

SENATE CS FOR HOUSE BILL NO. 3(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/18/94
Referred: Finance

Sponsor(s): REPRESENTATIVES MACKIE, Ulmer

SENATORS Kerttula, Duncan, Jacko, Pearce, Zharoff, Ellis, Little, Taylor, Kelly, Donley

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

13 Sec. 47.05.017. **HOME CARE PROVIDERS.** (a) State money may not be
14 used for a home care provider unless records under AS 12.62.035(a) are requested for

1 the provider within 10 business days after the provider is hired to provide the care and
2 are reviewed within five business days after they are received. The department shall
3 require the grantee or contractor to do the records request and review required under
4 this subsection for a home care provider employed by a person who has a grant or
5 contract from the department to provide home care services.

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

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

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

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

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

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

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

30 (b) The department shall disclose a report of harm if the elderly person who
31 is the subject of the report consents in writing. The department shall, upon request,

1 disclose the number of verified reports of harm that occurred at an institution for care
2 of the elderly or that were the result of actions or inactions of a public home care
3 provider.

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

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

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

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

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

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

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

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

25 * Sec. 9. REGULATIONS. The Department of Health and Social Services shall adopt the
26 regulations required under AS 47.05.017(b), enacted by sec. 2 of this Act, by March 15, 1995.
27 By February 1, 1995, the department shall report to the legislature on the status of the
28 regulations process.

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