

**CS FOR HOUSE BILL NO. 511 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered: 3/25/92
Referred: 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 **services unless the designation is held jointly with another individual who is not a public home**
8 **care provider.**

9 **(b) In this section, "public home care provider" has the meaning given in**
10 **AS 47.05.017(c).**

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

12 **Sec. 47.05.017. HOME CARE PROVIDERS. (a) State money may not be used for a**
13 **home care provider unless records under AS 12.62.035(a) are requested for the provider within**
14 **10 business days after the provider is hired to provide the care and are reviewed within five**

1 business days after they are received. The department shall require the grantee or contractor to
2 do the records request and review required under this subsection for a home care provider
3 employed by a person who has a grant or contract from the department to provide home care
4 services.

5 (b) The department shall adopt regulations identifying actions that it will take, in addition
6 to those otherwise required under AS 47.17 and AS 47.24, when a report of harm is made under
7 AS 47.17 or AS 47.24 that might relate to harm caused by actions or inactions of a public home
8 care provider. The regulations must

9 (1) address circumstances under which the department will, or will require a
10 contractor or grantee to, reassign, suspend, or terminate a person alleged to have perpetrated
11 harm; and

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

15 (c) In this section, "public home care provider" means a person who is paid by the state,
16 or by an entity that has contracted with the state or received a grant from state funds, to provide
17 homemaker services, chore services, personal care services, home health care services, or similar
18 services in or around a client's private residence or to provide respite care in either the client's
19 residence or the caregiver's residence or facility.

20 * Sec. 3. AS 47.10.230 is amended by adding a new subsection to read:

21 (h) The department may not pay for respite care, as defined in (d) of this section, unless
22 the department or the entity that has contracted with the department to provide the respite care
23 requests records under AS 12.62.035(a) for the individual who provides the respite care within
24 10 business days after the individual is hired to provide respite care and reviews the records
25 within five business days after receiving them.

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

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

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

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

2 * Sec. 6. AS 47.65.050 is amended by adding a new subsection to read:

3 (b) The commission may not make payments to a sponsor whose program includes
4 family respite care services or home care services unless the sponsor has agreed to request
5 records under AS 12.62.035(a) for the individual who will provide the services within 10 business
6 days after the individual is hired to provide the services and review the records within five
7 business days after receiving them.

8 * Sec. 7. AS 47.65.100 is amended by adding a new subsection to read:

9 (f) The commission may not award a grant under this section for family respite care
10 services or for adult day care services that include home care services unless the grantee has
11 agreed to request records under AS 12.62.035(a) for the individual who will provide the services
12 within 10 business days after the individual is hired to provide the services and review the
13 records within five business days after receiving them.

14 * Sec. 8. AS 47.65.290 is amended by adding a new paragraph to read:

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

18 * Sec. 9. REGULATIONS. The Department of Health and Social Services shall adopt the regulations
19 required under AS 47.05.017(b), enacted by sec. 2 of this Act, by March 15, 1993. By February 1,
20 1993, the department shall report to the legislature on the status of the regulations process.

21 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).