long term care facilities in the state;

21 (8) schedule visits to long term care facilities to exchange information
22 regarding the health, safety, welfare, and rights of the residents;

23 (9) pursue administrative, legal, or other appropriate remedies on
24 behalf of an older Alaskan who resides in a long term care facility in the state.

25 (b) The ombudsman or an employee of the office may subpoena witnesses,
26 compel their attendance, require the production of evidence, administer oaths, and
27 examine any person under oath in connection with a complaint described under (a)(1)
28 of this section. The powers described in this subsection shall be enforced by the
29 superior court.

30 (c) In this section, "representative" means an employee or volunteer who is
31 trained and certified by the ombudsman under AS 47.62.020.

1 * **Sec. 2.** AS 47.62.025 is amended to read:

2 **Sec. 47.62.025. Access to long term care facilities, older Alaskans, and**
 3 **records.** (a) A person may not deny access to a long term care facility or to an older
 4 Alaskan by the ombudsman or an employee, volunteer, or other representative of the
 5 office. **A person may not deny immediate access to a long term care facility or to**
 6 **an older Alaskan by the ombudsman or an employee, volunteer, or other**
 7 **representative of the office between eight o'clock in the morning and eight o'clock**
 8 **in the evening. A person may not deny immediate access to a long term care**
 9 **facility or to an older Alaskan by the ombudsman or an employee, volunteer, or**
 10 **other representative of the office between eight o'clock in the evening and eight**
 11 **o'clock in the morning if the ombudsman or employee, volunteer, or other**
 12 **representative of the office**

13 **(1) has scheduled a visit with the operator of the facility for a time**
 14 **between eight o'clock in the evening and eight o'clock in the morning;**

15 **(2) states that the purpose for requesting access is to investigate a**
 16 **complaint made by or on behalf of an older Alaskan who resides in the facility**
 17 **and immediate access is necessary to protect the health, safety, welfare, or rights**
 18 **of a resident of the facility; or**

19 **(3) states that an older Alaskan or the legal representative of an**
 20 **older Alaskan has requested that a visit from the office occur between eight**
 21 **o'clock in the evening and eight o'clock in the morning.**

22 (b) Notwithstanding the provisions of **AS 47.62.015(b)** [AS 47.62.015(c)(1)],
 23 the ombudsman may obtain medical or other records of an older Alaskan who resides
 24 in a long term care facility in the state only with the consent of the older Alaskan or
 25 the older Alaskan's legal guardian or, if the older Alaskan is unable or incompetent to
 26 consent and does not have a legal guardian, only with a court order.