

**CS FOR HOUSE BILL NO. 511 (HES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**  
**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 3/9/92**  
**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVES MACKIE, Ellis, Lincoln, Larson, Gonzales, Jacko**

**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**  
10 **AS 47.05.017(b).**

11 **\* Sec. 2. AS 47.05 is amended by adding a new section to read:**

12           **Sec. 47.05.017. REGULATIONS FOR HOME CARE PROVIDERS. (a) The department**  
13 **shall adopt regulations identifying actions that it will take, in addition to those otherwise required**  
14 **under AS 47.17 and AS 47.24, when a report of harm is made under AS 47.17 or AS 47.24 that**

1 might relate to harm caused by actions or inactions of a public home care provider. The  
2 regulations must

3 (1) address circumstances under which the department will require a contractor  
4 or grantee to reassign or terminate an employee alleged to have perpetrated harm; and

5 (2) include appropriate procedural safeguards to protect the due process rights of  
6 public home care providers who may be reassigned or terminated under the circumstances  
7 described in (1) of this subsection.

8 (b) In this section, "public home care provider" means a person who is paid by the state,  
9 or by an entity that has contracted with the state or received a grant from state funds, to provide  
10 homemaker services, chore services, personal care services, home health care services, respite  
11 care services, or similar services in or around a client's private residence.

12 \* Sec. 3. AS 47.24.050(b) is amended to read:

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

17 \* Sec. 4. AS 47.24.100 is amended by adding a new paragraph to read:

18 (13) "public home care provider" has the meaning given in AS 47.05.017(b).

19 \* Sec. 5. AS 47.65.050 is amended by adding a new subsection to read:

20 (b) The commission may not make payments to a sponsor whose program includes home  
21 care services unless the sponsor has agreed to request and receive records under AS 12.62.035(a)  
22 before the services are provided for the person who will provide the services. The sponsor shall  
23 be allowed a 90-day grace period to acquire and review the records.

24 \* Sec. 6. AS 47.65.100 is amended by adding a new subsection to read:

25 (f) The commission may not award a grant under this section for adult day care services  
26 that include home care services unless the grantee has agreed to request and receive records  
27 under AS 12.62.035(a) before the services are provided for the person who will provide the  
28 services. The sponsor shall be allowed a 90-day grace period to acquire and review the records.

29 \* Sec. 7. AS 47.65.290 is amended by adding a new paragraph to read:

30 (8) "home care services" means homemaker services, chore services, personal care  
31 services, home health care services, respite care services, or similar services in or around the

1 residence of an older Alaskan or of a frail older person or similarly disabled adult, as defined in  
2 AS 47.65.100.

3 \* Sec. 8. REGULATIONS. The Department of Health and Social Services shall adopt the regulations  
4 required under AS 47.05.017, enacted by sec. 2 of this Act, by March 15, 1993. By February 1, 1993,  
5 the department shall report to the legislature on the status of the regulations process.

6 \* Sec. 9. This Act takes effect immediately under AS 01.10.070(c).