

HOUSE BILL NO. 511

**IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVES MACKIE, Ellis, Lincoln

Introduced: 2/18/92

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to public home care providers; and providing for an effective date."**

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

3 *** Section 1.** AS 13.26 is amended by adding a new section to article 5 to read:

4 Sec. 13.26.358. **POWERS OF ATTORNEY HELD BY PUBLIC HOME CARE**
5 **PROVIDERS.** (a) A public home care provider may not accept a designation as attorney-in-fact
6 or agent by general or special power of attorney for an individual to whom the provider furnishes
7 in-home services unless the designation is held jointly with another individual who is not
8 employed by the same entity that employs the public home care provider.

9 (b) In this section, "public home care provider" has the meaning given in AS 47.24.100.

10 *** Sec. 2.** AS 47.17.020 is amended by adding a new subsection to read:

11 (h) Upon determining that a report of harm under this section might relate to harm
12 caused by actions or inactions of a public home care provider, the department shall, in addition
13 to other actions required under this section, notify the employer of the public home care provider
14 of the allegations of harm. Upon receiving the notification, the employer shall immediately

1 assign a new person to provide home care to the subject of the report of harm. An employer
2 who fails to reassign a public home care provider after receiving notice from the department
3 under this subsection is guilty of a violation as defined in AS 11.81.900(b). In this subsection,
4 "public home care provider" has the meaning given in AS 47.24.100.

5 * Sec. 3. AS 47.24.020 is amended by adding new subsections to read:

6 (d) Upon determining that a report of harm under AS 47.24.010 might relate to harm
7 caused by actions or inactions of a public home care provider, the department shall, in addition
8 to other actions required under this section, notify the employer of the public home care provider
9 of the allegations of harm. Upon receiving the notification, the employer shall immediately
10 assign a new person to provide home care to the subject of the report of harm.

11 (e) An employer who fails to reassign a home care provider after receiving notice from
12 the department under (d) of this section is guilty of a violation as defined in AS 11.81.900(b).

13 * Sec. 4. AS 47.24.050(b) is amended to read:

14 (b) The department shall disclose a report of harm if the elderly person who is the
15 subject of the report consents in writing. The department shall, upon request, disclose the
16 number of verified reports of harm that occurred at an institution for care of the elderly or that
17 were the result of actions or inactions of a public home care provider.

18 * Sec. 5. AS 47.24.100 is amended by adding a new paragraph to read:

19 (13) "public home care provider" means a person who is paid by the state, or by
20 an entity that has contracted with the state or received a grant from state funds, to provide
21 homemaker services, chore services, personal care services, home health care services, or similar
22 services in or around a private residence.

23 * Sec. 6. AS 47.24 is amended by adding a new section to read:

24 Sec. 47.24.115. ACTION ON CERTAIN REPORTS. (a) Upon determining that a report
25 under AS 47.24.110 might relate to actions of a public home care provider, the law enforcement
26 agency shall notify the employer of the public home care provider of the allegations of harm.
27 Upon receiving the notification, the employer shall immediately assign a new person to provide
28 home care to the subject of the report.

29 (b) An employer who fails to reassign a home care provider after receiving notice from
30 a law enforcement agency under (a) of this section is guilty of a violation as defined in
31 AS 11.81.900(b).

1 (c) In this section, "public home care provider" has the meaning given in AS 47.24.100.
2 * Sec. 7. AS 47.30.056, as enacted by sec. 26, ch. 66, SLA 1991, is amended by adding a new
3 subsection to read:

4 (k) Money in the mental health trust income account may not be used for in-home care
5 unless, before the care was provided, a state agency or an agent of a state agency requested and
6 received records under AS 12.62.035(a) for the person who provided the in-home care.

7 * Sec. 8. A 47.30.545, as amended by sec. 32, ch. 66, SLA 1991, is amended to read:

8 Sec. 47.30.545. POPULATIONS TO BE SERVED. The entities designated by the
9 department to receive money under AS 47.30.540(b) shall provide one or more of the services
10 that are set out in AS 47.30.056(i) to persons identified in AS 47.30.056. However, the
11 department may not pay money to an entity whose program includes in-home care unless
12 the entity receiving the money has agreed to request and receive records under
13 AS 12.62.035(a) before the care is provided, for the person who will provide the in-home
14 care.

15 * Sec. 9. AS 47.65.050 is amended by adding a new subsection to read:

16 (b) The commission may not make payments to a sponsor whose program includes home
17 care services unless the sponsor has agreed to request and receive records under AS 12.62.035(a)
18 before the services are provided, for the person who will provide the services.

19 * Sec. 10. AS 47.65.100 is amended by adding a new subsection to read:

20 (f) The commission may not award a grant under this section for adult day care services
21 that include home care services unless the grantee has agreed to request and receive records
22 under AS 12.62.035(a) before the services are provided, for the person who will provide the
23 services.

24 * Sec. 11. AS 47.65.290 is amended by adding a new paragraph to read:

25 (8) "home care services" means homemaker services, chore services, personal care
26 services, home health care services, or similar services in or around the residence of an older
27 Alaskan or of a frail older person or similarly disabled adult, as defined in AS 47.65.100.

28 * Sec. 12. AS 47.30.056(k), enacted by sec. 7 of this Act, and the amendment made to AS 47.30.545
29 by sec. 8 of this Act, take effect on the effective date of ch. 66, SLA 1991.