

HOUSE CS FOR CS FOR SENATE BILL NO. 89(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 5/14/21

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

(1) live in a safe and sanitary environment **free from abuse and discrimination**;

(2) be treated with consideration and respect for personal dignity, individuality, and the need for privacy, including privacy in

(A) a medical examination or health-related consultation;

(B) the resident's room or portion of a room;

(C) bathing and toileting, except for any assistance in those activities that is specified in the resident's assisted living plan; and

(D) the maintenance of personal possessions and the right to keep at least one cabinet or drawer locked;

(3) possess and use personal clothing and other personal property, unless the home can demonstrate that the possession or use of certain personal property would be unsafe or an infringement of the rights of other residents;

(4) engage in private communications, including

(A) receiving and sending unopened correspondence;

(B) having access to a telephone, or having a private telephone at the resident's own expense; [AND]

(C) visiting with persons of the resident's choice, subject to visiting hours established by the home **and consistent with AS 47.33.060**; **and**

(D) having access to the Internet provided by the home, subject to availability to the home in the community, and having a private device to access the Internet at the resident's own expense;

(5) close the door of the resident's room at any time, including during visits in the room with guests or other residents;

(6) at the resident's own expense unless otherwise provided in the residential services contract, participate in and benefit from community services and activities to achieve the highest possible level of independence, autonomy, and interaction with the community;

(7) manage the resident's own money;

(8) participate in the development of the resident's assisted living plan;

- 1 (9) share a room with a spouse if both are residents of the home;
- 2 (10) have a reasonable opportunity to exercise and to go outdoors at
- 3 regular and frequent intervals, when weather permits;
- 4 (11) exercise civil and religious liberties;
- 5 (12) have access to adequate and appropriate health care and health
- 6 care providers of the resident's own choosing, consistent with established and
- 7 recognized standards within the community;
- 8 (13) self-administer the resident's own medications, unless specifically
- 9 provided otherwise in the resident's assisted living plan;
- 10 (14) receive meals that are consistent with **cultural preferences and**
- 11 **religious or health-related restrictions;**
- 12 (15) receive the prior notice of relocation of the home or the home's
- 13 intent to terminate the residential services contract of the resident required by
- 14 AS 47.33.080 and 47.33.360, respectively;
- 15 (16) present to the home grievances and recommendations for change
- 16 in the policies, procedures, or services of the home **without fear of reprisal or**
- 17 **retaliation;**
- 18 (17) at the resident's own expense unless otherwise provided in the
- 19 residential services contract, have access to and participate in advocacy or special
- 20 interest groups;
- 21 (18) at the resident's own expense unless otherwise provided in the
- 22 residential services contract, intervene or participate in, or refrain from participating
- 23 in, adjudicatory proceedings held under this chapter, unless provided otherwise by
- 24 other law; [AND]
- 25 (19) reasonable access to home files relating to the resident, subject to
- 26 the constitutional right of privacy of other residents of the home;
- 27 **(20) receive information in a language the resident understands;**
- 28 **and**
- 29 **(21) receive quality care; in this paragraph, "quality care" means**
- 30 **care of a resident in accordance with the resident's assisted living plan, plan of**
- 31 **care, personal preferences, and health care providers' recommendations.**

1 * **Sec. 4.** AS 47.33.990 is amended by adding a new paragraph to read:

2 (20) "retaliation" means an adverse action taken, or threatened, by an
3 assisted living home or an agent of an assisted living home against a resident in
4 response to a complaint made to, or about, the home.