

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2239 HHESS HB 192 219

COMMITTEE REPORT

SENATE

FURTHER:

4/28/83

Date: 5/9/83

Mr. President:

The Committee on JUDICIARY has had SB 122

Relating to the protection of the elderly.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for SB 122  same title  new title

and recommends \_\_\_\_\_

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

3 copies  
\_\_\_\_\_  
Joseph  
\_\_\_\_\_  
McKesson  
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Bill Kay  
CHAIRMAN  
DO PASS

1-1855

MAR 7 1983

ANALYSIS OF SB 122 - RELATING TO PROTECTION OF THE ELDERLY

SECTION 1 PURPOSE

SECTION 2 a) LISTS PROFESSIONAL PEOPLE REQUIRED TO REPORT CASES OF SUSPECTED ABUSE, NEGLECT OR ABANDONMENT OF AN ELDERLY PERSON

b) LISTS INFORMATION TO BE PROVIDED TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES WHEN REPORTING.

c) "VIOLATION" IS A NONCRIMINAL OFFENSE PUNISHABLE BY A FINE, BUT NOT BY IMPRISONMENT OR OTHER PENALTY; CONVICTION OF A VIOLATION DOES NOT GIVE RISE TO ANY DISABILITY OR LEGAL DISADVANTAGE BASED ON CONVICTION OF A CRIME; A PERSON CHARGED WITH A VIOLATION IS NOT ENTITLED:

- (A) TO A TRIAL BY JURY; OR
- (B) TO HAVE A PUBLIC DEFENDER OR OTHER COUNSEL APPOINTED AT PUBLIC EXPENSE TO REPRESENT HIM;

d) THE BILL DOES NOT PRECLUDE A PERSON NOT LISTED, OR A PERSON LISTED WHEN IN A NON-PROFESSIONAL CAPACITY, FROM REPORTING.

e) REPORTS CAN BE MADE TO A PEACE OFFICER IF IMMEDIATE ACTION IS NECESSARY.

f) IMMUNITY FROM LIABILITY TO THE REPORTING PERSON IS GRANTED.

SEC. 47.24.020

a) REQUIRES PROMPT INVESTIGATION BY THE DEPARTMENT TO ASSESS THE NEED FOR ACTION AND SERVICES.

b) REQUIRES TO DEPARTMENT TO PREPARE A WRITTEN REPORT ON FINDINGS, RECOMMENDATIONS AND DETERMINATION OF ACTION. REPORTER MAY RECEIVE A COPY ON REQUEST.

c) INVESTIGATION WILL TERMINATE UPON REQUEST OF THE ELDER PERSON UNLESS THEY ARE INCAPACITATED, WHEREBY THE DEPARTMENT MAY PETITION THE COURT TO HAVE A GUARDIAN APPOINTED.

SEC. 47.24.030

a) THE DEPARTMENT SHALL PROVIDE PROTECTIVE SERVICES AT THE CONSENT OF THE ELDER PERSON, OR IF THAT PERSON IS INCAPACITATED, THE DEPARTMENT MAY PETITION THE COURT TO APPOINT A GUARDIAN.

b) THE DEPARTMENT MAY DISCLOSE THE REPORT AT THE REQUEST OF THE ELDER PERSON, AND , ON REQUEST, DISCLOSE REPORTS OF HARM AT AN INSTITUTION CERTIFIED BY THE STATE.

SEC. 47.24.060 - LISTS ACTIONS AVAILABLE TO THE DEPARTMENT TO SAFEGUARD AN ELDERLY PERSON.

*Handwritten note:*  
This is a  
non-criminal  
violation

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## Protective Services Legislation for the Elderly

C. Edwin Vaughan  
Department of Sociology  
and Center on Aging Studies  
University of Missouri-Columbia

- ✓ An 89-year-old woman lives alone in a trailer court outside a southern Missouri town. She is blind and has become too weak to lift a jug of water.
- ✓ A man in his sixties, who was once left bound hand and foot in a car by his caretakers, signs over his pension check to them each month because he is afraid they otherwise would turn him out.
- ✓ A 77-year-old man is chronically depressed and disoriented from the interaction of excessive dosages of medication being given to him by another person charged with his care.

These are only three of the estimated 19,000 elderly Missourians who need protection from abuse, neglect, or exploitation. This guide will describe forms of abuse and situations in which it is likely to occur, and summarize the provisions of Missouri law to deal with abuse.

### The law

In response to public concern, the Protective Services Law for the Elderly was passed by the Missouri General Assembly and signed by the Governor in 1980. This law is designed to assist and protect persons age 60 or older who are unable to perform or obtain essential services or to protect their own interests. The protective services provided by this law consist of visits by social workers supplemented by such community functions as visiting nurses services, home-



maker services, hot meal delivery, and telephone checks. Legal intervention may also enter the picture in the form of guardianship, commitment, emergency service delivery, and protective placement.

Missouri is one of only thirteen states that has a law specifically designated to help prevent abuse and neglect of the elderly. This law establishes a system for reporting instances of abuse and neglect and provides for assistance to be given to the victims.

## How to report abuse or neglect

If you have reasonable cause to suspect that an elderly person is suffering serious physical harm and is in need of protective services, use the Elderly Abuse and Neglect Hotline maintained by the Department of Social Services Division of Aging. The hotline number is 1-800-392-0210.

Or, if you prefer, write the Department at:

Central Registry Unit  
Division of Aging  
P.O. Box 1337  
Jefferson City, MO 65102

When making your report include the following information:

1. Name, age, and address of the older person in need.
2. Names and addresses of any individuals responsible for the older person.
3. The nature and extent of the older person's condition.

You are not required to give your name when making a report. If you are uncertain of how to proceed or have any questions, call the toll-free hotline number mentioned above.

## Types of abuse

To assist you in identifying cases of abuse, the law describes four basic situations in which serious harm is likely to come to an individual:

1. **Self-neglect.** This situation is indicated by the elderly person's failure or inability to provide for his or her own essential needs, resulting in substantial risk that physical harm will ensue.
2. **Self-abuse.** In this situation there is reason to believe that an elderly person will inflict physical harm upon himself, as evidenced by his own actions or threats to do so.
3. **Abuse to others by an elderly person.** This situation is one in which there is a substantial risk that an elderly person will inflict physical harm upon another, as evidenced by his own actions or behavior.
4. **Abuse to elderly by others.** In this situation there is a substantial risk that further physical harm will occur to an older person who has already suffered physical injury, neglect, sexual or emotional abuse, other forms of maltreatment, or the wasting of his financial resources by another person.

The following discussion will focus on abuse to the elderly by others.

## Abuse by others

A study by the Office on Aging in Bergen County, New Jersey has shown that there are four main categories of abuse to the elderly by other persons:

1. **Physical abuse.** This may take various forms, including shaking or shoving, tying the elderly person to a chair so "he won't hurt himself" while others are gone, and encouragement by the family or a physician for the elderly person to be given drugs to make him or her "manageable."
2. **Deprivation.** This is withholding life's necessities, such as food, clothing, shelter, and medical care.
3. **Financial abuse.** This involves the removal of money or real estate from the older person's control when it is not necessary for the good of the individual to do so.
4. **Emotional abuse.** This includes such things as verbal abuse (excessive criticism or unrealistic demands), forcing the elderly person to change his or her residence, and infantilization (denying the older person the right to be treated as an adult, to be informed about his or her own health condition, to participate in family and social situations, and so forth). Emotional abuse is covered by the Protective Services Law only when there is evidence of physical harm resulting from the emotional abuse. Such problems as ulcers and high blood pressure are evidence of such physical harm.

## What happens after you report

If you make a report of abuse or neglect, a local social service worker will visit the older person's residence to evaluate the situation. In emergency cases this visit will be made within twenty-four hours; in less severe cases a maximum of thirty days is permitted.

By reporting abuse or neglect you will not be forcing an older person to accept services he or she does not want. The Protective Services Law states that if an elderly person does not consent to receive protective services, those services will not be given; and if the elderly person withdraws consent previously given, the services will be discontinued. The only exceptions are those cases in which there is reason to believe that the older person lacks the capacity to consent. In such instances the director of the Department of Social Services may seek a court order.

## Abusers cannot interfere

In some abuse cases, an abuser may refuse to allow anyone to visit the person being abused. In such instances the Department of Social Services may petition the court for a warrant. The Department may also petition the court to forbid anyone from interfering with the delivery of services to the elderly person.

## If an older person is unable to give consent

If a case is one of self-neglect or self-abuse and the older person is unable to give consent for assistance, the Department of Social Services may initiate proceedings to provide the necessary protective services.

## When the police are involved

In some instances it is necessary for the police to become involved in protective cases. If a police officer believes that an older person is in immediate danger, he or she may arrange for that person to be taken to a medical facility for emergency treatment. If the police officer is barred from entering by someone in the home, the officer may apply for a court warrant to enter and remove the elderly person to the medical facility.

## When medical treatment is necessary

Sometimes when an elderly person has been admitted to the hospital as a result of abuse, the relative or guardian refuses to give consent for medical treatment and the elderly person himself is unable to give consent. In these cases the head of the medical facility may file a court petition for authorization of treatment, and the court may appoint a temporary guardian to oversee the treatment. In life-threatening situations in which immediate medical treatment is needed, such treatment may be given by the facility before a court hearing is held.

Once again, it should be emphasized that the rights of the competent elderly person shall be maintained—and these rights include the right to refuse medical care on the basis of religious faith or conviction.

## Characteristics of abusers and abused

To prevent incidents of abuse it is necessary to understand the common characteristics of abusers, the abused, and situations in which abuse is most likely to occur.

## The abused and their situation

The older the individual the more likely he or she is to be abused; reported cases of abuse are most common among people over 75 years of age. Persons become not only physically weaker with age but also more psychologically dependent due to such aging-related changes as loss of usefulness, loss of social standing, and loss of contact with friends. Since some older persons are not only weak but also physically or mentally impaired, they are sometimes treated as children or, even worse, as less than human. It is in such situations that abuse is most likely to occur.

Abused elderly usually are living with relatives and the most frequent abusers are the offspring. A situation in which the elderly person lives with his or her child can bring out deep-seated emotional responses in the offspring who may find it difficult to accept the parent's dependency. The parent may in turn sense this stress on the offspring's part and try to demonstrate his strength and independence by taking on tasks beyond his ability. The result is often failure, tension, and frustration. Additionally, if grandchildren are in the family, the elder may attempt to parent them, causing conflicts over discipline, household procedures, and lifestyles.

In our society, for complex and diverse reasons, abuse of the elderly is most common in white families, and females tend to be abused more than males.

While abused older persons are found among all income levels, middle-class elderly experience more abuse than upper or lower-class elderly. This can be attributed to the emphasis which the middle-class puts on the work ethic and the resultant tendency of retired persons to view themselves as useless and unproductive—a view which may be subconsciously or consciously shared by other family members. Moreover, middle-class family members are more likely to separate and live long distances from each other as the children marry and move away, often to other cities.

If elderly parents eventually come to live with their children it is often a shock for the children to observe the changes that have occurred since they last visited. To observe these changes all at once and to have to cope with them daily puts stress on both parents and children. By contrast, if a parent is living with or near the child as old age approaches, as is not uncommon in lower-class families, there can be gradual adjustments made as changes occur in the parent.

## The abusers

Abusers tend to be middle-aged offspring who are looking forward to freedom and relax-

ation in the form of retirement and the departure of their own children from the home. An elderly parent moving into the household represents an intrusion into their plan, and the economic drain can be extremely stressful if there are still dependent children living at home.

Abusers tend to be female, since the responsibility of caring for an elderly parent typically falls upon a daughter. Because middle-aged women are likely to be working, many find it difficult to fit caregiving into their schedules, thus adding to the personal as well as financial pressures.

Many abusers were abused as children. On the other hand, abused elderly tend to deny that they are abused because they are ashamed to admit that their own children are abusers. They also may fear that they will be compelled to move to another setting if they report abuse, or that any complaint will lead to further abuse.

### Guidelines for action

Being alert to potential abuse situations, and being willing to report abuse incidents, are two good ways to help curtail abuse in Missouri. However, further preventive measures can be taken on a community basis which would go far in this regard. The following measures are both possible and essential for the well-being of many older persons and their families.

1. Education projects should be established for the families of elderly persons, particularly middle-aged offspring who either now take care of their parents or are likely to in the future. Middle-aged children must be edu-

cated on the physical and psychological changes that come about with the aging process and the best ways of dealing with them.

2. Training projects for social service personnel should be initiated to increase their effectiveness in dealing with abuse and neglect. The training should instruct them in recognizing the signs of a potential abuse situation, and train them in early intervention and in helping both the elderly and families. Such sensitivity and alertness is especially needed in cases of frail elderly persons living alone. Service personnel in a position to observe the condition of such frail elderly include visiting nurses, county health nurses, homemaker aides, physicians, clergymen, meals-on-wheels drivers, friendly visitors, outreach workers from community agencies and county councils on aging, and so forth.
3. Networks of supportive services should be established for families and elderly who live in situations where abuse or neglect has already occurred. Such services would strive to prevent further abuse by alleviating the problems which led to the abuse.

A detailed copy of the legislation itself may be obtained by writing to the Division of Aging, P.O. Box 1337, Jefferson City, MO 65102.

Through adult education and the strengthening of community voluntary support systems, we may minimize the occasions when the law must be used. Always, but particularly in this area, an ounce of prevention is worth a pound of legal care.

Anchorage  
Alaska

In the study conducted by A.C.M.H.C. of 75 cases documented, 34 cases (43.3%) of physical abuse were found. A breakdown of the abuse sustained follows:

lack of personal care	17.3% *
bruises and welts	13.3%
lack of food	10.7%
medicines withheld	8.0%
freezing	6.7%
malnutrition	6.7%
direct beatings	5.3%
abrasions and lacerations	2.6%
bone fractures	2.6%
sexual assault	1.3%
imprisonment	1.3%

Psychological abuse was sustained by 53 elders (70%)

fear	46.7% *
verbal assault	28.7%
threat	18.7%

Material abuse occurred in 43 cases (57.3%)

misuse of money or property	45.3% *
theft of money or property	26.7%

\* categories are not mutually exclusive

There was violation of rights in 18 cases (24%)

forced social isolation	16.0% *
forced from home	6.7%
forced into nursing home	5.3%

STATISTICS ON VICTIM

Age of abused elder at the time of the abuse

60 - 70	41.3%
70 - 80	41.3%
80 - 90	13.3%
90 +	4.0%

Sex of Victim

Female	76.0%
Male	22.7%
Couple	1.3%

Race or Ethnic Group

White	69.3%
Native	18.7%
Black	9.3%
Hispanic	1.3%
Unknown	1.3%

STATISTICS ON ABUSER (continued)

Ethnic Group of Abuser

White	65.3%
Native	20.0%
Black	8.0%
Hispanic	1/3%
Unknown	5.3%

Economic Status of Abuser

Low	44.0%
Middle	22.7%
High	16.0%
Unknown	17.3%

Does the Abuser Live With the Victim?

Yes	69.0%
No	22.7%
Unknown	1.3%

OTHER INFORMATION

Is alcohol a factor in this situation?

Yes	49.3%
No	41.3%
Unknown	9.3%

Has this mistreatment happened before?

No	2.7%
Once	9.3%
2 - 3 times	8.0%
4 or more	74.7%
Unknown	5.3%

How did you know about it?

Self report	49.3%
Private M.D.	5.3%
Hospital	22.7%
Police	0
Public Social Service Agency	5.3%
Private Social Service Agency	6.7%
Public Health	2.7%
Neighbor	1.3%
Professionals Observation	6.7%

Did the victim seek help?

Yes	53.3%
No	43.7%
Unknown	4.0%

STATISTICS ON VICTIM (continued)

Economic Status of Victim

Low	54.7%
Middle	29.3%
High	12.0%
Unknown	4.0%

Degree of Physical or Mental Impairment

Physically or mentally disabled to a great degree	38.7%
Need some assistance with Activities of Daily Living (ADL's)	21.3%
Physically self-sufficient	40.0%

Resides at the same address as victim

Alone	17.3%
Family member(s)	41.3%
Husband/wife	14.7%
Girl/boyfriend	8.0%
Boarding home	4.0%
Nursing home	4.0%
Housekeeper	5.3%
Friend(s)	4.0%
Unknown	1.3%

STATISTICS ON ABUSER

Relationship to victim

Daughter	22.7%
Son	21.3%
Husband	10.7%
Granddaughter	1.3%
Grandson	1.3%
Girlfriend	4.0%
Boyfriend	1.3%
Son-in-law	1.3%
Daughter-in-law	9.3%
Hired caretaker/housekeeper	6.7%
Entire family	5.3%
Boarding home	4.0%
Friend	10.7%

Age of abuser

20's	6.7%
30's	22.7%
40's	36.0%
50's	12.0%
60's	14.7%
70's	2.7%
80's	1.3%
Unknown	4.0%

AN ANALYSIS OF LAWS CONCERNING ELDER ABUSE: LRSE SUMMARY  
(Alaskan statutory provisions substituted)

The following is a summary of the above referenced publication which was prepared by Legal Research and Services for the Elderly of Boston. Alaskan statutory provisions have been substituted to assist the reader to understand what legal remedies are available in Alaska.

The problem of elder abuse requires social service and legal remedies. In LRSE's view, the response models of child and spouse abuse are limited because they "have not necessarily been effective and because the elderly raise distinct issues."

The abuse elderly person is typically in a vulnerable and dependent position. The primary caretaker is often also the abuser.

I. TWO CLIENT GROUPS

- a. Those who are willing and eager to pursue on their own initiative, service provisions or a legal (criminal or civil) remedy;
- b. those who cannot or do not seek assistance and who enter the system through intervention procedures
  1. some form of State intervention may be an alternative
  2. the primary consideration is the individual's capacity to make the needed decisions.

II. RESPONSES

- a. "Responses must make available and provide accessible, effective social services, alternative housing, health care, emotional support, etc. The parameters of these options must be expanded beyond what is currently available."
- b. "Legislation, drafted to include a means for providing social and health services to the abused, must set forth the framework for procedures which can establish surrogate authority in cases where the abused elderly person lacks the capacity to consent to services or manage his/her own life and property. Concurrent with these procedures there must be protection of the due process rights of the elderly individual."

III. CRIMINAL REMEDY

- a. Filing of criminal complaint, e.g., assault; blackmail.
- b. If pursued, it should be in conjunction with a civil remedy or inclusion of protective orders during the criminal proceeding.
- c. Linkage with service provision is necessary.

#### IV: CIVIL REMEDY

- a. Under AS 9.55.600, "a person subjected to domestic violence may petition a superior court for injunctive relief restraining the infliction of further domestic violence against the petitioner by the respondent." (Domestic violence means a crime under AS 11.41.100 - 11.41.530 committed against a spouse, former spouse, or a member of the social unit comprised of those living together in the same dwelling as the respondent.) The order may include provisions which:
1. restrain the respondent from subjecting the petitioner to domestic violence;
  2. direct the respondent to vacate the home of the petitioner;
  3. restrain the respondent from communicating directly or indirectly with the petitioner;
  4. direct the respondent to pay medical expenses incurred by the petitioner as a result of the domestic violence.

The court must send a copy of the order to the appropriate local law enforcement agency. Peace officers shall use every reasonable means to enforce an order.

AS 9.55.610 provides for emergency injunctive relief.

- b. According to LRSE the degree of protection provided under such statutes depends on enforcement provisions. "...if protective orders are violated, the abused individual must return to court for further remedy. This not only makes the process more cumbersome, but also fails to address the need for immediate and effective protection and enforcement by the police. Particularly (sic) cases of elderly abuse, reliance on this procedure would significantly increase the difficulty on the part of any infirm individual to rely on the remedy of the law."

#### V. ISSUES RE LEGAL REMEDIES

"Often the elderly person will not agree to go to seek a legal remedy. Even if the individual is willing and eager to go to court, removing the caretaker from the home will require the social service system be able and willing to compensate for the lost support and assistance. Furthermore, shelters, which have been established to provide alternative housing for abuse victims often cannot meet the needs of the infirm or more dependent elder."

#### VI. PROTECTIVE SERVICES

The "social service agency must seek and obtain the consent of the individual before making a referral, discussing a case inter-agency, or instituting a case plan" in order to ensure the individual's right to privacy. LRSE also points out that this right which is fundamental to our legal system cannot be rationalized by the notion of the "best interests" of the client.

a. Non-judicial alternatives for elderly persons who need assistance but who do not lack capacity:

1. managing finances or access to resources

a. joint bank accounts, restricted bank accounts, direct deposit

b. representative payee for Social Security

2. Power of Attorney

3. Trusts

b. Judicial Alternatives

There are three judicial alternatives in Alaska: conservatorship, guardianship and civil commitment

1. Conservatorship

A. AS 13.26.165 states that a conservator may be appointed in relation to the estate and affairs of a person if the court determines that:

i. the person is unable to manage his property and affairs effectively for reasons such as mental illness, mental deficiency, advanced age, chronic use of drugs, chronic intoxications, confinement, detention by a foreign power, or disappearance; and

ii. the person has property which will be wasted or dissipated unless proper management is provided, or that funds are needed for the support, care and welfare of the person or those entitled to be supported by him and that protection is necessary or desirable to obtain or provide funds

B. This may be an appropriate course of action in a case of exploitation if the elderly person lacks the capacity to manage his property.

2. Guardianship

A. Under AS 13.26 a guardian may be appointed for an "incapacitated person," i.e., "a person whose ability to receive and evaluate information or to communicate decisions is impaired for reasons other than minority to the extent that he lacks the ability to provide for himself the essential requirements for his physical health or safety without court-ordered assistance."

B. AS 13.26.090 states:

Guardianship for an incapacitated person shall be used only as is necessary to promote and protect the well-being of the person, shall be designed to encourage the development of

maximum self-reliance and independence of the person, and shall be ordered only to the extent necessitated by the person's actual mental and physical limitations. An incapacitated person for whom a guardian has been appointed is not presumed to be incompetent and retains all legal and civil rights except those which have been expressly limited by court order or have been specifically granted to the guardian by the court.

- C. LRSE points out that this is a "drastic remedy" and "rarely constitutes the needed and least restrictive option which is required by the large class of persons in need of protective services. Agencies often look to a guardianship as a means of getting decisions made that the elderly person refuses to make. Thus, it becomes a tool to enforce the service agencies' notions of (supposedly) the 'best interests' of the client."

### 3. Civil Commitment

AS 47.30.655 - 47.30.915 outlines the procedure for involuntary commitment procedures for a person alleged to be mentally ill and, as a result of that condition, alleged to be gravely disabled or to present a likelihood of serious harm to himself or others.

## VII. STATE INTERVENTION AND PROTECTIVE LEGISLATION

"Elder Abuse in Massachusetts: A Survey of Professionals and Paraprofessionals" conducted by LRSE indicated "that in a majority of the reported cases of abuse the elderly client is unable or unwilling to pursue a legal remedy on his/her own behalf. The survey results indicate that in a large proportion of cases a barrier to service provisions existed. The greatest percentage reported that this barrier was the refusal of the victim to acknowledge the problem or take action about it."

"The abuse, exploitation, neglect and abandonment of persons sixty and older often affects individuals who are infirm, confused and dependent. These persons may lack the physical ability or mental capacity to seek services or to consent to assistance. In such cases, remedies which require the initiation of the client are insufficient."

The issues of how and when to intervene in elder abuse cases in such cases poses a dilemma.

"Thus, is raised the classic conflict between the right of the individual to privacy and self-determination in opposition to the power of the state to intervene where state interests of protection of vulnerable persons exist.

Basic to our legal system is the individuals' right of self-determination and right to privacy. This constitutional right is an expression of the sanctity of individual free choice and self-determination as fundamental constituents of life. The individual's civil rights are not absolute or without limit. The state can and does intervene by regulation and prohibiting certain behavior. Intervention by the state results from a balancing of the state's interests against the interests of the individual to be left alone. The

parameters of state intervention are often unclear, reflecting historical and social trends,

Theoretically, state intervention occurs pursuant to two legal concepts:

- a. the police power gives the state authority to regulate activities that involve the health and safety of society;
- b. parens patriae gives the state authority to act in a parental capacity for persons who cannot care for themselves or who are dangerous to themselves.

While the state's exercise of its police powers has theoretically always been limited by the strictest of procedural safeguards in order to protect the individual from deprivation of his/her constitutional rights, the exercise of the parens patriae power has traditionally been marked by an atmosphere of informality. These informal procedures have been justified by the impression that the court's determination was to be based solely on the individual's 'best interest,' thus, eliminating the need for an adversarial process. This reasoning, although still adhered to, conflicts with reality in that the exercise of parens patriae often includes serious limitations on individual rights in the form of involuntary placement or institutionalization. Although clearly an infringement of the individual's rights, this rationale continues to enable the state to act in the supposed 'best interests' of the individual, often with minimal due process safeguards."

"The issues raised by this legislation are controversial, as well as complicated. Any discussion involves complex questions of a legal, medical and psychological nature. To these questions one brings the need for the intricate and delicate balance between the principle that society has the duty to protect those unable to protect or provide for themselves, and the constitutionally assured right of personal choice and individual freedoms.

The critical provisions of an abuse reporting and protective services law are those which determine and define how this conflict, between individual rights and state intervention, is resolved. These provisions primarily center around the definition of persons covered by the law, the standards for reporting and investigation as they affect rights of privacy and confidentiality, the right of access into private homes to investigate and to provide services, and due process safeguards in the determination and provision of involuntary services. In addition, there is the critical issue whether such laws are linked with service provision systems capable of meeting the needs of persons under the purview of the law. Further, the payment procedures for these services causes administration and legal difficulties.

#### Persons Covered

The premise of the protective services legislation is that persons exist in society who are unable to care for and/or protect themselves. Society, in the form of the State, as parens patriae, assumes the responsibility of this care and protection. The criteria for State intervention should clearly be one linked to the existence of abuse, neglect, exploitation and/or abandonment and a functional, mental or physical, inability to care for or protect oneself. The scope of the law and the determination of need on the part of persons covered should be defined according to this premise to

assure that vulnerable persons who are abuse victims are protected and reached by services."

### VIII. LRSE STATUTORY RECOMMENDATIONS

The following are the LRSE recommendations for a protective services and abuse reporting statute:

1. The law should apply to persons sixty and over who are abused, neglected, exploited or abandoned, and to persons 18 and older who lack the physical or mental capacity to care for their basic needs and/or protect themselves.
2. Abuse includes, but is not limited to, the willful infliction of physical pain, injury or mental anguish, or the willful deprivation by a caretaker of services which are necessary to maintain physical or mental health.

Neglect refers to an elderly or incapacitated person who is either living alone and not able to provide for him/herself the services which are necessary to maintain physical and mental health, or is not receiving the said necessary services from the responsible caretaker.

Exploitation refers to the act or process of taking advantage of an elderly or incapacitated person by another person or caretaker whether for monetary, personal, or other benefit, profit or gain.

Abandonment refers to the desertion or willful foresaking of an elderly or incapacitated person by a caretaker and obligations owed an elderly or incapacitated person by a caretaker or other person.

All other terms used should be clearly defined in the statute.

3. One State agency shall be responsible for developing an adult protective services program for all citizens. This designated agency or department shall provide services to persons covered by this statute.
4. A report should be required to be made by certain categories of persons, including physician, nurses, social workers, coroners, medical examiners, dentists, hospital staff, nursing home staff, home health agency and staff, home care corporation (staff and homemakers), clergy, adult foster care facility, police officers, pharmacists, etc.

Anyone of the above categories who has reasonable cause to believe or suspect that an elderly or incapacitated person has been abused, neglected, exploited or abandoned, or is in a condition which is the result of such treatment shall make a report to the appropriate agency withing 24 hours.

5. Anyone else who has 'reasonable cause to believe or suspect' may report this information to the appropriate agency.
6. The identity of the reporting person should be confidential and be disclosed only with the consent of that person or by judicial process.

A person acting in good faith who makes a report should be immune from civil and criminal liability.

7. A person required to report, but who fails to do so, should be liable for a fine of \$500 to \$1,000.
8. One State agency should be responsible for receiving and investigating all reports. Each report received should be registered by the agency with all available information from the reporter.

The agency chosen to receive and investigate reports should have a system and personnel to:

- A. receive reports 7 days a week, 24 hours a day;
- B. keep records;
- C. have knowledge of services available;
- D. have access to services;
- E. have a statewide mandate;
- F. have the ability and staff (trained) to respond quickly.

A centralized intake system should be geared into a regional response system if possible.

The investigating agency should also either provide services or coordinate service provision by subcontracting and referral. This should be determined according to existing State service systems.

9. The initial investigation should be conducted by persons trained in human services.
10. Upon receiving a report made in accord with the law, the agency should commence an investigation. This investigation should include a home visit and consultation with service agencies, and persons with knowledge of the case, (including the reporter for further information if possible and necessary). The initial investigation for verification and assessment should be completed within 72 hours. The investigator should have access to a multi-disciplinary geriatric team for consultation.
  - A. If the report is not verified, the case is closed.
  - B. If the report is verified, an assessment of the individual's functional capacity, the situation and the resources available to the person should be made by a multi-disciplinary team with expertise in the particular field of disability.
11. In conducting the investigation, the agency may seek the assistance of law enforcement officials and the courts. If access is denied to the investigator, either by the elderly or incapacitated person or a caretaker, the agency may petition for a court order to enjoin intervention with access to investigate. Such an order shall be issued upon specific facts shown that: 1) there is a reasonable cause

to suspect that the person in question is or has been abused, neglected, exploited or abandoned; and 2) access has been denied to the representatives of the agency required to investigate such reports.

12. Regulations should be promulgated which assure continuity of case management for investigation, assessment, case plan development and service provision.
13. Voluntary services shall be provided for the least restrictive alternative, client self-determination, and continuity of care.

A fair hearing procedure should be developed and implemented so that any service plan can be appealed on denial of application for specific services or for failure to provide the least restrictive alternative.

14. The department/agency should establish by regulation a sliding fee scale to be used in determining fees for services provided on a voluntary basis.

The department should maximize all available Federal reimbursements for such services. There should be no charge to the individual in question for the cost of the investigation, assessment, etc. These costs are to be borne by the State.

15. If an adult refuses services or withdraws consent, the agency must terminate intervention proceedings. This is consistent with the right of the adult to refuse treatment. The case is closed unless the department seeks to provide services pursuant to involuntary provision procedures.

16. Standards of non-emergency involuntary intervention and services provision must include the following:

A. Assessment of need and eligibility

adult refuses services  
lacks capacity to consent  
no one else can/willing to consent (See #22)

B. Clear and convincing evidence

C. Least restrictive alternative; non-institutional placement where possible

D. a geriatric/clinical assessment by social worker, physician, mental health practitioner, lawyer to assure appropriate case plan and placement should be required to any court order.

E. Placement shall not be made in a mental institution, nor will any proceeding be a determination of incompetency.

17. Any voluntary service provision or placement shall only be authorized pursuant to a court order after a hearing on the merits.

The adult in question shall be assured the right to counsel; if she/he is indigent, the court shall appoint counsel. The adult shall also

have the right to be present and to cross-examine the parties involved. If counsel is waived, the court shall appoint a guardian ad litem to act in the interest of the adult in question.

18. Adequate notice should be assured. At least 14 days prior to the hearing, the court should order served upon the person and any interested party, a copy of the petition and notice including an explanation of the proceedings, the date, time and location; the proposed service plan; and the rights of the adult in question at said hearing to counsel, to be present, etc.
19. The court order for any protective placement must be specific as to such placement, including reasons for finding it necessary and that it is the least restrictive alternative. This should be stated in the court record.
20. The initial care plan submitted to the court should specify details of services, medical treatment, and relocation. The court order issued should be specific as to services, treatment, placement approved.

Any modification can only be made pursuant to court order.

21. The court should limit the order to six months or less; upon court review, it can be extended for another period of time (up to six months).
22. The determination of 'lacks the capacity to consent' should be made according to the following:

the adult bases decisions on delusions or hallucinations, is unable to make or implement decisions, or is unable to comprehend a decision's effect. The decision itself for refusing services cannot be the sole evidence for finding the person lacks capacity to consent.

23. Involuntary services should be borne by the State unless a court, after a determination of financial ability, orders the client to pay or the client agrees to pay.
24. Standards of emergency involuntary intervention and service provision must include the following:

Emergency means that an elderly or incapacitated person is living in conditions which present a substantial risk of death or immediate and serious physical harm to him/herself or others:

a finding based on clear and convincing evidence that the adult in question is incapacitated and in need of services,

an emergency exists,

the individual lacks the capacity to consent, no one else can/is willing to consent,

the proposed order is substantially supported by the findings.

25. In issuing an emergency order, the court shall adhere to the following limitations:

- A. The court should specifically order those services necessary to remove the conditions creating the emergency.
- B. Hospitalization or change of residence shall not be included unless specifically ordered by the court upon a finding that such action is necessary.
- C. Emergency intervention should be limited to a period of 72 hours, renewable for 72 hours upon a showing to court of necessity to remove emergency conditions.
- D. Court should appoint a temporary guardian with responsibility for the person's welfare and authority to give consent for emergency services (as ordered by the court) for the duration of the order.
- E. Court should provide that the elderly person is assured all rights except those limitations provided for in the order.
- F. Access to the premises will be ordered by the court to carry out the order in cases where voluntary access has been denied.

26. Notice shall be provided (including relevant and factual information of the basis of the petition) to the person, his/her spouse, children, next of kin, or guardian at least 24 hours prior to the hearing.

This notice may be waived upon a showing that: 1) immediate and reasonable foreseeable physical harm will result from the delay; and 2) reasonable attempts have been made to give notice to the above parties.

27. Emergency placement: If it appears probable from the personal observation of a police officer that an elderly person will suffer immediate and irreparable physical injury or death if medical care is not provided, and that person is incapable of giving consent, and that it is not possible to follow the hearing procedures, that officer should be able to transport the person to an appropriate medical facility for medical treatment.

Notice of this action shall be given to persons listed in #26 within four hours. A petition for emergency medical intervention should be required to be filed within 24 hours of this action and a hearing should be held with all due process guarantees within 48 hours of the transfer.

28. In all cases, the drafting and adoption of adult protective service provisions should be linked with the developing of extensive service systems which emphasize alternatives to institutional care."

# Alaska Statutes

## Title 47. Welfare, Social Services and Institutions.

### Chapter

- 05. Administration of Welfare, Social Services and Institutions (§§ 47.05.010 — 47.05.060)
- 07. Medical Assistance for Needy Persons (§§ 47.07.010 — 47.07.080)
- 08. Catastrophic Illness Assistance (§§ 47.08.010 — 47.08.140)
- 10. Delinquent Minors and Children in Need of Aid (§§ 47.10.010 — 47.10.290)
- 15. Uniform Interstate Compact on Juveniles (§§ 47.15.010 — 47.15.080)
- 17. Child Protection (§§ 47.17.010 — 47.17.070)
- 20. Exceptional Children (§§ 47.20.005 — 47.20.050)
- 21. Adventure-Based Education (§§ 47.21.010 — 47.21.020)
- 23. Child Support Enforcement Agency (§§ 47.23.010 — 47.23.280)
- 25. Destitute and Needy Persons (§§ 47.25.010 — 47.25.990)
- 30. Mentally Ill and Insane Persons (§§ 47.30.010 — 47.30.620)
- 35. Private Institutions (§§ 47.35.010 — 47.35.100)
- 37. Uniform Alcoholism and Intoxication Treatment Act (§§ 47.37.010 — 47.37.270)
- 40. Purchase of Services (§§ 47.40.010 — 47.40.080)
- 45. Alaska Longevity Bonus (§§ 47.45.010 — 47.45.170)
- 50. Office of Child Advocacy (§§ 47.50.010 — 47.50.050)
- 60. Multi-Purpose Senior Centers (§§ 47.60.010 — 47.60.090)
- 70. Interstate Compact on the Placement of Children (§§ 47.70.010 — 47.70.080)
- 75. Social Services Planning (§§ 47.75.010 — 47.75.060)
- 80. Persons with Handicaps (§§ 47.80.010 — 47.80.900)

### Chapter 05. Administration of Welfare, Social Services and Institutions.

#### Section

- 10. Duties of department
- 20. Confidential character of public assistance records
- 30. Misuse of public assistance lists and records

#### Section

- 40. Consent to conditions of federal programs
- 50. Policy
- 60. Purpose and policy relating to children

Sec. 47.05.010. Duties of department. The Department of Health and Social Services shall

§ 47.30.915 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.30.915

(11) "mental health professional" means a psychiatrist or physician who is licensed to practice in this state or employed by the federal government; a clinical psychologist licensed by the state Board of Psychologists and Psychological Associate Examiners; a psychological associate with a clinical psychology or counseling specialty licensed by the Board of Psychologists and Psychological Associate Examiners; a registered nurse with a master's degree in psychiatric nursing, licensed by the State Board of Nursing; and a social worker with a master's degree in social work and experience in the field of mental illness;

(12) "mental illness" means an organic, mental, or emotional impairment that has substantial adverse effects on an individual's ability to exercise conscious control of his actions or ability to perceive reality or to reason or understand; mental retardation, epilepsy, drug addiction, and alcoholism do not per se constitute mental illness, although persons suffering from these conditions may also be suffering from mental illness;

(13) "peace officer" includes a state police officer, municipal or other local police officer, state, municipal, or other local health officer, public health nurse, United States marshal or deputy United States marshal, or a person authorized by the court;

(14) "provider of outpatient care" means a mental health professional or hospital, clinic, institution, center, or other health care facility designated by the department to accept for treatment patients who are ordered to undergo involuntary outpatient treatment by the court or who are released early from inpatient commitments on condition that they undergo outpatient treatment;

(15) "screening investigation" means the investigation and review of facts which have been alleged to warrant emergency examination or treatment, including interviews with the persons making the allegations, any other significant witnesses who can readily be contacted for interviews, and if, possible, the respondent, and an investigation and evaluation of the reliability and credibility of persons providing information or making allegations;

(16) "state" means a state of the United States, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico, and, with the approval of the United States Congress, Canada;

(17) "professional person in charge" means the senior mental health professional at a facility or his designee; in the absence of a mental health professional it means the chief of staff or a physician designated by the chief of staff. (§ 1 ch 84 SLA 1981)

(51) "sexual contact" means

(A) the intentional touching, directly or through clothing, by the defendant of the victim's genitals, anus, or female breast; or

(B) the defendant's intentionally causing the victim to touch, directly or through clothing, the defendant's or victim's genitals, anus, or female breast;

(52) "sexual penetration" means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body; each party to any of the acts defined as "sexual penetration" is considered to be engaged in sexual penetration;

(53) "solicits" includes "commands";

(54) "threat" means a menace, however communicated, to engage in conduct described in (1) — (7) of AS 11.41.520(a) but under (1) of that subsection includes all threats to inflict physical injury on anyone;

(55) "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

(A) to a trial by jury; or

(B) to have a public defender or other counsel appointed at public expense to represent him;

(56) "voluntary act" means a bodily movement performed consciously as a result of effort and determination, and includes the possession of property if the defendant was aware of his physical possession or control for a sufficient period to have been able to terminate it. (§ 10 ch 166 SLA 1978; am §§ 29 — 32 ch 102 SLA 1980; am §§ 12 — 14 ch 45 SLA 1982; am §§ 12 — 15 ch 143 SLA 1982)

**Effect of amendments.** — The 1980 amendment, in subsection (b), inserted "any deadly weapon or" preceding "anything which" near the beginning of paragraph (11), and deleted "'dangerous instrument' includes 'deadly weapon'" at the end of paragraph (11); inserted "or pointing" preceding "a firearm" near the middle of paragraph (12), and added "and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument" at the end of paragraph (12); rewrote paragraph (21); and substituted "body member or" for "bodily" preceding "organ" near the end of paragraph (49).

The first 1982 amendment, effective January 1, 1983, in subsection (b), substituted "AS 11.71.900(10), (11), and (14)" for "AS 17.12.150" in paragraph (4) and rewrote paragraphs (6) and (16).

The second 1982 amendment, in subsection (a), added the language beginning

"when intentionally causing a particular result" to the end of paragraph (1), and in subsection (b), inserted "government" in paragraph (37), inserted "including data or information stored in a computer program, system, or network," "a domestic pet or livestock regardless of value," and "a" preceding "public utility" in paragraph (44), added the subparagraph (A) and (B) designations in paragraph (49), substituted "caused by an act performed under circumstances that create" for "which creates" in subparagraph (49)(A), and substituted "physical injury that" for "which" and "that unlawfully terminates" for "physical injury which unlawfully terminates" and deleted "or" preceding "protracted loss" in subparagraph (49)(B).

**Editor's notes.** — For declaration for legislative purpose, see § 1, ch. 45, SLA 1982 in the 1982 Temporary and Special Acts and Resolves.

(Title effective January 1, 1973)

Sec. 13.21.065. Service on foreign personal representative. (a) Service of process may be made upon the foreign personal representative by registered or certified mail, addressed to his last reasonably ascertainable address, requesting a return receipt signed by addressee only. Notice by ordinary first-class mail is sufficient if registered or certified mail service to the addressee is unavailable. Service may be made upon a foreign personal representative in the manner in which service could have been made under other laws of this state on either the foreign personal representative or his decedent immediately before death.

(b) If service is made upon a foreign personal representative as provided in (a) of this section, he shall be allowed at least 30 days within which to appear or respond. (§ 1 ch 78 SLA 1972)

Article 4. Judgments and Personal Representative.

Section 75. Effect of adjudication for or against personal representative

Sec. 13.21.075. Effect of adjudication for or against personal representative. An adjudication rendered in any jurisdiction in favor of or against any personal representative of the estate is as binding on the local personal representative as if he were a party to the adjudication. (§ 1 ch 78 SLA 1972)

Chapter 26. Protection of Persons Under Disability and Their Property.

Article

- 1. General Provisions (§§ 13.26.005—13.26.020)
- 2. Guardians of Minors (§§ 13.26.030—13.26.085)
- 3. Guardians of Incapacitated Persons (§§ 13.26.095—13.26.155)
- 4. Protection of Property of Persons Under Disability and Minors (§§ 13.26.165—13.26.315)
- 5. Powers of Attorney (§§ 13.26.325—13.26.330)

Article 1. General Provisions.

Section 05. Definitions and use of terms	Section 15. Facility of payment or delivery
10. Jurisdiction of subject matter; consolidation of proceedings	20. Delegation of powers by parent or guardian

Sec. 13.26.005. Definitions and use of terms. Unless otherwise apparent from the context, in this code:

(1) "incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that he lacks sufficient

utory period depends on the character of the property. One test is whether the adverse possessor has used and enjoyed the land as "an average owner of similar property would use and enjoy it." Alaska Nat'l

Bank v. Linck, Sup. Ct. Op. No. 1372 (File No. 2754), 559 P.2d 1049 (1977).

Applied in *Classen v. State, Dep't of Hwys.*, Sup. Ct. Op. No. 2246 (File No. 4332), 621 P.2d 15 (1980).

### Sec. 09.25.060. Sale or transfer of personal property.

#### NOTES TO DECISIONS

**This section establishes, etc.**

In accord with original. See *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

**And this presumption is rebuttable.**

In accord with original. See *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

**The presumption serves, etc.**

In accord with 1st paragraph in original. See *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

In accord with 2nd paragraph in original. See *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

Once the presumption is established the opposing party has the burden of proving that the non-existence of the presumed fact is more probable than its existence. *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

**The only effect resulting from a presumption of fraud being a statutory presumption is that the party asserting fraud does not have to introduce evidence of fraudulent intent. He still must plead and prove the conditions necessary to invoke the presumption.** *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

**Presumption of prima facie fraud construed as affirmative defense. —** The presumption of prima facie fraud established by this section should be construed as an affirmative defense in the same manner as actual fraud. *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

A statutory presumption of fraud, similar to fraud, falls within the definition of an adverse defense since a simple denial of the complaint would not raise such a defense. *Rollins v. Leibold*, Sup. Ct. Op.

No. 910 (File No. 1646), 512 P.2d 937 (1973).

**Which must be specially pleaded. —** A statutory presumption of fraud thus should be considered an affirmative defense, subjecting the party to the requirement of Civ. R. 8(c) that such a defense be specially pleaded. *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

**Or be waived. —** Civil R. 8(c) requires a party to plead affirmatively fraud as a defense, and failure to so plead results in a waiver of the defense. *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

**Party not prejudiced by raising issue of fraud at trial. —** Where a party was on notice that the defense that the sale was ineffective due to the lack of delivery and change of possession of the property would be raised at trial, since these are the factual bases for the statutory presumption of fraud, it does not appear that he was prejudiced by the raising of the issue and the resulting instruction of the court, even though the defense was not affirmatively pleaded. *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

**Review where issue of fraud not raised in pleadings. —** Even if the issue of fraud has not been raised in the pleadings of the parties, a party is still entitled to review of the issue on appeal if the issue was tried by the express or implied consent of the parties, under Civ. R. 15(b). *Rollins v. Leibold*, Sup. Ct. Op. No. 910 (File No. 1646), 512 P.2d 937 (1973).

Quoted in *First Nat'l Bank v. Enzler*, Sup. Ct. Op. No. 1170 (File No. 2181), 537 P.2d 517 (1975).

### Sec. 09.25.110. Inspection and copies of public records.

#### NOTES TO DECISIONS

For discussion of the history of this section, see *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op.

No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Broad policy.** — This section and AS 09.25.120 articulate a broad policy of open records. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

The "agencies and departments" language used in this section must be read as referring to the agencies and departments of the governments to which the statute applies, but that language itself does not define what the applicable level of government is. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

The word "public" as used in this section and AS 09.25.120 with "officer" refers both to state and local officials. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Application to municipalities.** — The provisions of this section are applicable to municipalities. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op.

No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

In light of the common law rule, legislative history, and the court's reading of the sections, the state supreme court will construe this section and AS 09.25.120 as that court would have construed them prior to 1957, which is as a strong legislative declaration that records in the possession of municipalities shall be available for public inspection, subject to exceptions based on need. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Disclosure of applications for public posts.** — Strong public interest in the disclosure of the affairs of government generally, and in an open selection process for high public officials in particular, requires public disclosure and inspection of applications for posts having substantial discretionary authority. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Sec. 09.25.120. Inspection and copying of public records.**

**NOTES TO DECISIONS**

For discussion of the history of this section, see *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Broad policy.** — AS 09.25.110 and this section articulate a broad policy of open records. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Effect of "in the state" language.** — When the legislature chose to say "in the state," and not "of the state" in the first sentence of this section, they were conscious of the fact that they were defining scope and had it been intended to limit the application of this section to state agencies and departments, it could easily and clearly have done so. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

The word "public" as used in AS 09.25.110 and this section with "officer" refers both to state and local officials. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Application to municipalities.** — The provisions of AS 09.25.110 and this section are applicable to municipalities. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

In light of the common law rule, legislative history, and the court's reading of the sections, the state supreme court will construe AS 09.25.110 and this section as that court would have construed them prior to 1957, which is as a strong legislative declaration that records in the possession of municipalities shall be available for public inspection, subject to exceptions based on need. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op.

**Disclosure of applications for public posts.** — Strong public interest in the disclosure of the affairs of government generally, and in an open selection process for high public officials in particular, requires public disclosure and inspection of applications for posts having substantial discretionary authority. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Sec. 09.25.121.** copy of a public record of the Department of Corrections, State Veterans' Affairs, or any other agency of a person to whom a public record shall be made available, fits, a person acting in the division of veterans' administration with a c SLA 1981)

**Cross references.** veterans of the armed services. 26.10.070. Editor's notes. —

**Sec. 09.25.125.** custody or control of a public record or another person in possession of a public record may be enjoined to obstruct, the provisions of AS 09.25.110 or

**Sec. 09.25.160.**

**Cited in Allred v. State** 1304 (File No. 2343)

**Sec. 09.25.220.** the context of other provisions (1) "privilege" of officials and representatives (2) "public officer" by the Constitution or judicial, and other provisions for which

No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Disclosure of applications for public posts.** — Strong public interest in the disclosure of the affairs of government generally, and in an open selection process for high public officials in particular

requires public disclosure and inspection of applications for posts having substantial discretionary authority. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Sec. 09.25.121. Copies of public records for veterans.** When a copy of a public record is required by the division of veterans' affairs, Department of Commerce and Economic Development or by the United States Veterans' Administration to be used in determining the eligibility of a person to participate in benefits, the official custodian of the public record shall, without charge, provide the applicant for the benefits, a person acting on his behalf, or an authorized representative of the division of veterans' affairs or the United States Veterans' Administration with a certified copy of the record. (AS 09.25.123; § 1 ch 35 SLA 1981)

**Cross references.** — As to records of veterans of the armed forces, see AS 26.10.070.

enacted as AS 09.25.123 but was renumbered by the revisor of statutes pursuant to AS 01.05.031.

**Editor's notes.** — This section was

**Sec. 09.25.125. Enforcement: Injunctive relief.** A person having custody or control of a public record who obstructs or attempts to obstruct, or a person not having custody or control who aids or abets another person in obstructing or attempting to obstruct, the inspection of a public record subject to inspection under AS 09.25.110 or 09.25.120 may be enjoined by the superior court from obstructing, or attempting to obstruct, the inspection of public records subject to inspection under AS 09.25.110 or 09.25.120. (§ 1 ch 74 SLA 1975)

**Sec. 09.25.160. Challenge of privilege.**

NOTES TO DECISIONS

Cited in *Allred v. State*, Sup. Ct. Op. No. 1304 (File No. 2343), 554 P.2d 411 (1976).

**Sec. 09.25.220. Definitions.** In AS 09.25.150 — 09.25.220, unless the context otherwise requires,

(1) "privilege" means the conditional privilege granted to public officials and reporters to refuse to testify as to a source of information;

(2) "public official" means a person elected to a public office created by the Constitution or laws of this state, whether executive, legislative or judicial, and who was holding that office at the time of the communication for which privilege is claimed;

18.50.380; (2) records pertaining to juveniles; (3) medical and related public health records; (4) records required to be kept confidential by a federal law or regulation or by state law. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the legal fees therefor a certified copy of the writing or record, and the copy shall in all cases be evidence of the original. Recorders shall permit memoranda, transcripts, and copies of the public writings and records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public writings and records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public writings and records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the writings and records and to prevent interference with the regular discharge of the duties of the recorders and their employees. (§ 3.23 ch 101 SLA 1962)

Cross references.—See Civ. R. 44—preservation of public records, see AS (b)(1). As to management and pres— 40.21.

**Sec. 09.25.130. Effect of private seals and scrolls.** Private seals and scrolls as a substitute for seals are abolished. They are not required to an instrument, but when used their effect remains unchanged. (§ 3.10 ch 101 SLA 1962)

**Sec. 09.25.150. Claiming of privilege by public official or reporter.** Except as provided in §§ 150—220 of this chapter, no public official or reporter may be compelled to disclose the source of information procured or obtained by him while acting in the course of his duties as a public official or reporter. (§ 1 ch 115 SLA 1967)

Editor's note.—Section 2, ch. 115, adding to the privileges there listed, SLA 1967, provides: "This bill the conditional privilege for public changes Rule 43(h) of the Supreme officers and reporters as to sources Court Rules [of Civil Procedure] by of information."

**Sec. 09.25.160. Challenge of privilege.** (a) When a public official or reporter claims the privilege in a cause being heard before the supreme court or a superior court of this state, a person who has the right to question him in that proceeding, or the court on its own motion, may challenge the claim of privilege. The court shall make or cause to be made whatever inquiry the court thinks necessary to a determination of the issue. The inquiry may be made instantaneously by way of questions put to the witness claiming the privilege and a decision then rendered, or the court may require the presence of other witnesses or documentary showing or may

by other departments of the executive branch when the commissioner determines that the needs of the other departments will be best served by the authorization. Nothing in this section precludes the department from obtaining necessary contractual assistance for automatic data processing activities. Nothing in this section precludes the legislature or judicial system from recruiting and employing data processing personnel or from obtaining necessary contractual assistance for automatic data processing activities.

(f) The division of data processing shall coordinate with the divisions of telecommunications in providing for the effective transfer of information by telecommunications through the establishment of compatible systems and common standards. (§ 2 ch 170 SLA 1972; am Executive Order No. 50, § 8 (1981))

*Effect of amendments.* — The 1981 amendment added subsection (f).

#### Article 4. Older Alaskans Commission.

Section	Section
200. Older Alaskans Commission	230. Powers, duties, and limitations
210. Meetings	240. Definitions
220. Compensation	

**Sec. 44.21.200. Older Alaskans Commission.** (a) The Older Alaskans Commission is established in the Department of Administration. The members of the commission include

- (1) the commissioner of the Department of Administration or the commissioner's designee;
- (2) the commissioner of the Department of Community and Regional Affairs or the commissioner's designee;
- (3) the commissioner of the Department of Health and Social Services or the commissioner's designee;
- (4) the chairman of the Pioneers' Homes Advisory Board appointed under AS 44.21.100 — 44.21.130; and
- (5) seven Alaskans selected on the basis of their knowledge and demonstrated interest in the concerns of older Alaskans, appointed by the governor in accordance with (b) of this section.

(b) After requesting from senior citizens organizations the names of persons who are qualified for and interested in serving on the commission, the governor shall appoint the members of the commission under (a)(5) of this section. Appointments shall be made by the governor to assure representation of low-income persons and minorities, and representation from rural and urban areas of the state, and to secure statewide geographical representation on the commission. At least six of the persons appointed by the governor shall be 60 years of age or

older. At least two of these persons shall be 65 years of age or older. Each member appointed by the governor shall be a resident of the state.

(c) The persons appointed under (a)(5) of this section serve overlapping four-year terms, and serve at the pleasure of the governor. A member may be reappointed, but no member appointed under (a)(5) of this section may serve more than two consecutive terms or eight consecutive years, whichever is longer.

(d) If a person appointed under (a)(5) of this section fails to attend three consecutive meetings of the commission, a majority of the members of the commission may request the governor to terminate the membership of the member and to fill the vacancy.

(e) A vacancy in the membership of persons appointed under (a)(5) of this section shall be filled by appointment by the governor. The person appointed shall serve for the unexpired portion of the term. (§ 2 ch 79 SLA 1981)

**Editor's notes.** — Section 13, ch. 79, SLA 1981, provides: "INITIAL MEMBERSHIP AND MEETING OF COMMISSION (a) Of the seven public members first appointed by the governor to the Older Alaskans Commission under AS 44.21.200(a)(5),

- (1) three shall serve a term of two years;
- (2) two shall serve a term of three years;
- (3) two shall serve a term of four years.
- (b) In making appointments of the first

public members of the Older Alaskans Commission under AS 44.21.200(a)(5), the governor shall designate an expiration date of the terms of members first appointed in accordance with (a) of this section.

(c) The governor shall determine the date and place of the first meeting of the Older Alaskans Commission; however, that meeting shall be held not later than 60 days after the effective date of this Act.

**Sec. 44.21.210. Meetings.** (a) The commission shall meet at the call of the chairperson, at the request of a majority of the members, or at a regularly scheduled time as determined by a majority of the members. The commission shall meet at least six times each year.

(b) The members of the commission listed in AS 44.21.200(a)(1) — (4) may not vote on matters before the commission. A majority of the members of the commission listed in AS 44.21.200(a)(5) constitutes a quorum for conducting business and exercising the powers of the commission.

(c) The commission shall elect one of its members as chairperson, and may select other officers it considers necessary. (§ 2 ch 79 SLA 1981)

**Sec. 44.21.220. Compensation.** Members of the commission receive no compensation for their services, but are entitled to per diem and travel allowances authorized by law for other boards and commissions under AS 39.20.180. (§ 2 ch 79 SLA 1981)

**Sec. 44.21.230. Powers, duties, and limitations.** (a) The commission shall

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b).

**Sec. 18.65.270. Applicability of Administrative Procedure Act.** AS 18.65.150 — 18.65.290 shall be administered in compliance with the Administrative Procedure Act (AS 44.62). (§ 1 ch 178 SLA 1972)

**Sec. 18.65.280. Exemptions.** (a) The commissioner and deputy commissioner of public safety and the chief administrative officers of local police departments are exempt from the requirements of AS 18.65.240. However, a person appointed chief of a local police department after July 1, 1981, who performs any operational duties, shall meet the requirements of AS 18.65.240(a)(1).

(b) A political subdivision with an established police training program meeting the requirements of AS 18.65.220(2) and (3) may exclude itself from the requirements of AS 18.65.240 by ordinance. The exclusion has no effect on eligibility to receive federal or state grants. (§ 1 ch 178 SLA 1972; am § 9 ch 19 SLA 1981)

**Revisor's notes.** — The words "a political subdivision" were substituted for "any local government" in subsection (b) by the revisor of statutes pursuant to AS 01.05.031.

**Effect of amendments.** — The 1981 amendment rewrote this section.

**Sec. 18.65.290. Definitions.** In AS 18.65.130 — 18.65.290

(1) "council" means the Alaska Police Standards Council;

(2) "police officer" means a full-time employee of the state or a local police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; carry a concealed weapon; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(3) "chief administrative officer" means a chief of police or other official who is head of a police department in a political subdivision. (§ 1 ch 178 SLA 1972; am §§ 10, 11 ch 19 SLA 1981)

**Effect of amendments.** — The 1981 amendment rewrote paragraph (2) and added paragraph (3).

**Opinions of attorney general.** — To be a police officer within the meaning of this statute, an officer must be currently working full time for a police department, that is an organized civil force whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses. September 18, 1977, Op. Att'y Gen.

As applied to the coverage of AS 18.65.130 — 18.65.290, the term "police officer" is more restrictively defined than

the definition in AS 01.10.060(6) to include all those full-time employees of police departments administered by the state or one of its political subdivisions, who have full police duties and the authority to enforce all of the laws of the State of Alaska which carry a penalty for their violation. September 18, 1977, Op. Att'y Gen.

Comparing the classification of "peace officer" in AS 01.10.060(6) with that of "police officer," it is apparent that police officers, as defined in paragraph (2), are always peace officers since they have full police duties that are exercised on a full-time basis. However, the converse of

has  
statute info  
already

HB 197

83

amendment

background for amendment  
15th

"protection of the  
elderly"

Kathy Nieto

344-0056 arch.

pamphlets explaining  
purpose of

AS47.17.070 DOCUMENT= 2 OF 2 PAGE = 1 OF 3  
CHAPTER = 47.17  
SECTION = 47.17.070  
TITLE = 47

HEADINGS TITLE 47.  
WELFARE, SOCIAL SERVICES AND INSTITUTIONS.  
CHAPTER 17.  
CHILD PROTECTION.

CITATION SEC. 47.17.070.  
CATCH LINE

DEFINITIONS.  
TEXT IN AS 47.17.010 - 47.17.070

(1) "CHILD ABUSE OR NEGLECT" MEANS THE PHYSICAL INJURY OR NEGLECT, SEXUAL ABUSE, SEXUAL EXPLOITATION, OR MALTREATMENT OF A CHILD UNDER THE AGE OF 18 BY A PERSON WHO IS RESPONSIBLE FOR THE CHILD'S WELFARE UNDER CIRCUMSTANCES WHICH INDICATE THAT THE CHILD'S HEALTH OR WELFARE IS HARMED OR THREATENED THEREBY;

(2) "CHILD" MEANS A PERSON UNDER 18 YEARS OF AGE;

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES;

AS47.17.070 DOCUMENT= 2 OF 2 PAGE = 2 OF 3

(4) "INSTITUTION" MEANS A PRIVATE OR PUBLIC HOSPITAL OR OTHER FACILITY PROVIDING MEDICAL DIAGNOSIS, TREATMENT, OR CARE;

(5) "NEGLECT" MEANS THE FAILURE TO PROVIDE NECESSARY FOOD, CARE, CLOTHING, SHELTER, OR MEDICAL ATTENTION FOR A CHILD;

(6) "PRACTITIONER OF THE HEALING ARTS" INCLUDES CHIROPRACTORS, DENTISTS, HEALTH AIDES, NURSES, OPTOMETRISTS, OSTEOPATHS, PHYSICAL THERAPISTS, PHYSICIANS, PSYCHIATRISTS, PSYCHOLOGISTS, RELIGIOUS HEALING PRACTITIONERS, AND SURGEONS;

(7) "SEXUAL EXPLOITATION" MEANS

(A) PERMISSION OR ENCOURAGEMENT TO A CHILD FOR PROSTITUTION PROHIBITED BY AS 11.66.100 - 11.66.150 BY A PERSON RESPONSIBLE FOR THE CHILD'S WELFARE;

(B) PERMISSION, ENCOURAGEMENT, OR ACTIVITY INVOLVED IN THE UNLAWFUL EXPLOITATION OF A MINOR PROHIBITED BY AS 11.41.455 BY A PERSON RESPONSIBLE FOR THE MINOR'S WELFARE.

HISTORY (SEC. 1 CH 100 SLA 1971; AM SEC. 6 CH 104 SLA 1971; AM SEC. 3 CH 222 SLA 1976; AM SECS. 56, 57 CH 94 SLA 1980; AM SECS. 8, 9 CH

STAFF REPORT

HB 192, PROTECTION OF THE ELDERLY

MARCH 10, 1983

Purpose: To protect the elderly from abuse by requiring those working with elderly to report to the Department of Health and Social Services, evidence of abuse when it is observed.

The bill specifies numerous health professionals, and others, who are required to report evidence of abuse. "Abuse" means the infliction of physical pain, injury, or mental anguish, or the deprivation by a caretaker of services that are necessary to maintain the physical and mental health of an elderly person.

The Department of Health and Social Services suggests a change to add the word "willful" before the word "deprivation". The drafter of the bill suggests that since the bill is directed at the reporting of abuse, not the prosecution of those inflicting the abuse, the determination of intent should not be left up to the reporter. Thus, the addition is not necessary.

Failure by those obligated by the bill to report abuse is classed as a "violation" (AS 11.81.900). A violation is a non-criminal offense punishable by fine, but not imprisonment or other penalty. No jury trial or public defender is authorized. In the event that immediate harm seems imminent, the report of abuse must be made to a police officer who must act to protect the subject.

A person making a report of abuse in good faith is immune from civil or criminal liability.

The DHSS must investigate and report on each case of abuse brought to it. The DHSS must provide protective services as are available to the elderly. The Department is authorized to implement regulations to carry out the act. The regulations must be approved by the Older Alaskans Commission.

(F) 1555

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 192 Date on Bill: 2-11-83  
 Title: An Act relating to protection of the elderly  
 Sponsor: Clocksin  
 Requestor:

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No Fiscal Impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Francis C. Allan

Phone: 269-5691

Division: Alaska State Troopers

Date: 2-16-83

Approved by Commissioner: *[Signature]*

Date: 2/25/83

Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 192 Date on Bill: 3/3/83  
 Title: "An Act relating to protection of the elderly"  
 Sponsor: Rep. Clocksin  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86	
Capital							
Operating							
Total			-0-	-0-	-0-		

b. Revenues:

Revenue							
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

Prepared By: Jon B. Wolfe, Executive Director *Jon B. Wolfe* Phone: 465-3250  
 Division: Older Alaskans Commission Date: 3/3/83

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: \_\_\_\_\_

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Administration	Sponsor (Principal) Rep. Clocksin	Bill Number HB 192
Department Position The Older Alaskans Commission supports the enactment of elderly protection legislation and the mandatory reporting of physical abuse of elderly persons.		
Division Director Jon B. Wolfe	Date 3/3/83	Commissioner Date

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
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SUMMARY

1. a) Related Bills (Similar or Conflicting) SB 122 Sens. Josephson & Fischer	1. b) Other Agencies Affected by Bill Division of Family and Youth Services, DHSS
2. a) Organizational Support for Bill 1. Anchorage Elder Abuse Task Force 2. Office of Senior Citizen Ombudsman 3. Alaska White House Conference Delegates	2. b) Organizational Opposition to Bill  Unknown

3. Program Effects of Bill

The responsibilities assigned to the Commission under this legislation are consistent with current responsibilities and functions and will not require additional staff or expenditures. Under AS 44.21.230 the Commission is authorized to make recommendations with respect to regulations for services that benefit older Alaskans and to receive reports from state agencies concerned with the conditions and needs of older Alaskans.

4. Fiscal Impact:  None  Fiscal Note Attached

5. Amendments Proposed:

Commission staff recommends that "willful" be inserted before "deprivation" under Definitions, Sec. 47.24.100, (2) line 23.

6. Comments:

This legislation is consistent with AS 44.21 and the legislative mandates of the Older Alaskans Commission which seek to ensure health and dignity for the State's elderly. Historically elder abuse is a hidden social problem but one that is encountered by Commission funded senior programs statewide. These programs and the Commission will welcome specific procedures and services for handling these critical problems.

CODE	EXPENDITURE CLASSIFICATION	PRIOR YEAR FY 82 ACTUAL	CURRENT YEAR FY 83 AUTHORIZED	BUDGET YEAR - FY 84				
				AGENCY			GOVERNOR'S BUDGET	
				CONTINUATION	ADDITION	REQUEST		
1	2	3	4	5	6	7	8	
1.	600	TOTAL LAND, BUILDING, NON-STRUCTURAL IMPROVEMENTS						
2.	600	Land, Building, Etc. (Excluding ASHA Pay)						
3.	628	ASHA Payment						
4.	060	INTER-AGENCY TRANSFERS (NON-ADD)						

5.	700	TOTAL ASSISTANCE GRANTS AND BENEFITS				10.0	10.0	
6.	720	Local Assistance, State Sources						
7.	730	Benefits To Individuals				10.0	10.0	
8.	740	Grants and Awards To Individuals						
9.	750	Grants, Other Agencies						
10.	760	Health Benefits						
11.	070	INTRA-AGENCY TRANSFERS (NON-ADD)						

12.	800	TOTAL MISCELLANEOUS						
13.	810	Debt Service						

CODE	EXPLANATION	CONT. \$	ADDITION \$
730	Special Needs Special needs required for adult clients such as fuel supply and transportation to necessary services.	10,000	10.0

18 LANDS, GRANTS,  
AND MISCELLANEOUS

AGENCY Health and Social Services  
PROGRAM Social and Economic Assistance for the General Population  
ORU Program Services  
COMPONENT Adult Services

FY 84

Page 1 of 1  
Revised Date \_\_\_\_\_

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 192 Date on Bill: February 11, 1983  
 Title: "An Act relating to protection of the elderly."  
 Sponsor: Clocksie  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		17.5	19.3	21.2
Total		17.5	19.3	21.2

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill:

The funding source was not identified by the authors of the Bill.

3. Assumptions:

Passage of this Bill in its present form would necessitate educating the public through the news media and handouts. Regulations would need to be promulgated. These functions would be performed by existing staff. Without historical data for reporting abuse, neglect or abandonment, the assumption is made that one-half again as many situations reported would result in placement, and counseling with both the individual and the family.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It not represent the policy of the Sheffield Administration or the final estimate of impact.

Prepared By: Miranda Price AAT Phone: 465-3170  
 Division: Family and Youth Services Date: 3/2/83

Approved by Commissioner: Robert Paulson, M.D. Date: 3/4/83  
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

TITLE OF INCREMENT	4. CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.	
1 Protection of the elderly.	100	Personal Services			
	200	Travel			
	300	Contractual Services	7.5		
	400	Commodities			
	500	Equipment			
	600	Lands, Buildings, Etc.			
	700	Grants, Claims, Etc.	10.0		
	800	Miscellaneous			
	TOTAL			17.5	
	I-A Transfer (NON-ADD)				
Federal Receipts - Code:					
General Fund			17.5		
Other					
5. POSITION INFORMATION		PFT			
		Staff Months			
		FTE			
3		6. INCREMENT PRIORITY			
		BRU Level: _____ or _____ Agency Level: _____ of _____			
3		7. CHECK ONE OR BOTH			
		<input type="checkbox"/> Currently Existing Service <input checked="" type="checkbox"/> New Service			
3		8. IMPACT FROM CAPITAL PROJECT (NAME)			
		Chapter _____ SLA _____ Page/Line _____			
3		BRIEFLY DESCRIBE WHAT THIS INCREMENT PURCHASES.			
3		Costs for printing of regulations and for news media public educational announcements and costs for special needs for adult clients.			

6 INCREMENT REQUEST

AGENCY Health and Social Services  
 PROGRAM Social and Economic Assistance for the General Population  
 BRU Program Services  
 COMPONENT Adult Services

Page 1 of 1  
Revised Date \_\_\_\_\_

FY 84

CODE	CONTRACTUAL SERVICES CLASSIFICATION	PRIOR YEAR FY 02 ACTUAL	CURRENT YEAR FY 03 AUTHORIZED	BUDGET YEAR - FY 84				
				AGENCY			GOVERNOR'S BUDGET	
				CONTINUATION	ADDITION	REQUEST		
1	2	3	4	5	6	7	8	
1.	300	TOTAL CONTRACTUAL				7.5	7.5	
2.	310	Communications						
3.	320	Printing and Advertising				7.5	7.5	
4.	330	Space Expense and Fees						
5.	340	Repair and Maintenance						
6.	350	Utilities Other Than Space						
7.	360	Equipment Rental - Other Than IIWCF and WP						
8.	364	Equipment Rental - Word Processing						
9.	368	Equipment Rental - Highway Working Capital Fund						
10.	370	Judicial Expense						
11.	390	Professional Fees & Services-Excluding Data Processing						
12.	382	Professional Fees & Services-Data Processing						
13.	382a	Data Processing Chargeback						
14.	390	Other Fees or Expenses						
15.	999	INTER-AGENCY TRANSFERS (NON-ADD)						

CODE	EXPLANATION		CONT. \$	ADDITION \$
320	Printing and Advertising Design and developing TV and radio public education announcements. Printing of handouts and regulations.	5,000 2,500 7,500	7.5	

**15 CONTRACTUAL SERVICES**

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

**FY 84**

Page 1 of 1  
Revised Date \_\_\_\_\_

MAE



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on

### Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

CS HB 192

Hess Committee:

This draft INCORPORATES THE CHANGES REQUESTED EXCEPT THE DEFINITION OF "NEGLECT" P.6, line 23 WAS NOT CHANGED AFTER CONSULTATION WITH THE DRAFTER. "CARETAKER" MEANS A PERSON WITH A LEGAL RESPONSIBILITY TO PROVIDE CARE. CHANGING THE DEFINITION, HE FELT, WOULD HARM THE BILL.

DAVE PALMER

*Call Clocksin  
in reference for  
work session*

1 IN THE HOUSE

BY CLOCKSIN

2

HOUSE BILL NO. 192

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to protection of the elderly."

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

8 \* Section 1. PURPOSE. In order to protect elderly persons from physi-  
9 cal harm resulting from abuse, neglect, and abandonment and to assist  
10 elderly persons who are <sup>defined in other statutes?</sup> unable to protect or care <sup>what criteria is used to determine?</sup> for themselves, the  
11 legislature requires the reporting to the state by health professionals and  
12 others of cases involving elderly persons who have been or are being phys-  
13 ically harmed. It is the intent of the legislature that these reports of  
14 harm be investigated and that appropriate protective services be offered in  
15 an effort to prevent or alleviate physical harm to the elderly persons of  
16 the state. It is further the intent of the legislature to provide immunity  
17 from civil or criminal liability to persons making good faith reports of  
18 physical or other harm to an elderly person.

19 \* Sec. 2. AS 47 is amended by adding a new chapter to read:

20 CHAPTER 24. PROTECTION OF THE ELDERLY.

21 Sec. 47.24.010. REPORTS OF HARM. (a) The following persons  
22 who, in the performance of their professional duties, have reasonable  
23 cause to believe that an elderly person has suffered physical harm as  
24 a result of abuse, neglect, or abandonment shall, not later than 24  
25 hours after first having cause for the belief, report the harm to the  
26 Department of Health and Social Services:

- 27 (1) a physician or other licensed health care provider;  
28 (2) a mental health professional as defined in AS 47.30.-

29 915(11);

- 1 (3) a pharmacist;
- 2 (4) an administrator or <sup>delete</sup> employee of a nursing home, res-  
3 idential care or health care facility;
- 4 (5) a guardian or conservator;
- 5 (6) a police officer as defined in AS 18.65.290(2); <sup>college public health officer</sup>
- 6 <sup>rather than Health Professional</sup> (7) a village health aide; <sup>or home health aide</sup>
- 7 (8) a social worker;
- 8 (9) a member of the clergy;
- 9 (10) a staff employee of a project funded by the Older  
10 Alaskans Commission. <sup>E.M.T. or mobile intensive care paramedics</sup>

11 (b) A report of harm made under this section may include the  
12 name and address of the person reporting the harm and shall include

- 13 (1) the name and address of the elderly person;
- 14 (2) information relating to the nature and extent of the  
15 abuse, neglect, or abandonment;

16 (3) other information that the person reporting the harm  
17 believes might be helpful in an investigation of the case or in pro-  
18 viding protection for the elderly person.

19 (c) A person who fails to comply with this section is guilty of  
20 a violation as defined in AS 11.81.900(55). <sup>not criminal offense</sup>

21 (d) This section does not prohibit a person listed in (a) of  
22 this section from reporting cases of physical or other harm to an  
23 elderly person that have come to the person's attention in a non-  
24 professional capacity, nor does it prohibit any other person from  
25 reporting physical or other harm to an elderly person that the person  
26 has reasonable cause to believe is a result of abuse, neglect, or  
27 abandonment.

28 (e) If immediate action is necessary to protect the elderly  
29 person from imminent physical harm, the person shall make the report

1 of harm to a police officer as defined in AS 18.65.290(2). The police  
2 officer shall take immediate action to protect the elderly person and  
3 shall, at the earliest opportunity, notify the department. *Sub. sec. E*

4 (f) A person who, in good faith, makes a report of physical or  
5 other harm to an elderly person under this chapter, or who partici-  
6 pates in judicial proceedings related to the submission of reports  
7 under this chapter, is immune from any civil or criminal liability  
8 that might otherwise be incurred or imposed.

9 Sec. 47.24.020. ACTION ON REPORTS. (a) Upon receiving a report  
10 of physical harm, the department shall promptly initiate an investiga-  
11 tion to determine the physical condition of the elderly person named  
12 in the report and whether action or services are needed for the pro-  
13 tection of the elderly person. The department shall <sup>personally</sup> ~~make a~~ <sup>(delete)</sup> reasonable  
14 effort ~~to~~ personally interview the elderly person during the investi-  
15 gation. *(plus added words)*

16 (b) The department shall prepare a written report of the inves-  
17 tigation, including findings, recommendations, and a determination of  
18 whether and what kind of protective services are to be offered to the  
19 elderly person. Upon request, the person who reported harm to the  
20 elderly person shall be notified of the status of the investigation.

21 (c) The department shall immediately terminate an investigation  
22 under this section upon the request of an elderly person who is the  
23 subject of a report of harm. However, if the department has reason-  
24 able cause to believe that the elderly person is incapacitated, the  
25 department may petition the superior court under AS 13.26 for appoint-  
26 ment of a guardian or temporary guardian for the elderly person for  
27 the purpose of obtaining consent to continue the investigation.

28 Sec. 47.24.030. PROTECTIVE SERVICES. (a) The department shall  
29 provide available protective services to a harmed elderly person if

1 and to the extent to which the elderly person consents. If the de-  
2 partment has reasonable cause to believe that the elderly person lacks  
3 the capacity to consent to receiving protective services, it may  
4 petition the superior court under AS 13.26 for appointment of a guard-  
5 ian or temporary guardian for the elderly person for the purpose of  
6 obtaining consent.

7 (b) If an elderly person who has consented to receiving protec-  
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9 the department may assist the elderly person to petition the superior  
10 court for an injunction restraining the caretaker from interfering  
11 with the provision of protective services to the elderly person.

12 Sec. 47.24.040. REVIEW AND REFERRAL. The department shall, not  
13 later than 90 days after initiating the provision of protective ser-  
14 vices to an elderly person, initiate a review of the case to determine  
15 whether continuation or modification of protective services that are  
16 being provided is warranted. The department shall reevaluate the case  
17 every 90 days thereafter until the case is closed.

18 Sec. 47.24.050. CONFIDENTIALITY OF REPORTS. (a) Investigation  
19 reports and reports of harm filed under this chapter are confidential  
20 and are not subject to public inspection and copying under AS 09.25.-  
21 110 - 09.25.125. However, in accordance with this chapter and depart-  
22 ment regulations issued under this chapter, investigation reports may  
23 be used by appropriate governmental agencies inside and outside the  
24 state, in connection with investigations or judicial proceedings  
25 involving abuse, neglect, or abandonment of an elderly person.

26 (b) The department shall disclose a report of harm if the elder-  
27 ly person who is the subject of the report consents in writing. The  
28 department shall, upon request, disclose the number of verified re-  
29 ports of harm that occurred at an institution for care of the elderly.

1 ~~that is certified by the state.~~

2 Sec. 47.24.060. AUTHORITY OF THE DEPARTMENT. In performing its  
3 duties under this chapter, the department may, subject to the person's  
4 consent, initiate actions necessary to assure the health, safety and  
5 welfare of an elderly person, including the transfer of the elderly  
6 person from a nursing home, residential care or health care facility.

7 Sec. 47.24.070. REGULATIONS. Regulations to implement this  
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10 Sec. 47.24.075. EVIDENCE NOT PRIVILEGED. Neither the physician-  
11 patient ~~nor the husband-wife~~ privilege is a ground for excluding evi-  
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13 proceeding related to a report made under this chapter.

14 Sec. 47.24.080. QUARTERLY REPORT. The department shall submit  
15 to the Older Alaskans Commission each quarter a statistical report of  
16 the department's activities related to the protection of elderly  
17 persons in the state. The report may not disclose the identity of  
18 victims or perpetrators of the abuse, neglect, or abandonment.

19 Sec. 47.24.100. DEFINITIONS. In this chapter

20 (1) "abandonment" means desertion of an elderly person by a  
21 caretaker;

22 (2) "abuse" means the infliction of physical pain, injury,  
23 or mental anguish, <sup>requiring medical treatment,</sup> or the deprivation by ~~a caretaker~~  
24 <sup>(intentional)</sup> of services that  
25 are necessary to maintain the physical and mental health of an elderly  
26 person;

26 (3) "caretaker" means a person who is responsible for the  
27 care of an elderly person as a result of family relationship, or who  
28 has assumed responsibility for the care of an elderly person volun-  
29 tarily, by contract, or by court order;

1                   (4) "department" means the Department of Health and Social  
2 Services;

3                   (5) "elderly person" means a resident of Alaska who is 60  
4 years of age or older;

5                   (6) "incapacitated" means a person's ability to receive and  
6 evaluate information or to communicate decisions is impaired for  
7 reasons other than minority to the extent that the person lacks the  
8 ability to obtain the essential requirements for physical health or  
9 safety without court-ordered assistance;

10                  (7) "neglect" means the failure by ~~an elderly person~~ or a  
11 caretaker to provide services necessary to maintain the physical and  
12 mental health of the elderly person;

13                  (8) "protective services" means services intended to pre-  
14 vent or alleviate harm resulting from abuse, neglect, exploitation, or  
15 abandonment.

Helmer

1 IN THE HOUSE

BY CLOCKSIN

2

HOUSE BILL NO. 192

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to protection of the elderly."

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

8 \* Section 1. PURPOSE. In order to protect elderly persons from physi-  
9 cal harm resulting from abuse, neglect, and abandonment and to assist  
10 elderly persons who are unable to protect or care for themselves, the  
11 legislature requires the reporting to the state by health professionals and  
12 others of cases involving elderly persons who have been or are being phys-  
13 ically harmed. It is the intent of the legislature that these reports of  
14 harm be investigated and that appropriate protective services be offered in  
15 an effort to prevent or alleviate physical harm to the elderly persons of  
16 the state. It is further the intent of the legislature to provide immunity  
17 from civil or criminal liability to persons making good faith reports of  
18 physical or other harm to an elderly person.

19 \* Sec. 2. AS 47 is amended by adding a new chapter to read:

20 CHAPTER 24. PROTECTION OF THE ELDERLY.

21 Sec. 47.24.010. REPORTS OF HARM. (a) The following persons  
22 who, in the performance of their professional duties, have reasonable  
23 cause to believe that an elderly person has suffered physical harm as  
24 a result of abuse, neglect, or abandonment shall, not later than 24  
25 hours after first having cause for the belief, report the harm to the  
26 Department of Health and Social Services:

27 (1) a physician or other licensed health care provider;

28 (2) a mental health professional as defined in AS 47.30.-

29 915(11);

copy →

ADD: (1) UPSO  
(2) EMT or multiple intensive care paramedics  
(3) HOME CARE PROGRAM or HEALTH AID

- 1 (3) a pharmacist;
- 2 (4) an administrator ~~or employee~~ <sup>or DELETE</sup> of a nursing home, res-
- 3 idential care or health care facility;
- 4 (5) a guardian or conservator;
- 5 (6) a police officer as defined in AS 18.65.290(2);
- 6 (7) a village health aide;
- 7 (8) a social worker;
- 8 (9) a member of the clergy;
- 9 (10) a staff employee of a project funded by the Older
- 10 Alaskans Commission.

11 (b) A report of harm made under this section may include the

12 name and address of the person reporting the harm and shall include

- 13 (1) the name and address of the elderly person;
- 14 (2) information relating to the nature and extent of the
- 15 abuse, neglect, or abandonment;

16 (3) other information that the person reporting the harm

17 believes might be helpful in an investigation of the case or in pro-

18 viding protection for the elderly person.

19 (c) A person who fails to comply with this section is guilty of

20 a violation as defined in AS 11.81.900(55).

21 (d) This section does not prohibit a person listed in (a) of

22 this section from reporting cases of physical or other harm to an

23 elderly person that have come to the person's attention in a non-

24 professional capacity, nor does it prohibit any other person from

25 reporting physical or other harm to an elderly person that the person

26 has reasonable cause to believe is a result of abuse, neglect, or

27 abandonment.

28 (e) If immediate action is necessary to protect the elderly

29 person from imminent physical harm, the person shall make the report

Refer to VASO

or VASO

of harm to a police officer as defined in AS 18.65.290(2). The police officer shall take immediate action to protect the elderly person and shall, at the earliest opportunity, notify the department.

(f) A person who, in good faith, makes a report of physical or other harm to an elderly person under this chapter, or who participates in judicial proceedings related to the submission of reports under this chapter, is immune from any civil or criminal liability that might otherwise be incurred or imposed.

Sec. 47.24.020. ACTION ON REPORTS. (a) Upon receiving a report of physical harm, the department shall promptly initiate an investigation to determine the physical condition of the elderly person named in the report and whether action or services are needed for the protection of the elderly person. The department shall [make a reasonable effort to] personally interview the elderly person during the investigation. *unless person is unconscious or otherwise impaired and can not respond.*

(b) The department shall prepare a written report of the investigation, including findings, recommendations, and a determination of whether and what kind of protective services are to be offered to the elderly person. Upon request, the person who reported harm to the elderly person shall be notified of the status of the investigation.

(c) The department shall immediately terminate an investigation under this section upon the request of an elderly person who is the subject of a report of harm. However, if the department has reasonable cause to believe that the elderly person is incapacitated, the department may petition the superior court under AS 13.26 for appointment of a guardian or temporary guardian for the elderly person for the purpose of obtaining consent to continue the investigation.

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1 and to the extent to which the elderly person consents<sup>3</sup> If the de-  
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29 ports of harm that occurred at an institution for care of the elderly.

[that is ~~DELETE~~ certified by the state.]

Sec. 47.24.060. AUTHORITY OF THE DEPARTMENT. In performing its duties under this chapter, the department may, subject to the person's consent, initiate actions necessary to assure the health, safety and welfare of an elderly person, including the transfer of the elderly person from a nursing home, residential care or health care facility.

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Sec. 47.24.080. QUARTERLY REPORT. The department shall submit to the Older Alaskans Commission each quarter a statistical report of the department's activities related to the protection of elderly persons in the state. The report may not disclose the identity of victims or perpetrators of the abuse, neglect, or abandonment.

Sec. 47.24.100. DEFINITIONS. In this chapter

(1) "abandonment" means desertion of an elderly person by a caretaker;

(2) "abuse" means the infliction of physical pain, injury, or mental anguish, ~~or the deprivation~~ <sup>REQUIRING MEDICAL TREATMENT,</sup> ~~(by a caretaker)~~ <sup>"INTENTIONAL"</sup> of services that are necessary to maintain the physical and mental health of an elderly person;   
 Q. MENTAL HEALTH - HOW TO ESTABLISH??

(3) "caretaker" means a person who is responsible for the care of an elderly person as a result of family relationship, or who has assumed responsibility for the care of an elderly person voluntarily, by contract, or by court order;

Psychologist - PATIENT  
Privileged  
RULE 504 EVIDENCE RULE  
CHANGE RULE

RESTRICT privilege to ~~REPORT~~  
to this Bill AS 24-010

Care Person  
determine



# HB 192

## DRAFT CS HB 192

P. 2 line 2 DELETE ... OR EMPLOYEE ...

P. 2 line 10 ADD:

(11) Village Public Safety Officer

(12) EMERGENCY MEDICAL TECHNICIAN

OR MOBILE INTENSIVE CARE PARAMEDIC

(13) AN EMPLOYEE OF A HOMEMAKER PROGRAM  
OR HOME HEALTH AIDE PROGRAM

P. 3 line 1 ADD REFERENCE TO Village Public  
Safety Officer After ... AS 18.65.290(2).

P. 3 line 13 Delete "... MAKE A REASONABLE  
effort to ...

After ... INVESTIGATION, ADD COMMA

And " UNLESS THE PERSON IS UNCONSCIOUS OR  
OTHERWISE PHYSICALLY OR MENTALLY IMPAIRED TO SUCH  
AN EXTENT AS TO BE UNABLE TO RESPOND  
TO QUESTIONS.

PAGE 4 line 29 Add period after "... Elderly."

P. 5 line 1 Delete "that is certified by  
the STATE."

(STATE  
VERSION)

HB 192

P. 5 line 10

Neither the physician-patient nor the psychotherapist patient nor the husband with privilege, to the extent required by AS 47.24.010 - 47.24.020 is a ground for

\* CHANGES COURT RULE SOFT EVIDENCE

P. 5 line 23

After mental anguish, delete comma and add "REQUIRING medical treatment, or of the ~~deprivation~~ intentional deprivation of SERVICES THAT ARE NECESSARY to maintain..."

P. 6 line 3 change "60" to "65"

P. 6 line 10 delete "An elderly person"

Original sponsors: Josephson and V.Fischer

1 IN THE SENATE BY THE HEALTH, EDUCATION AND  
2 SOCIAL SERVICES COMMITTEE

3 CS FOR SENATE BILL NO. 122 (HESS)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 THIRTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to protection of the elderly."

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

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11 elderly persons who are unable to protect or care for themselves, the  
12 legislature requires the reporting to the state by health professionals and  
13 others of cases involving elderly persons who have been or are being phys-  
14 ically harmed. It is the intent of the legislature that these reports of  
15 harm be investigated and that appropriate protective services be offered in  
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27 Department of Health and Social Services:

- 28 (1) a physician or other licensed health care provider;  
29 (2) a mental health professional as defined in AS 47.30.-

915(11);

- 1 (3) a pharmacist;
- 2 (4) an administrator of a nursing home, residential care or
- 3 health care facility;
- 4 (5) a guardian or conservator;
- 5 (6) a police officer as defined in AS 18.65.290(2);
- 6 (7) a village public safety officer;
- 7 (8) a village health aide;
- 8 (9) a social worker;
- 9 (10) a member of the clergy;
- 10 (11) a staff employee of a project funded by the Older
- 11 Alaskans Commission;

12 *ADD:* → (12) an employee of a homemaker program or home health aide

13 program.

14 (b) A report of harm made under this section may include the

15 name and address of the person reporting the harm and shall include

- 16 (1) the name and address of the elderly person;
- 17 (2) information relating to the nature and extent of the
- 18 abuse, neglect, or abandonment;

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20 believes might be helpful in an investigation of the case or in pro-

21 viding protection for the elderly person.

22 (c) A person who fails to comply with this section is guilty of

23 a violation as defined in AS 11.81.900(55).

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25 this section from reporting cases of physical or other harm to an

26 elderly person that have come to the person's attention in a non-

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29 has reasonable cause to believe is a result of abuse, neglect, or

1 abandonment.

2 (e) If immediate action is necessary to protect the elderly  
3 person from imminent physical harm, the person shall make the report  
4 of harm to a police officer as defined in AS 18.65.290(2) or a village  
5 public safety officer. The police officer or village public safety  
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7 shall, at the earliest opportunity, notify the department.

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23 whether and what kind of protective services are to be offered to the  
24 elderly person. Upon request, the person who reported harm to the  
25 elderly person shall be notified of the status of the investigation.  
26 The department shall provide to the Department of Law a copy of each  
27 report of an investigation of harm to an elderly person that resulted  
28 from abuse.

29 (c) The department shall immediately terminate an investigation

1 under this section upon the request of an elderly person who is the  
2 subject of a report of harm. However, if the department has reason-  
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17 (8) "protective services" means services intended to pre-  
18 vent or alleviate harm resulting from abuse, neglect, exploitation, or  
19 abandonment.  
20  
21  
22  
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25  
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27  
28  
29

3/21

Dept shall personally interview

47.24.075 They the phy-pat pri<sup>is</sup> waived

24 010 1020 to the extent reporting

is REQUIRED

---

child Abuse laws REQUIRE reporting?

5-22 ADD REQ MEDICAL TREATMENT  
DELETE

INTENT ABUSE something that has physical  
evidence

---

"willful" NOT appropriate

The Dept

77 STATE

HB 192

PURPOSE: PROTECT elderly <sup>from abuse</sup> by REQUIRING those working with elderly to REPORT to DHS evidence of ABUSE when observed.

Those REQUIRED to make NOTIFICATION:

- 1) A physician or other licensed health care provider
- 2) A mental health professional
- 3) A PHARMACEUT
- 4) An Administrator or employee of a nursing home, residential care or health care facility
- 5) A guardian or conservator
- 6) A police officer as of 18.65.290(2)
- 7) A village health aide
- 8) A social worker
- 9) A member of the clergy
- 10) A staff employee of a project funded by the

Older Adult Commission

Failure to comply is a "violation" (AS 11.81.900 55)  
- A violation is a NON-CRIMINAL offense punishable by fine, NOT imprisonment or other penalty.  
NO jury trial or  
NO public defender

COPY 18.65.290

01.10.060

11.81.900(55)

In the case that immediate harm seems eminent, report must go to police officer who must act to protect the subject

A person making a report of abuse in good faith is immune from civil or criminal liability

DHSS must prepare investigation and review each 90 days.

DHSS must provide available protective services to harmed elderly.

Regulations adopted by DHSS to implement must be approved by Alder AK Comm.

Elderly person - AK resident 60 yrs of age or older

Q for Drafter - "willful"

Bill applies to "reporter" NOT offender

MARGO DICK

JUNEAN

Elder Abuse Task Force

POLICE OFFICER, VPSO, PEACE OFFICER

Charles Mundart

AK Mental Health Ctr.

FOR BILL

Physical & psychological abuse  
INVESTIGATIONS - through word of mouth

Elizabeth MUKTARIAN - DHSS X 3208

CURRENTLY w/o CONSENT DHSS CAN NOT  
intervene if adult is NOT INCAPACITATED.

1984 Budget - NO EXPANSION \$ for INCREASED  
SERVICES

Tom Scott

- And

EX DIR

South Region EMS

Add to list - emergency medical technicians &  
licensed mobile technicians -

Theodore Graham

FOR

Dave Kull

Older AK commission

Dennis Murray

Kodiak

SR Citizens of Kodiak

Support

Financial Abuse -

Dennis Dewitt

- AK ST. HOSP. ASSN.

- 1) Delete Reference to employee of hospital
- 2) p 4 li: 28, 29 - what is verified?
- 3) p 5 li 10-13 question of privilege
- 4) consider way to prevent multiple reporting -  
several individuals obligated to report -  
within agency.

HB192

BARBARA McPherson OLDER AK COMMISSION  
ADD "WILLFUL" IN DEFINITION

line 13, p. 3

Senate Committee Substitute!

STATISTICS of ABUSER in AK

Beth Bishop - S.E. SR SERVICES

wanting to eliminate multiple reports

oppose "willful" addn

Rosemary Haffner Atty for SENIORS SR SERVICES

- Support by Ombudsman -

- Oppose "willful"

- Multiple reporting can be dealt with  
by Regulation

- include VPSO

include EMTs

- DR-PATIENT - physician CAN NOT  
withhold testimony

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 192 Date on Bill: February 11, 1983  
 Title: "An Act relating to protection of the elderly."  
 Sponsor: Clocksie  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		17.5	19.3	21.2
Total		17.5	19.3	21.2

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

The funding source was not identified by the authors of the Bill.

3. Assumptions:

Passage of this Bill in its present form would necessitate educating the public through the news media and handouts. Regulations would need to be promulgated. These functions would be performed by existing staff. Without historical data for reporting abuse, neglect, or abandonment, the assumption is made that one-half again as many situations reported would result in placement, and counseling with both the individual and the family.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It not represent the policy of the Sheffield Administration or the final estimate of impact.

Prepared By: Michael J. Price AA Phone: 465-3170  
 Division: Family and Youth Services Date: 3/2/83  
 Approved by Commissioner: Robert P. ... Date: 3/4/83  
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

"An Act relating to protection of the elderly."

OVERVIEW

This Bill includes provisions for mandatory reporting of cases of physical harm to elderly persons, investigation of reports of harm by the Department of Health and Social Services, and the offering of appropriate protective services to elderly persons in an effort to prevent or alleviate physical harm.

STATEMENT OF THE PROBLEM

In the past few years there has been increasing awareness across the nation, including Alaska, of the problems of elder abuse and neglect, as well as those elderly persons who are unable to protect or care for themselves. In 1981 an Elder Abuse Task Force was created in Anchorage and a pilot project grant was awarded to the Anchorage Community Mental Health Clinic Geriatric Unit to address the issue of elder abuse. In 1982, Elder Abuse Task Forces were created in Fairbanks and Juneau.

Elderly Alaskans in need of protective services are served by the Division of Family and Youth Services under its Adult Protective Service program which serves adults age 18 and over. Adult Protective Services are provided on a voluntary basis by a mandate under Title XX of the Social Security Act. Division social workers respond to voluntary reports of harm, investigate the circumstances of abuse, neglect, and exploitation, and offer appropriate protective services. If an adult client does not consent to services and is not incapacitated as defined under AS 13.26.005, the guardianship statute, the Division has no legal authority to intervene. If, however, an investigation indicates that an adult is incapacitated, the Division may petition the court for a guardian.

Division of Family and Youth Services' staff have actively participated in the Elder Abuse Task Forces. As a part of the Division's Fiscal Year 1983 Adult Protective Services Training Program, the issues of elder abuse, guardianship and conservatorship have been addressed. Community agencies, including programs serving older Alaskans, were invited and participated in these sessions which were conducted in Anchorage, Bethel, Fairbanks, Juneau, Ketchikan, and Nome.

Since reporting of abuse or physical harm to elderly persons is not mandatory, not all known cases are reported to a single agency. As a result, the actual extent of the problem is not known. Should the number of cases reported under the mandatory requirement significantly impact caseloads, the Division will include necessary documentation to

support the need for additional staff and service dollars in the FY 85 budget. If additional staff and service dollars become necessary but not available, the Division may not be able to meet the intent of the legislation.

RECOMMENDATION

The Department strongly endorses efforts to promote the independence and well-being of those elderly persons in need of protection. The procedures outlined in the Bill for action on reports, provision of protective services, review and referral, and confidentiality are in accordance with procedures established by the Department of Health and Social Services.

The Department recommends an amendment to Section 47.24.100(2), the definition of abuse. The Department recommends that the definition be amended as follows:

"abuse" means the infliction of physical pain, injury, or mental anguish, or the willful deprivation by a caretaker of services that are necessary to maintain the physical and mental health of an elderly person.

RECOMMENDED:

Michael L. Price  
Michael L. Price, Director  
Division of Family and  
Youth Services

DATE:

3/2/83

APPROVED BY:

Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner

DATE:

3/4/83



CODE	CONTRACTUAL SERVICES CLASSIFICATION	PRIOR YEAR FY 82 ACTUAL	CURRENT YEAR FY 83 AUTHORIZED	BUDGET YEAR - FY 84			GOVERNOR'S BUDGET	
				AGENCY				
				CONTINUATION	ADDITION	REQUEST		
1	2	3	4	5	6	7	8	
1.	300	TOTAL CONTRACTUAL				7.5	7.5	
2.	310	Communications						
3.	320	Printing and Advertising				7.5	7.5	
4.	330	Space Expense and Fees						
5.	340	Repair and Maintenance						
6.	350	Utilities Other Than Space						
7.	360	Equipment Rental - Other Than HWCF and WP						
8.	364	Equipment Rental - Word Processing						
9.	368	Equipment Rental - Highway Working Capital Fund						
10.	370	Judicial Expense						
11.	380	Professional Fees & Services-Excluding Data Processing						
12.	382	Professional Fees & Services-Data Processing						
13.	382a	Data Processing Chargeback						
14.	390	Other Fees or Expenses						
15.	930	INTER-AGENCY TRANSFERS (NON-ADD)						

CODE	EXPLANATION		CONT. \$	ADDITION \$
320	<u>Printing and Advertising</u> Design and developing TV and radio public education announcements. Printing of handouts and regulations.	5,000 2,500 7,500	7.5	

**15 CONTRACTUAL SERVICES**

AGENCY Health and Social Services  
Social and Economic Assistance  
 PROGRAM for the General Population  
 BRU Program Services  
 COMPONENT Adult Services

**FY 84**

Page 1 of 1  
 Revised Date \_\_\_\_\_

	CODE	EXPENDITURE CLASSIFICATION	PRIOR YEAR FY 02 ACTUAL	CURRENT YEAR FY 83 AUTHORIZED	BUDGET YEAR - FY 84			GOVERNOR'S BUDGET
					AGENCY			
					CONTINUATION	ADDITION	REQUEST	
1	2	3	4	5	6	7	8	
1.	600	TOTAL LAND, BUILDING, NON-STRUCTURAL IMPROVEMENTS						
2.	600	Land, Building, Etc. (Excluding ASHA Pay)						
3.	628	ASHA Payment						
4.	960	INTER-AGENCY TRANSFERS (NON-ADD)						
5.	700	TOTAL ASSISTANCE GRANTS AND BENEFITS				10.0	10.0	
6.	720	Local Assistance, State Sources						
7.	730	Benefits To Individuals				10.0	10.0	
8.	740	Grants and Awards To Individuals						
9.	750	Grants, Other Agencies						
10.	760	Health Benefits						
11.	920	INTER-AGENCY TRANSFERS (NON-ADD)						
12.	800	TOTAL MISCELLANEOUS						
13.	810	Debt Service						

CODE	EXPLANATION		CONT. \$	ADDITION \$
730	Special Needs Special needs required for adult clients such as fuel supply and transportation to necessary services.	10,000	10.0	

**18** LANDS, GRANTS,  
AND MISCELLANEOUS

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

**FY 84**

Page 1 of 1

Revised Date



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Administration	Sponsor (Principal) Rep. Clocksin	Bill Number HB 192
Department Position The Older Alaskans Commission supports the enactment of elderly protection legislation and the mandatory reporting of physical abuse of elderly persons.		
Division Director Jon B. Wolfe	Date 3/3/83	Commissioner Date

GOVERNOR'S OFFICE USE

Comments:

Position Noted      By \_\_\_\_\_      Date \_\_\_\_\_

SUMMARY

1. a) Related Bills (Similar or Conflicting) SB 122 Sens. Josephson & Fischer	1. b) Other Agencies Affected by Bill Division of Family and Youth Services, DHSS
2. a) Organizational Support for Bill 1. Anchorage Elder Abuse Task Force 2. Office of Senior Citizen Ombudsman 3. Alaska White House Conference Delegates	2. b) Organizational Opposition to Bill  Unknown

3. Program Effects of Bill

The responsibilities assigned to the Commission under this legislation are consistent with current responsibilities and functions and will not require additional staff or expenditures. Under AS 44.21.230 the Commission is authorized to make recommendations with respect to regulations for services that benefit older Alaskans and to receive reports from state agencies concerned with the conditions and needs of older Alaskans.

4. Fiscal Impact:       None       Fiscal Note Attached

5. Amendments Proposed:

Commission staff recommends that "willful" be inserted before "deprivation" under Definitions, Sec. 47.24.100, (2) line 23.

6. Comments:

This legislation is consistent with AS 44.21 and the legislative mandates of the Older Alaskans Commission which seek to ensure health and dignity for the State's elderly. Historically elder abuse is a hidden social problem but one that is encountered by Commission funded senior programs statewide. These programs and the Commission will welcome specific procedures and services for handling these critical problems.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 192 Date on Bill: 3/3/83  
 Title: "An Act relating to protection of the elderly"  
 Sponsor: Rep. Clocksin  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			-0-	-0-	-0-			

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

Prepared By: Jon B. Wolfe, Executive Director *Jon B. Wolfe* Phone: 465-3250  
 Division: Older Alaskans Commission Date: 3/3/83  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: \_\_\_\_\_

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/3/83

(F) LESS

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 192 Date on Bill: 2-11-83  
Title: An Act relating to protection of the elderly  
Sponsor: Clocksin  
Requestor:

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No Fiscal Impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Francis C. Allan Phone: 269-5691  
Division: Alaska State Troopers Date: 2-16-83

Approved by Commissioner: *[Signature]* Date: 2/28/83  
Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

MSG 83-00012568 PRTY 1 03/07/83 11:47:42 ORIG: LAO IN= 0006 OUT= 0050  
FROM: SHIRLEE, ANC LJO TO: POMS, JUNEA INFO  
TARGET: LJHL SUBJ: POM

3/3/83, SHIRLEE ANC LJO, 12568

TO: REPRESENTATIVES TISCHER, FRITZ, CLOCKSIN, M. W. MILLER,  
KOPONEN, GOLL, CATO AND DAVIS

FROM: IRENE HEDSTROM  
1521 "N" STREET, ANCHORAGE, AK 99501  
(H) 277-6001 (W) 276-3414

I STRONGLY SUPPORT DON CLOCKSIN'S BILL (HB 192) REQUIRING  
REPORTING OF ALL ABUSE OF THE ELDERLY TO THE DEPARTMENT OF  
HEALTH AND SOCIAL SERVICES.

\*\*\*\*\*

*response sent  
3/9*

MSG 83-00012555 PRTY 1 03/03/83 11:33:15 ORIG: LA01 IN= 0004 OUT= 0045  
FROM: SHIRLEE, ANCH LID TO: POMS, JUNEAU INFO  
TARGET: LJHL SUBJ: POM

---

3/3/83, SHIRLEE ANCH LID 12555

TO: REPRESENTATIVES FISCHER, FRITZ, CLOCKSIN, M. W. MILLER,  
KOPONEN, GOLL, CATO AND DAVIS

FROM: EDWARD J. ANDERSON, PIONEERS' HOME, ANCHORAGE 99501  
POUCH 7-027, 99510 (P) 276-3414

I STRONGLY SUPPORT DON CLOCKSIN'S BILL (HB192) REQUIRING  
REPORTING OF ALL ABUSE OF THE ELDERLY TO THE DEPARTMENT OF  
HEALTH AND SOCIAL SERVICES.

\*\*\*\*\*

*response sent  
3/9*

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 128 Date on Bill: 1/26/83  
 Title: An Act raising the penalties for promoting child prostitution  
 Sponsor: House HESS  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338  
 Division: Administrative Services Date: 2/28/83

Approved by Commissioner: [Signature] Date: 2/28/83  
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

(E) the defendant's intentionally causing the victim to touch, directly or through clothing, the defendant's or victim's genitals, anus, or female breast;

(52) "sexual penetration" means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body; each party to any of the acts defined as "sexual penetration" is considered to be engaged in sexual penetration;

(53) "solicits" includes "commands";

(54) "threat" means a menace, however communicated, to engage in conduct described in (1) (7) of AS 11.41.520(a) but under (1) of that subsection includes all threats to inflict physical injury on anyone;

(55) "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

(A) to a trial by jury; or

(B) to have a public defender or other counsel appointed at public expense to represent him;

(56) "voluntary act" means a bodily movement performed consciously as a result of effort and determination, and includes the possession of property if the defendant was aware of his physical possession or control for a sufficient period to have been able to terminate it.

HISTORY (Sec. 10 ch 166 SLA 1978; am secs. 29 - 32 ch 102 SLA 1980; am secs. 12 - 14 ch 45 SLA 1982; am secs. 12 - 15 ch 143 SLA 1982)

R0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

CHAPTER = 18.65  
SECTION = 18.65.290  
TITLE = 18

ADINGS TITLE 18.  
HEALTH AND SAFETY.  
CHAPTER 65.  
POLICE PROTECTION.  
ARTICLE 2.  
ALASKA POLICE STANDARDS COUNCIL.

CITATION SEC. 18.65.290.

CATCH LINE

DEFINITIONS.

TEXT IN AS 18.65.130 - 18.65.290

(1) "COUNCIL" MEANS THE ALASKA POLICE STANDARDS  
COUNCIL;

(2) "POLICE OFFICER" MEANS A FULL-TIME EMPLOYEE OF THE  
STATE OR A LOCAL POLICE DEPARTMENT WITH THE AUTHORITY TO  
ARREST AND ISSUE CITATIONS; DETAIN A PERSON TAKEN INTO  
CUSTODY UNTIL THAT PERSON CAN BE ARRAIGNED BEFORE A JUDGE OR  
MAGISTRATE; CONDUCT INVESTIGATIONS OF VIOLATIONS OF AND  
ENFORCE CRIMINAL LAWS, REGULATIONS AND TRAFFIC LAWS; SEARCH  
WITH OR WITHOUT A WARRANT PERSONS, DWELLINGS, AND OTHER FORMS  
OF PROPERTY FOR EVIDENCE OF A CRIME; CARRY A CONCEALED  
WEAPON; AND TAKE OTHER ACTION CONSISTENT WITH EXERCISE OF  
THESE ENUMERATED POWERS WHEN NECESSARY TO MAINTAIN THE PUBLIC  
PEACE;

(3) "CHIEF ADMINISTRATIVE OFFICER" MEANS A CHIEF OF  
POLICE OR OTHER OFFICIAL WHO IS HEAD OF A POLICE DEPARTMENT  
IN A POLITICAL SUBDIVISION.

HISTORY (SEC. 1 CH 178 SLA 1972; AM SECS. 10, 11 CH 19 SLA 1981)

R0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

CHAPTER = 01.10  
SECTION = 01.10.060  
TITLE = 01

HEADINGS TITLE 1.  
GENERAL PROVISIONS.  
CHAPTER 10.  
LAWS AND STATUTES.  
ARTICLE 2.  
GENERAL RULES OF STATUTORY CONSTRUCTION.

CITATION SEC. 01.10.060.

CATCH LINE

DEFINITIONS.

TEXT IN THE LAWS OF THE STATE, UNLESS THE CONTEXT OTHERWISE REQUIRES,  
(1) "ACTION" INCLUDES ANY MATTER OR PROCEEDING IN A COURT, CIVIL OR CRIMINAL;  
(2) "DAYTIME" MEANS THE PERIOD BETWEEN SUNRISE AND SUNSET;  
(3) "MONTH" MEANS A CALENDAR MONTH UNLESS OTHERWISE EXPRESSED;  
(4) "NIGHTTIME" MEANS THE PERIOD BETWEEN SUNSET AND SUNRISE;  
(5) "OATH" INCLUDES AFFIRMATION OR DECLARATION;  
(6) "PEACE OFFICER" MEANS ANY OFFICER OF THE STATE TROOPERS, MEMBERS OF THE POLICE FORCE OF ANY INCORPORATED CITY OR BOROUGH, UNITED STATES MARSHALS AND THEIR DEPUTIES, AND OTHER OFFICERS WHOSE DUTY IT IS TO ENFORCE AND PRESERVE THE PUBLIC PEACE;  
(7) "PERSON" INCLUDES A CORPORATION, COMPANY, PARTNERSHIP, FIRM, ASSOCIATION, ORGANIZATION, BUSINESS TRUST, OR SOCIETY, AS WELL AS A NATURAL PERSON;  
(8) "PERSONAL PROPERTY" INCLUDES MONEY, GOODS, CHATTELS, THINGS IN ACTION, AND EVIDENCES OF DEBT;  
(9) "PROPERTY" INCLUDES REAL AND PERSONAL PROPERTY;  
(10) "REAL PROPERTY" IS COEXTENSIVE WITH LAND, TENEMENTS, AND HEREDITAMENTS;  
(11) REPEALED BY SEC. 2 CH 66 SLA 1965.  
(12) "SIGNATURE" OR "SUBSCRIPTION" INCLUDES THE MARK OF A PERSON WHO CANNOT WRITE, WITH THE NAME OF THAT PERSON WRITTEN NEAR THE MARK BY A WITNESS WHO WRITES THE WITNESS'S OWN NAME NEAR THE NAME OF THE PERSON WHO CANNOT WRITE; BUT A SIGNATURE OR SUBSCRIPTION BY MARK CAN BE ACKNOWLEDGED OR CAN SERVE AS A SIGNATURE OR SUBSCRIPTION TO A SWORN STATEMENT ONLY WHEN TWO WITNESSES SO SIGN THEIR OWN NAMES TO THE SWORN STATEMENT;  
(13) "STATE" MEANS THE STATE OF ALASKA UNLESS APPLIED TO THE DIFFERENT PARTS OF THE UNITED STATES AND IN THE LATTER CASE IT INCLUDES THE DISTRICT OF COLUMBIA AND THE TERRITORIES;  
(14) "WRITING" INCLUDES PRINTING.

HISTORY (SEC. 4 CH 62 SLA 1962; AM SEC. 2 CH 66 SLA 1965; AM SEC. 10 CH 117 SLA 1968)

HB 192

2/25

ALASKA NURSES

⇒ David Walker 586-3537

2

Medical Assn URION

2/2/87

APEA 586-2334 no answer - Shelby

CLERGY

Police 586-3300

PHARMACIES

Older AK Comm

sgt.





Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

FOR RELEASE: March 7, 1983

CONTACT: Dave Palmer, 465-3777

THE HOUSE HESS COMMITTEE WILL ACCEPT TESTIMONY FROM TELECONFERENCE SITES AT THE LEGISLATIVE INFORMATION OFFICE AND PIONEER HOME IN ANCHORAGE ON MARCH 14, 1983 AT 1:00 PM JUNEAU TIME, 11:00 AM ANCHORAGE TIME ON HOUSE BILL 107 WHICH DEALS WITH THE RIGHT TO A NATURAL DEATH AND HOUSE BILL 192 REGARDING PROTECTION OF THE ELDERLY THROUGH ESTABLISHING REPORTING REQUIREMENTS FOR CERTAIN HEALTH CARE PROFESSIONALS WHO WORK WITH THE ELDERLY.

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