

**SB**

**57**

# SENATE COMMITTEE REPORT

DATE: 3/16/99

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE BILL NO. 57

"An Act relating to vulnerable adults; and providing for an effective date."

and recommends:

be replaced with \_\_\_\_\_ CS SB57 ( Jud )

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the (S) FINANCE Committee

**Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Keith Helford</i>	✓		
		<i>John E. Miller</i>	✓		
		<i>W. Bruce Souley</i>	✓		
CHAIR: <i>Adrian Taylor</i> ✓		CHAIR:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

**FISCAL NOTE**

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO. CSSB 57(JUD)**

Revision Date: 4/1/99  
 Title: "An act relating to vulnerable adults"

Department Affected: Administration  
 BRU: Senior Services  
 Component: Protection, Community Services, Administration

Sponsor: Health, Education & Social Services  
 Requestor: (S) JUD

COMPONENT SERIAL NO. 2083

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 97) cost: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

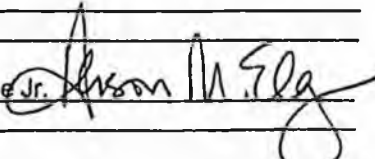
**ANALYSIS:** (Attach a separate page if necessary.)

This bill will have no fiscal impact on the Department of Administration.

SB 57 increases the department's legal authority to protect vulnerable adults from harm perpetrated by guardians, attorneys-in-fact, or surrogate decision makers by making changes and additions to AS 47.24.015 (c), .019 (a), .019 (c), and .050 (b). The amended language in these sections includes the additions of the terms "guardians, attorneys-in-fact, or surrogate decision makers" as possible perpetrators of harm. Additional amended language gives the department clear authority to petition for a "change of guardian." The amended language also gives the department authority to not disclose a report of harm to "guardians, attorneys-in-fact, or surrogate decision makers" who are alleged perpetrators who are being investigated as such.

Prepared by: Jane Demmert  
 Division: Senior Services

Phone: (907)269-3674  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr.   
 Agency: Department of Administration

Date: 4/2/99

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FISCAL NOTE

1999 LEGISLATIVE SESSION

BILL: CSSB 57(JUD)

ANALYSIS: (continued)

2) It provides for the Alaska Commission on Aging to annually contract with the State Ombudsman to operate the Long Term Care Ombudsman function. The Alaska Commission on Aging will initiate an annual RSA to the State Ombudsman for up to \$213,016: this provides for continuation at FY 99 functional levels. Incorporated are costs for 1) salaries and benefits for three present employees; 2) travel; 3) contractual including IT support, utilities, space for fte of 4 (includes one office area for housing p-t Senior Employment workers) at current state space allocation rates calculated at current lease rates, membership dues, conference registrations, etc.

SENATE BILL NO. 57

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 2/8/99

Referred: HESS, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vulnerable adults; and providing for an effective date."

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

3 \* Section 1. AS 47.24.015(c) is amended to read:

4 (c) The department, or its designee, shall immediately terminate an  
5 investigation under this section upon the request of the vulnerable adult who is the  
6 subject of the report made under AS 47.24.010 unless [. HOWEVER, IF] the  
7 investigation to that point has resulted in <sup>probable</sup> ~~reasonable~~ cause to believe that the  
8 vulnerable adult is in need of protective services, the request is made personally by  
9 the vulnerable adult and the vulnerable adult is not competent to make the  
10 request on the adult's own behalf, or the request is made by the vulnerable  
11 adult's guardian, attorney-in-fact, or surrogate decision maker and that person  
12 is the alleged perpetrator of abuse and is being investigated under this chapter.  
13 If the department has <sup>probable</sup> ~~reasonable~~ cause to believe that the vulnerable adult is in  
14 need of protective services,

(1) the department may petition the court as set out in AS 47.24.019;

1 or

2 (2) the department or its designee may refer the report made to the  
3 department under AS 47.24.010 to a police officer for criminal investigation.

4 \* Sec. 2. AS 47.24.019(a) is amended to read:

5 (a) If, after investigation under AS 47.24.015, the department has reasonable  
6 cause to believe that a vulnerable adult is in need of protective services and is an  
7 incapacitated person, the department may petition the court under AS 13.26 for  
8 appointment of a guardian or temporary guardian, or for a change of guardian, for  
9 the vulnerable adult for the purpose of deciding whether to consent to the receipt of  
10 protective services for the vulnerable adult.

11 \* Sec. 3. AS 47.24.019(c) is amended to read:

12 (c) If a vulnerable adult who has consented to receive protective services, or  
13 on whose behalf consent to receive protective services has been given, is prevented by  
14 a caregiver, guardian, attorney-in-fact, or surrogate decision maker from receiving  
15 those services, the department may [ASSIST THE VULNERABLE ADULT OR THE  
16 PERSON WHO CONSENTED TO THE VULNERABLE ADULT'S RECEIPT OF  
17 THE SERVICES TO] petition the superior court for an injunction restraining the  
18 caregiver, guardian, attorney-in-fact, or surrogate decision maker from interfering  
19 with the provision of protective services to the vulnerable adult.

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

21 (b) The department shall disclose a report of the abandonment, exploitation,  
22 abuse, neglect, or self-neglect of a vulnerable adult if the vulnerable adult who is the  
23 subject of the report or the vulnerable adult's guardian, attorney-in-fact, or  
24 surrogate decision maker consents in writing. The department may not disclose  
25 a report of the abandonment, exploitation, abuse, neglect, or self-neglect of a  
26 vulnerable adult to the vulnerable adult's guardian, attorney-in-fact, or surrogate  
27 decision maker if that person is an alleged perpetrator of abuse and is being  
28 investigated under this chapter. The department shall, upon request, disclose the  
29 number of verified reports of abandonment, exploitation, abuse, neglect, or self-neglect  
30 of a vulnerable adult that occurred at an institution that provides care for vulnerable  
31 adults or that were the result of actions or inactions of a public home care provider.

1 \* Sec. 5. TRANSITION. A department affected by this Act may proceed to adopt  
2 regulations necessary to implement this Act. Regulations to implement a provision of this Act  
3 take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date  
4 of sec. 1 of this Act.

5 \* Sec. 6. Section 5 of this Act takes effect immediately under AS 01.10.070(c).

A M E N D M E N T

*passes  
Amend #1*

OFFERED IN THE SENATE

BY SENATOR *Jayler*  
~~GREEN~~

TO: SB 57

1 Page 1, line 1, following "adults":

2 Insert "and to the functions of the office of the state long term care ombudsman  
3 on behalf of vulnerable adults and senior citizens"

4 Page 1, following line 2:

5 Insert new bill sections to read:

6 **"\* Section 1.** AS 44.21.225 is amended to read:

7 **Sec. 44.21.225. Executive director.** The executive director of the  
8 commission shall

9 (1) formulate a comprehensive statewide plan that identifies the  
10 concerns and needs of older Alaskans and present that plan to the commission;

11 (2) administer, with the approval of the commissioner of  
12 administration, federal programs as provided under 42 U.S.C. 3001 - 3045i (Older  
13 Americans Act), as amended; in the administration of federal programs under this  
14 paragraph, the executive director shall

15 (A) contract with the office of the ombudsman established  
16 under AS 24.55 to carry out the requirements relating to the state long  
17 term care ombudsman program set out in 42 U.S.C. 3058g and  
18 AS 44.21.231 - 44.21.239; and

19 (B) set out in the commission's program budget prepared  
20 under AS 37.07 the amount that the commission has agreed to provide  
21 under the contract with the office of the ombudsman for the state long  
22 term care ombudsman program services; and

23 (3) administer, with the approval of the commissioner of  
24 administration, state programs as provided under AS 47.65.

1 \* Sec. 2. AS 44.21.230(b) is amended to read:

2 (b) To accomplish its duties, the commission may

3 (1) review, evaluate, and comment on [UPON] state programs  
4 concerned with the problems and the needs of older Alaskans;

5 (2) collect facts and statistics, and make studies of conditions and  
6 problems pertaining to the employment, health, housing, financial security, social  
7 welfare, and other concerns that bear upon the well-being of older Alaskans;

8 (3) provide information about public programs that would be of  
9 interest or benefit to older Alaskans;

10 (4) appoint special committees, which may include persons who are  
11 not members of the commission, to complete necessary studies;

12 (5) promote community education efforts regarding the problems and  
13 concerns of older Alaskans;

14 (6) contract for necessary services;

15 (7) consult and cooperate with persons, organizations, and groups  
16 interested in or concerned with programs of assistance to older Alaskans;

17 (8) advocate improved programs of benefit to older Alaskans;

18 (9) set standards for levels of services for older Alaskans for programs  
19 administered by the commission; and

20 (10) adopt regulations necessary for the administration of  
21 AS 44.21.200 - 44.21.230 [AS 44.21.200 - 44.21.240] and to comply with federal law.

22 \* Sec. 3. AS 44.21.230(c) is amended to read:

23 (c) The commission may not investigate, review, or undertake any  
24 responsibility for the longevity bonus program under AS 47.45 or [, EXCEPT FOR  
25 ACTIVITIES OF THE OFFICE OF THE LONG TERM CARE OMBUDSMAN,] the  
26 Alaska Pioneers' Homes under AS 47.55.

27 \* Sec. 4. AS 44.21.231(c) is amended to read:

28 (c) The ombudsman may not have a financial interest in a long term care  
29 facility in the state. [THE COMMISSION SHALL ADOPT REGULATIONS TO  
30 ENSURE THAT THE OMBUDSMAN, AND EMPLOYEES AND VOLUNTEERS  
31 OF THE OFFICE, DO NOT HAVE A CONFLICT OF INTEREST OR AN  
32 APPEARANCE OF A CONFLICT OF INTEREST.]

1 \* **Sec. 5.** AS 44.21.232(c) is amended to read:

2 (c) The ombudsman may

3 (1) subpoena witnesses, compel their attendance, require the production  
4 of evidence, administer oaths, and examine any person under oath in connection with  
5 a complaint described under (a) of this section in the manner set out in AS 24.55;  
6 [THE POWERS DESCRIBED IN THIS PARAGRAPH SHALL BE ENFORCED BY  
7 THE SUPERIOR COURT;]

8 (2) pursue administrative, legal, or other appropriate remedies on  
9 behalf of an older Alaskan who resides in a long term care facility in the state.

10 \* **Sec. 6.** AS 44.21.238 is amended to read:

11 **Sec. 44.21.238. Legal counsel [FOR THE LONG TERM CARE**  
12 **OMBUDSMAN].** The attorney general shall provide legal advice and representation  
13 in connection with any matter relating to the powers, duties, and operation of the  
14 ombudsman as to a duty or power arising under AS 44.21.231 - 44.21.239  
15 [OFFICE,] and in any legal action brought against the ombudsman or an employee,  
16 volunteer, or other representative of the ombudsman as to a duty or power arising  
17 under AS 44.21.231 - 44.21.239 [OFFICE]. If the attorney general cannot provide  
18 legal advice or representation because of a conflict of interest, the ombudsman may  
19 employ private legal counsel.

20 \* **Sec. 7.** AS 44.21.239 is amended to read:

21 **Sec. 44.21.239. Cooperative agreements.** The ombudsman may  
22 [COMMISSION SHALL] enter into cooperative agreements concerning the duties  
23 and powers described in AS 44.21.232 [OPERATIONS OF THE OFFICE], including  
24 protocols for investigations, with state and local agencies that have jurisdiction over  
25 long term care facilities or over the abuse and neglect of older Alaskans.

26 \* **Sec. 8.** AS 44.21.240(3) is amended to read:

27 (3) "office" means the office of the [LONG TERM CARE]  
28 ombudsman;

29 \* **Sec. 9.** AS 44.21.240(5) is amended to read:

30 (5) "ombudsman" means the [LONG TERM CARE] ombudsman  
31 appointed under AS 24.55.020 [HIRED UNDER AS 44.21.231];

32 \* **Sec. 10.** AS 47.24.010(f) is amended to read:

1 (f) A person listed in (a) of this section who reports to the [LONG TERM  
2 CARE] ombudsman under AS 44.21.232, or to the Department of Health and Social  
3 Services, that a vulnerable adult has been exploited, abused, or neglected in an out-of-  
4 home care facility is considered to have met the duty to report under (a) of this  
5 section.

6 \* Sec. 11. AS 47.24.013(a) is amended to read:

7 (a) If a report received under AS 47.24.010 regards the abandonment,  
8 exploitation, abuse, neglect, or self-neglect of a vulnerable adult who is 60 years of  
9 age or older that is alleged to have been committed by or to have resulted from the  
10 negligence of the staff or a volunteer of an out-of-home care facility, including a  
11 facility licensed under AS 18.20, in which the vulnerable adult resides, and, if the  
12 Department of Health and Social Services licenses that type of facility, the  
13 Department of Administration shall transfer the report for investigation to the [LONG  
14 TERM CARE] ombudsman under AS 44.21.232 and the Department of Health and  
15 Social Services.

16 \* Sec. 12. AS 47.24.013(c) is amended to read:

17 (c) Upon receipt of a report from the department under (a) or (b) of this  
18 section, the [LONG TERM CARE] ombudsman and the Department of Health and  
19 Social Services shall

20 (1) conduct an investigation as appropriate under AS 44.21.232 or this  
21 title, respectively;

22 (2) coordinate and cooperate in their responses to and investigations  
23 of the report if their jurisdictions overlap;

24 (3) provide the results of their actions or investigations to the central  
25 information and referral service of the department within 60 days after the receipt of  
26 the report.

27 \* Sec. 13. AS 47.24.013(d) is amended to read:

28 (d) If the [LONG TERM CARE] ombudsman or the Department of Health  
29 and Social Services receives directly a report regarding the abandonment, exploitation,  
30 abuse, neglect, or self-neglect of a vulnerable adult in an out-of-home care facility,  
31 the ombudsman or the Department of Health and Social Services shall provide the  
32 report, and the results of their actions or investigations regarding the report, to the

1 central information and referral service of the Department of Administration. The  
 2 Department of Administration may investigate the report as described in AS 47.24.015  
 3 if the department determines that action is appropriate.

4 \* **Sec. 14.** AS 47.24.013(e) is amended to read:

5 (e) If the results of an investigation by the [LONG TERM CARE]  
 6 ombudsman or the Department of Health and Social Services are provided to the  
 7 Department of Administration under (c) or (d) of this section, the Department of  
 8 Administration may make a final determination as described in AS 47.24.015(b),  
 9 based on the investigation results provided, regarding services to be offered to the  
 10 vulnerable adult."

11 Page 1, line 3:

12 Delete "**Section 1**"

13 Insert "**Sec. 15**"

14 Renumber the following bill sections accordingly.

15 Page 2, following line 31:

16 Insert new bill sections to read:

17 "**Sec. 19.** AS 47.33.310(b) is amended to read:

18 (b) An assisted living home shall post in a prominent place in the home

19 (1) a copy of the rights set out in AS 47.33.300;

20 (2) the name, address, and phone number of the [LONG TERM  
 21 CARE] ombudsman [HIRED UNDER AS 44.21.231] and, if relevant to residents, of  
 22 the advocacy agency for persons with a developmental disability or mental illness;

23 (3) the telephone number of an information or referral service for  
 24 vulnerable adults; and

25 (4) a copy of the grievance procedure established under AS 47.33.340.

26 \* **Sec. 20.** AS 44.21.231(a) and 44.21.231(b) are repealed."

27 Renumber the following bill sections accordingly.

1 Page 3, line 1, following "affected by":

2           Insert "secs. 15 - 18 of"

3 Page 3, line 2:

4           Following "implement":

5                   Insert "secs. 15 - 18 of"

6           Following "of":

7                   Insert "secs. 15 - 18 of"

8 Page 3, line 4:

9           Delete "sec. 1"

10          Insert "sec. 15"

11 Page 3, line 5:

12          Delete "Section 5"

13          Insert "Section 21"

14 Page 3, following line 5:

15          Insert a new bill section to read:

16          **\*\* Sec. 23.** Sections 1 - 14, 19, and 20 of this Act take effect July 1, 1999."

# Alaska State Legislature



State Capitol  
Juneau AK  
99801-1182

Official Business

## Long-Term Care Task Force

### Senate Bill No. 57

**An Act relating to vulnerable adults; and providing for an effective date.**

This bill will enhance the protective services afforded to vulnerable adults by reducing the possibility of exploitation or abuse by guardians, attorneys-in-fact, and surrogate decision-makers.

Under current law, the Department of Administration must immediately terminate an investigation of abuse upon the request of the vulnerable adult who is the subject of the report. Unfortunately, in some instances, the adult's guardian, attorney-in-fact, or surrogate decision-maker, who is the alleged perpetrator of the abuse and the subject under investigation, may make the request. As written, AS 47.24.015 (c) does not allow the department any option but to terminate the investigation. This proposed legislation allows the department to continue the investigation and protect the vulnerable adult.

In addition, this bill gives the Department of Administration the option to withhold investigative findings and reports of abandonment, exploitation, abuse, neglect or self-neglect filed with the department if the vulnerable adult's guardian is suspected of the abuse and currently under investigation. This flexibility will give the department the necessary information to effectively continue its inquiry.

The proposed statutory changes are necessary to adequately protect a vulnerable adult in the rare instance in which a guardian, attorney-in-fact, or surrogate decision-maker is the alleged perpetrator. These changes give the Department of Administration the needed leeway to conduct a thorough investigation.

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*LTC* **TASK FORCE**  
Long-Term Care Task Force

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FINAL REPORT  
January 1999

*Representative Con Bunde, Co-chairman*  
*Senator Gary Wilken, Co-chairman*

*State Capitol Building*  
*Juneau, Alaska 99801-1182*

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## LEGISLATION TO PROTECT VULNERABLE ADULTS

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The Task Force recommends that legislation be drafted and introduced to protect a vulnerable adult from a guardian, attorney-in-fact or surrogate decision-maker who may harm the vulnerable adult.

*“After the department conducts an investigation, a written report is prepared.”*

AS 47.24.900 (16) defines a vulnerable adult as a person 18 years of age or older who, because of physical or mental impairment, is unable to meet his or her own needs or to seek help without assistance.

Under current law, if a person has reason to believe that a vulnerable adult suffers from abandonment, exploitation, abuse, neglect or self-neglect, the concerned individual must contact the Department of Administration which, in most instances, initiates an investigation. After the department conducts an investigation, a written report is prepared of the department's findings, recommendations, and determination of whether supportive or protective services are necessary.

The department must immediately terminate an investigation upon the request of the vulnerable adult who is the subject of the report. Unfortunately, in some instances, the adult's guardian, attorney-in-fact, or surrogate decision-maker, who is the alleged perpetrator of the abuse and the subject under investigation, may make the request. Currently AS 47.24.015 (c) does not allow the Department of Administration any option in such a case but to terminate the investigation. A change to this statute is necessary to adequately protect the vulnerable adult.

*“A problem arises when the vulnerable adult's guardian is under investigation.”*

The investigation findings and the reports of the abandonment, exploitation, abuse, neglect or self-neglect of a vulnerable adult filed with the department are considered confidential. However, the reports are disclosed if the vulnerable adult who is the subject of the report consents in writing. A problem arises when the vulnerable adult's guardian, attorney-in-fact or surrogate decision-maker is suspected of abuse and is under investigation. The disclosure of the complaint, in this case, would severely restrict the department's ability to effectively continue with its inquiry.

The Task Force recognizes that a situation may arise where a guardian, attorney-in-fact or surrogate decision-maker will abuse or harm a vulnerable adult and the statutes should reflect this possibility. The proposed legislation addresses this like-

lihood and gives the Department of Administration the needed leeway to conduct a thorough investigation in order to protect the vulnerable adult. (Appendix B)

Federal and state law provides for long-term care ombudsman services for vulnerable adults who are 60 years and older and reside in a nursing home or an assisted living facility. The Task Force recognizes that vulnerable persons under the age of 60 who reside in nursing homes or assisted living facilities also have a need for protective services. The Disability Law Center, the State Independent Living Council and its regional centers, the Division of Senior Services, and the Division of Mental Health and Developmental Disabilities offer protective and advocacy services to these individuals. Greater access and collaboration between these organizations will help strengthen their ability to meet the needs of these vulnerable persons under the age of 60 who are living in an institutional setting.

*"The Task Force recognizes that vulnerable persons under the age of 60 who reside in nursing homes or assisted living facilities also have a need for protective services."*

The Task Force recommends that these entities coordinate efforts: 1) to increase residents' awareness of the protection and advocacy services available within the state; 2) to facilitate the system's response to complaints and requests for assistance. ♦

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## WORK FORCE DEVELOPMENT SUMMIT

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### RECOMMENDATION

8

The Task Force endorses the efforts of the Alaska State Hospital and Nursing Home Association, in conjunction with the other training councils, to hold a statewide Work Force Development Summit.

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On September 17, 1998 the Alaska Human Resource Investment Council (AHRIC) and the University of Alaska Statewide Vocational/Technical Education Advisory Council (UASVTEAC) held a joint meeting in Seward to discuss issues surrounding the demand and capacity of Alaska's health care industry.

The concerns expressed at this joint meeting parallel the testimony received by the Long-Term Care Task Force. Many long-term health caregivers testified in great detail about how fragile the job situation is for people who provide day-to-day health care for seniors and adults with disabilities. Low pay, lack of adequate training and frequent job turnover were some of the reoccurring problems mentioned.

*"Low pay, lack of adequate training and frequent job turnover (are) problems."*



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## Alaska Commission on Aging

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### Resolution 99-3

#### *In support of SB 57: Relating to vulnerable adults*

Whereas SB 57 increases the protections to assure that vulnerable adults are not abused or harmed by their guardian, attorney-in-fact or surrogate decision-maker, and

Whereas SB 57 closes gaps in AS 47.24.015 (c) which currently do not provide for the State of Alaska to conduct thorough investigations in situations where such abuse or harm is believed to be occurring; and

Whereas the Legislative Long Term Task Force Report of January, 1999, recommended the introduction of this legislation in its Recommendation #7;

Now therefore the Alaska Commission on Aging strongly encourages the Twenty-First Alaska Legislature to pass SB 57.

Adopted this 9<sup>th</sup> day of March, 1999.

A handwritten signature in cursive script that reads "Alaire Stanton".

Alaire Stanton  
Chair

# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

No. 1  
 Bill Version: SB.57  
 (S) Publish Date: 3/16/99

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to vulnerable adults...."  
 Sponsor: Health, Education & Social Services  
 Requestor: (S) HES

Department Affected: Administration  
 BRU: Senior Services  
 Component: Protection, Community Services, Administration  
 COMPONENT SERIAL NO. 2083

Expenditures/Revenues: (Thousands of Dollars)  
 Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 99) cost: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**  
 This bill will have no fiscal impact on the Department of Administration.

SB 57 increases the department's legal authority to protect vulnerable adults from harm perpetrated by guardians, attorneys-in-fact, or surrogate decision makers by making changes and additions to AS 47.24.015 (c) , .019 (a), .019 (c) , and .050 (b). The amended language in these sections includes the additions of the terms "guardians, attorneys-in-fact, or surrogate decision makers" as possible perpetrators of harm. Additional amended language gives the department clear authority to petition for a "change of guardian." The amended language also gives the department authority to not disclose a report of harm to "guardians, attorneys-in-fact, or surrogate decision makers" who are alleged perpetrator who are being investigated as such.

Prepared by: Dwight Becker  
 Division: Senior Services

Phone: (907) 269-3674  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr.  
 Agency: Department of Administration

Date: 3/2/99

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