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ALASKA STATE LEGISLATURE



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Wasilla, Alaska 99654
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Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
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SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE SENATOR LYDA GREEN, CHAIR

April 24, 2002

TO: Fred Dyson, Chair
House, Health Education and Social Services Committee

FROM: Senator Lyda Green, Chair 
Senate, Health Education and Social Services Committee

RE: Hearing Request SB 342

Senate Bill 342, "An Act relating to the long term care ombudsman" has been referred to the House Health Education and Social Services Committee.

Please consider this my request to schedule a hearing on SB 342 at the earliest opportunity.

If you have any questions please call Jerry at 3579. Thank you for your consideration.

SENATOR LOREN LEMAN, VICE-CHAIR
SENATOR JERRY WARD, SENATOR GARY WILKEN, SENATOR BETTYE DAVIS

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SENATOR LYDA GREEN SENATE DISTRICT N

Sponsor Statement CS Senate Bill 342

Long-Term Care Ombudsman

Each state is required to have a long term care ombudsman under the Older Americans Act. Alaska's long-term care ombudsman is located in the Alaska Mental Health Trust Authority. Recently, the long term care ombudsman resigned, citing frustration with Alaska's statutes as one of the reasons for leaving.

Discussion with the executive director of the Alaska Mental Health Trust led to the filing of Senate Bill 342 which brings Alaska's statutes in line with the federal law.

Specifically, SB 342:

- directs the long term care ombudsman to visit long term care facilities and identify problems rather than assuming the more passive role of only responding to complaints;
- provides that no long term care facility may deny immediate access to an employee or volunteer from the long term care ombudsman's office who is responding to a complaint;
- gives the long term care ombudsman an active role in developing and providing technical support to volunteer organizations which are interested in the health, safety, welfare and rights of older Alaskans

The long-term care ombudsman's role is critical in protecting the health and safety of our most vulnerable older Alaskans. It is essential that we provide the office with the tools necessary to do this job.

22-LS1591VL
Lauterbach
4/24/02

HOUSE CS FOR CS FOR SENATE BILL NO. 342()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the long term care ombudsman."

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

3 * Section 1. AS 47.62.015(a) is amended to read:

4 (a) The ombudsman shall identify, investigate, and resolve complaints that
5 are [A COMPLAINT] made by or on behalf of older Alaskans who reside [AN
6 OLDER ALASKAN WHO RESIDES] in a long term care facility in the state if the
7 complaints relate [COMPLAINT RELATES] to a decision, action, or failure to act
8 by a provider or a representative of a provider of long term care services, or by a
9 public agency or social services agency, that may adversely affect the health, safety,
10 welfare, or rights of one or more older Alaskans. The ombudsman shall visit the
11 residents of long term care facilities in the state, the residents' representatives,
12 and others to identify, investigate, and resolve complaints covered by this
13 subsection. Subject to the confidentiality provisions of AS 47.62.030, the
14 ombudsman shall provide information to public agencies regarding the problems
15 of older Alaskans who reside in long term care facilities in the state [THE OLDER

1 ALASKAN].

2 * Sec. 2. AS 47.62.015(b) is amended to read:

3 (b) The ombudsman may identifv, investigate, and resolve complaints that
4 are [A COMPLAINT] made by or on behalf of older Alaskans related [AN OLDER
5 ALASKAN RELATING] to the long term care or residential circumstances of one or
6 more older Alaskans [THE OLDER ALASKAN]. Complaints under this subsection
7 may relate to any issue not covered under (a) of this section, including an [THE] older
8 Alaskan's landlord, senior citizen housing, a public assistance program, a public grant
9 program for services to older Alaskans, public utilities, health care facilities, and
10 health care providers.

11 * Sec. 3. AS 47.62.015 is amended by adding new subsections to read:

12 (d) The ombudsman shall analyze, comment on, and monitor the development
13 and implementation of federal, state, and local laws, rules, regulations, and policies
14 with respect to the health, safety, welfare, and rights of residents of long term care
15 facilities. The ombudsman may facilitate public comment on laws, rules, regulations,
16 policies, and actions that relate to the health, safety, welfare, and rights of the residents
17 of long term care facilities.

18 (e) The ombudsman shall promote the development of citizen organizations
19 interested in the health, safety, welfare, and rights of older Alaskans who reside in
20 long term care facilities in the state.

21 (f) The ombudsman shall provide technical support for the development of
22 resident councils and family councils whose members are interested in protecting the
23 well-being and rights of the residents of long term care facilities in the state.

24 (g) The ombudsman may schedule visits to long term care facilities to
25 exchange information regarding the health, safety, welfare, and rights of the residents.

26 (h) In addition to volunteers who may provide office assistance, the
27 ombudsman shall recruit volunteers who, after training under AS 47.62.020 and in
28 accordance with policies and procedures established by the ombudsman, may assist
29 the ombudsman by

30 (1) informing residents of long term care facilities, their
31 representatives, and others about the rights of the residents; and

1 (2) identifying, investigating, and resolving complaints described
2 under AS 47.62.015(a).

3 * Sec. 4. AS 47.62.025(a) is amended to read:

4 (a) A person may not deny access to a long term care facility or to an older
5 Alaskan by the ombudsman or an employee, volunteer, or other representative of the
6 office. A person may not deny immediate access to a long term care facility or to
7 an older Alaskan by the ombudsman or an employee, volunteer, or other
8 representative of the office between eight o'clock in the morning and eight o'clock
9 in the evening. A person may not deny immediate access to a long term care
10 facility or to an older Alaskan by the ombudsman or an employee, volunteer, or
11 other representative of the office between eight o'clock in the evening and eight
12 o'clock in the morning if the ombudsman or employee, volunteer, or other
13 representative of the office

14 (1) has scheduled a visit with the operator of the facility for a time
15 between eight o'clock in the evening and eight o'clock in the morning;

16 (2) states that the purpose for requesting access is to investigate a
17 complaint made by or on behalf of an older Alaskan who resides in the facility
18 and immediate access is necessary to protect the health, safety, welfare, or rights
19 of a resident of the facility; or

20 (3) states that an older Alaskan or the legal representative of an
21 older Alaskan has requested that a visit from the office occur between eight
22 o'clock in the evening and eight o'clock in the morning.

22-LS1591\P
Lauterbach
4/30/02

HOUSE CS FOR CS FOR SENATE BILL NO. 342()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the long term care ombudsman."

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

3 * Section 1. AS 47.62.015 is repealed and reenacted to read:

4 Sec. 47.62.015. Duties of the long term care ombudsman. (a) The long
5 term care ombudsman may, personally or through a representative of the office,

6 (1) identify, investigate, and resolve complaints that are made by or on
7 behalf of older Alaskans who reside in a long term care facility in the state if the
8 complaints relate to a decision, action, or failure to act by a provider or a
9 representative of a provider of long term care services, or by a public agency or social
10 services agency, that may adversely affect the health, safety, welfare, or rights of one
11 or more older Alaskans;

12 (2) visit the residents of long term care facilities in the state, the
13 residents' representatives, and others to identify, investigate, and resolve complaints
14 covered by (1) of this subsection;

15 (3) subject to the confidentiality provisions of AS 47.62.030, provide

1 information to public agencies regarding the problems of older Alaskans who reside in
2 long term care facilities in the state;

3 (4) identify, investigate, and resolve complaints that are made by or on
4 behalf of older Alaskans related to the long term care or residential circumstances of
5 one or more older Alaskans; complaints under this paragraph may relate to any issue
6 not covered under (1) of this subsection, including an older Alaskan's landlord, senior
7 citizen housing, a public assistance program, a public grant program for services to
8 older Alaskans, public utilities, health care facilities, and health care providers;

9 (5) analyze, comment on, and monitor the development and
10 implementation of federal, state, and local laws, rules, regulations, and policies with
11 respect to the health, safety, welfare, and rights of residents of long term care
12 facilities; the ombudsman may personally or through representatives of the office,
13 facilitate public comment on laws, rules, regulations, policies, and actions that relate
14 to the health, safety, welfare, and rights of the residents of long term care facilities;

15 (6) promote the development of citizen organizations interested in the
16 health, safety, welfare, and rights of older Alaskans who reside in long term care
17 facilities in the state;

18 (7) provide technical support for the development of resident councils
19 and family councils whose members are interested in protecting the well-being and
20 rights of the residents of long term care facilities in the state;

21 (8) schedule visits to long term care facilities to exchange information
22 regarding the health, safety, welfare, and rights of the residents;

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

25 (b) The ombudsman or an employee of the office may subpoena witnesses,
26 compel their attendance, require the production of evidence, administer oaths, and
27 examine any person under oath in connection with a complaint described under (a)(1)
28 of this section. The powers described in this subsection shall be enforced by the
29 superior court.

30 (c) In this section, "representative" means an employee or volunteer who is
31 trained and certified by the ombudsman under AS 47.62.020.

1 * Sec. 2. AS 47.62.025 is amended to read:

2 Sec. 47.62.025. Access to long term care facilities, older Alaskans, and
3 records. (a) A person may not deny access to a long term care facility or to an older
4 Alaskan by the ombudsman or an employee, volunteer, or other representative of the
5 office. A person may not deny immediate access to a long term care facility or to
6 an older Alaskan by the ombudsman or an employee, volunteer, or other
7 representative of the office between eight o'clock in the morning and eight o'clock
8 in the evening. A person may not deny immediate access to a long term care
9 facility or to an older Alaskan by the ombudsman or an employee, volunteer, or
10 other representative of the office between eight o'clock in the evening and eight
11 o'clock in the morning if the ombudsman or employee, volunteer, or other
12 representative of the office

13 (1) has scheduled a visit with the operator of the facility for a time
14 between eight o'clock in the evening and eight o'clock in the morning;

15 (2) states that the purpose for requesting access is to investigate a
16 complaint made by or on behalf of an older Alaskan who resides in the facility
17 and immediate access is necessary to protect the health, safety, welfare, or rights
18 of a resident of the facility; or

19 (3) states that an older Alaskan or the legal representative of an
20 older Alaskan has requested that a visit from the office occur between eight
21 o'clock in the evening and eight o'clock in the morning.

22 (b) Notwithstanding the provisions of AS 47.62.015(b) [AS 47.62.015(c)(1)],
23 the ombudsman may obtain medical or other records of an older Alaskan who resides
24 in a long term care facility in the state only with the consent of the older Alaskan or
25 the older Alaskan's legal guardian or, if the older Alaskan is unable or incompetent to
26 consent and does not have a legal guardian, only with a court order.

27