

HOUSE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/18/21

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to house rules for assisted living homes."**

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

3 * **Section 1.** AS 47.33.060(a) is amended to read:

4 (a) An assisted living home may establish house rules. **The house rules must**
5 **be consistent with 42 C.F.R. 441.301(c)(4) and** [,] subject to the limitations provided
6 for under this chapter.

7 * **Sec. 2.** AS 47.33.060(d) is amended to read:

8 (d) An assisted living home may not adopt a house rule that unreasonably
9 restricts a right of a resident provided for under this chapter or under any other
10 provision of law. **A provider of residential supported-living and habilitation**
11 **services, as determined by the department in regulation, shall allow visitation**
12 **consistent with 42 C.F.R. 441.301(c)(4)(vi)(D).**

13 * **Sec. 3.** AS 47.33.300(a) is amended to read:

14 (a) Subject to (c) of this section, a resident of an assisted living home has the
15 right to

- 1 (1) live in a safe and sanitary environment;
- 2 (2) be treated with consideration and respect for personal dignity,
3 individuality, and the need for privacy, including privacy in
- 4 (A) a medical examination or health-related consultation;
- 5 (B) the resident's room or portion of a room;
- 6 (C) bathing and toileting, except for any assistance in those
7 activities that is specified in the resident's assisted living plan; and
- 8 (D) the maintenance of personal possessions and the right to
9 keep at least one cabinet or drawer locked;
- 10 (3) possess and use personal clothing and other personal property,
11 unless the home can demonstrate that the possession or use of certain personal
12 property would be unsafe or an infringement of the rights of other residents;
- 13 (4) engage in private communications, including
- 14 (A) receiving and sending unopened correspondence;
- 15 (B) having access to a telephone, or having a private telephone
16 at the resident's own expense; and
- 17 (C) visiting with persons of the resident's choice, subject to
18 visiting hours established by the home, **and consistent with AS 47.33.060**;
- 19 (5) close the door of the resident's room at any time, including during
20 visits in the room with guests or other residents;
- 21 (6) at the resident's own expense unless otherwise provided in the
22 residential services contract, participate in and benefit from community services and
23 activities to achieve the highest possible level of independence, autonomy, and
24 interaction with the community;
- 25 (7) manage the resident's own money;
- 26 (8) participate in the development of the resident's assisted living plan;
- 27 (9) share a room with a spouse if both are residents of the home;
- 28 (10) have a reasonable opportunity to exercise and to go outdoors at
29 regular and frequent intervals, when weather permits;
- 30 (11) exercise civil and religious liberties;
- 31 (12) have access to adequate and appropriate health care and health

1 care providers of the resident's own choosing, consistent with established and
2 recognized standards within the community;

3 (13) self-administer the resident's own medications, unless specifically
4 provided otherwise in the resident's assisted living plan;

5 (14) receive meals that are consistent with religious or health-related
6 restrictions;

7 (15) receive the prior notice of relocation of the home or the home's
8 intent to terminate the residential services contract of the resident required by
9 AS 47.33.080 and 47.33.360, respectively;

10 (16) present to the home grievances and recommendations for change
11 in the policies, procedures, or services of the home;

12 (17) at the resident's own expense unless otherwise provided in the
13 residential services contract, have access to and participate in advocacy or special
14 interest groups;

15 (18) at the resident's own expense unless otherwise provided in the
16 residential services contract, intervene or participate in, or refrain from participating
17 in, adjudicatory proceedings held under this chapter, unless provided otherwise by
18 other law; and

19 (19) reasonable access to home files relating to the resident, subject to
20 the constitutional right of privacy of other residents of the home.

21 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 REVISOR'S INSTRUCTION. If this Act and an executive order submitted by the
24 governor to the Thirty-Second Alaska State Legislature in the First Regular Session
25 reorganizing the Department of Health and Social Services both become law, the revisor of
26 statutes is requested to give effect to both the provisions of this Act and the executive order.