

HOUSE BILL NO. 139

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILSON

Introduced: 2/22/17

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the eligibility of individuals and entities to be licensed or paid by the**
2 **Department of Health and Social Services for providing certain services; and repealing**
3 **requirements related to the Department of Health and Social Service's centralized**
4 **registry."**

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

6 * **Section 1.** AS 47.05.310(c) is amended to read:

7 (c) The department may not issue or renew a license or certification for an
8 entity if an individual is applying for a license, license renewal, certification, or
9 certification renewal for the entity and that

10 [(1)] individual has been found by a court or agency of this or another
11 jurisdiction [TO HAVE NEGLECTED, ABUSED, OR EXPLOITED A CHILD OR
12 VULNERABLE ADULT UNDER AS 47.10, AS 47.24, OR AS 47.62 OR A
13 SUBSTANTIALLY SIMILAR PROVISION IN ANOTHER JURISDICTION, OR] to
14 have committed medical assistance fraud under AS 47.05.210 or a substantially

1 similar provision in another jurisdiction [; OR

2 (2) INDIVIDUAL'S NAME APPEARS ON THE CENTRALIZED
3 REGISTRY ESTABLISHED UNDER AS 47.05.330 OR A SIMILAR REGISTRY
4 OF THIS STATE OR ANOTHER JURISDICTION].

5 * **Sec. 2.** AS 47.05.310(i) is amended to read:

6 (i) For purposes of (b) and (c) of this section, in place of nonissuance or
7 nonrenewal of a license or certification, an entity or individual service provider that is
8 not required to be licensed or certified by the department or a person wishing to
9 become an entity or individual service provider that is not required to be licensed or
10 certified by the department is instead ineligible to receive a payment, in whole or in
11 part, from the department to provide for the health, safety, and welfare of persons who
12 are served by the programs administered by the department if the entity, individual
13 service provider, or person

14 (1) is in violation of (a) of this section or would be in violation based
15 on information received by the department as part of an application, approval, or
16 selection process; **or**

17 (2) has been found by a court or agency of this or another jurisdiction
18 [TO HAVE NEGLECTED, ABUSED, OR EXPLOITED A CHILD OR
19 VULNERABLE ADULT UNDER AS 47.10, AS 47.24, OR AS 47.62 OR A
20 SUBSTANTIALLY SIMILAR PROVISION IN ANOTHER JURISDICTION, OR] to
21 have committed medical assistance fraud under AS 47.05.210 or a substantially
22 similar provision in another jurisdiction [; OR

23 (3) APPEARS ON THE CENTRALIZED REGISTRY
24 ESTABLISHED UNDER AS 47.05.330 OR A SIMILAR REGISTRY OF THIS
25 STATE OR ANOTHER JURISDICTION].

26 * **Sec. 3.** AS 47.32.010(c) is amended to read:

27 (c) The provisions of AS 47.05.300 - 47.05.390, regarding criminal history,
28 criminal history checks, **and** criminal history use standards, [AND A CENTRALIZED
29 REGISTRY,] apply to entities listed in (b) of this section, as provided in
30 AS 47.05.300.

31 * **Sec. 4.** AS 47.32.150(b) is amended to read:

1 (b) Upon receipt of a timely request for a hearing by an entity regarding an
2 enforcement action under AS 47.32.070 or 47.32.140(d)(1), (2), (4), (8), (10), (11),
3 [(12),] or (13), the department shall conduct a hearing in front of an officer appointed
4 by the commissioner. A hearing under this subsection may be conducted on the record,
5 in an informal manner, and may not be conducted under AS 44.62 or AS 44.64. The
6 appointed hearing officer may be a state employee.

7 * **Sec. 5.** AS 44.62.330(a)(41); AS 47.05.330; and AS 47.32.140(d)(12) are repealed.