

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: 2/3/16

Referred: Labor and Commerce

Sponsor(s): SENATORS GIESSEL, Gardner, Stevens, Micciche, Bishop, Egan, MacKinnon, McGuire, Costello, Stoltze

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

1 lay caregiver to perform medical and nursing aftercare following discharge.

2 **Sec. 18.20.520. Notification of discharge.** A hospital shall notify a patient's
3 designated lay caregiver of the patient's discharge or transfer.

4 **Sec. 18.20.530. Discharge policies.** (a) A hospital shall adopt and maintain
5 written discharge policies. The policies must comply with AS 18.20.500 - 18.20.590.

6 (b) The discharge policies of a hospital must specify the requirements for
7 documenting the identity of a patient's designated lay caregiver and the details of the
8 discharge plan for the patient.

9 (c) The discharge policies of a hospital may incorporate established evidence-
10 based practices that include

11 (1) standards for accreditation adopted by a nationally recognized
12 hospital accreditation organization; or

13 (2) the conditions of participation for hospitals adopted by the Centers
14 for Medicare and Medicaid Services.

15 (d) The discharge policies of a hospital must ensure that the discharge
16 planning is appropriate to the condition of the patient, and the hospital shall interpret
17 the discharge policies in a manner and as necessary to meet the needs and condition of
18 the patient and the abilities of the patient's designated lay caregiver.

19 (e) AS 18.20.500 - 18.20.590 do not require that a hospital adopt discharge
20 policies that would

21 (1) delay a patient's discharge or transfer to another facility; or

22 (2) require the disclosure of protected health information without
23 obtaining a patient's consent as required by state and federal laws governing health
24 information privacy and security.

25 **Sec. 18.20.540. Construction of provisions.** The provisions of AS 18.20.500 -
26 18.20.590 may not be construed to

27 (1) create a right of action against a hospital, a hospital employee, or a
28 contractor of the hospital, including an instruction contractor, based on an action
29 performed or not performed under AS 18.20.500 - 18.20.590; or

30 (2) replace, change, or otherwise affect rights or remedies that are
31 provided under another provision of law, including common law.

1 **Sec. 18.20.550. Coordination with other authority.** AS 18.20.500 -
2 18.20.590 may not be interpreted to interfere with the powers or duties of

3 (1) an agent operating under a valid advance health care directive
4 under AS 13.52; or

5 (2) a legal guardian of the individual.

6 **Sec. 18.20.590. Definitions.** In AS 18.20.500 - 18.20.590,

7 (1) "aftercare" includes

8 (A) assistance with the activities of daily living or activities
9 that are instrumental to the activities of daily living;

10 (B) wound care, medication administration, medical equipment
11 operation, mobility assistance, and other medical or nursing tasks; and

12 (C) other assistance related to the patient's condition at the time
13 of discharge;

14 (2) "designated lay caregiver" means a lay caregiver designated by the
15 patient who agrees to provide aftercare to the patient;

16 (3) "discharge" means a patient's release from a hospital following the
17 patient's admission to the hospital;

18 (4) "hospital" has the meaning given in AS 18.20.130, but does not
19 include a hospital that is limited to the treatment of mental disorders;

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

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