

HOUSE BILL NO. 260 am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES STAPP, Galvin

Amended: 5/6/24

Introduced: 1/16/24

Sponsor(s): REPRESENTATIVES STAPP, Galvin, Schrage, Saddler, Tomaszewski, Sumner, Tilton

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing programs for catastrophic illness assistance and medical assistance**
2 **for chronic and acute medical conditions."**

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

4 *** Section 1.** AS 36.30.850(b)(11) is amended to read:

5 (11) agreements with providers of services under AS 47.25.071 -
6 47.25.095; AS 47.07; [AS 47.08;] AS 47.10; AS 47.12; AS 47.14; AS 47.17;
7 AS 47.24; and AS 47.27, including contractors under AS 47.27.050;

8 *** Sec. 2.** AS 47.05.085(a) is amended to read:

9 (a) The commissioner or the commissioner's designee at the director level may
10 issue subpoenas to compel the production of books, papers, correspondence,
11 memoranda, and other records considered necessary as evidence in connection with an
12 investigation under or the administration of AS 47.07 (medical assistance), [AS 47.08
13 (ASSISTANCE FOR CATASTROPHIC ILLNESSES AND ACUTE OR CHRONIC
14 MEDICAL CONDITIONS),] AS 47.25 (day care assistance, child care grants, general

1 relief, adult public assistance, and food stamps), and AS 47.27 (Alaska temporary
2 assistance program).

3 * **Sec. 3.** AS 47.05.200(d) is amended to read:

4 (d) As a condition of obtaining payment under AS 47.07 [AND AS 47.08] and
5 for purposes of this section, a provider shall allow

6 (1) the department reasonable access to the records of medical
7 assistance recipients and providers; and

8 (2) audit and inspection of the records by state and federal agencies.

9 * **Sec. 4.** AS 47.05.210(a) is amended to read:

10 (a) A person commits the crime of medical assistance fraud if the person

11 (1) knowingly submits or authorizes the submission of a claim to a
12 medical assistance agency for property, services, or a benefit with reckless disregard
13 that the claimant is not entitled to the property, services, or benefit;

14 (2) knowingly prepares or assists another person to prepare a claim for
15 submission to a medical assistance agency for property, services, or a benefit with
16 reckless disregard that the claimant is not entitled to the property, services, or benefit;

17 (3) except as otherwise authorized under the medical assistance
18 program, confers, offers to confer, solicits, agrees to accept, or accepts property,
19 services, or a benefit

20 (A) to refer a medical assistance recipient to a health care
21 provider; or

22 (B) for providing health care to a medical assistance recipient if
23 the property, services, or benefit is in addition to payment by a medical
24 assistance agency;

25 (4) does not produce medical assistance records to a person authorized
26 to request the records;

27 (5) knowingly makes a false entry in or falsely alters a medical
28 assistance record;

29 (6) knowingly destroys, mutilates, suppresses, conceals, removes, or
30 otherwise impairs the verity, legibility, or availability of a medical assistance record
31 knowing that the person lacks the authority to do so; or

1 (7) violates a provision of AS 47.07 [OR AS 47.08] or a regulation
2 adopted under AS 47.07 [OR AS 47.08].

3 * **Sec. 5.** AS 47.05.240 is amended to read:

4 **Sec. 47.05.240. Exclusion from medical assistance programs.** (a) The
5 commissioner may exclude an applicant to or disenroll a medical assistance provider
6 in the medical assistance program in AS 47.07 [OR AS 47.08, OR BOTH,] for a
7 period of up to 10 years after unconditional discharge on a conviction

8 (1) for medical assistance fraud under AS 47.05.210 or misconduct
9 involving a controlled substance under AS 11.71; or

10 (2) in a court of the United States or a court of another state or
11 territory, for a crime with elements similar to the crimes included under (1) of this
12 subsection.

13 (b) After a period of exclusion under (a) of this section, an applicant may not
14 participate in a medical assistance program under AS 47.07 [OR AS 47.08] until the
15 applicant establishes to the commissioner by clear and convincing evidence that the
16 applicant possesses all required licenses and certificates and is qualified to participate.

17 * **Sec. 6.** AS 47.05.290(9) is amended to read:

18 (9) "medical assistance program" means a program under AS 47.07
19 [OR AS 47.08];

20 * **Sec. 7.** AS 47.05.290(10) is amended to read:

21 (10) "medical assistance provider" or "provider" means a person or
22 organization that provides, attempts to provide, or claims to have provided services or
23 products to a medical assistance recipient that may qualify for reimbursement under
24 AS 47.07 [OR AS 47.08] or a person or organization that participates in or has applied
25 to participate in a medical assistance program as a supplier of a service or product;

26 * **Sec. 8.** AS 47.05.290(17) is amended to read:

27 (17) "services" or "medical assistance services" means a health care
28 benefit that may qualify for reimbursement under AS 47.07 [OR AS 47.08], including
29 health care benefits provided, attempted to be provided, or claimed to have been
30 provided to another, by a medical assistance provider, or "services" as defined in
31 AS 11.81.900;

1 * **Sec. 9.** AS 47.05.330(a) is amended to read:

2 (a) The Department of Health and the Department of Family and Community
3 Services shall by regulation identify each database that department will review when
4 conducting a civil history check under AS 47.05.325 to identify each individual

5 (1) whom a court or the applicable department has found

6 (A) to have committed abuse, neglect, undue influence, or
7 exploitation of a vulnerable adult;

8 (B) under AS 47.32 or regulations adopted under AS 47.32, to
9 have significantly adversely affected the health, safety, or welfare of an
10 individual who is receiving a service from an entity licensed under AS 47.32; a
11 finding described in this subparagraph includes a decision to revoke, suspend,
12 or deny a license or license renewal, or the relinquishment of a license as part
13 of a settlement agreement;

14 (2) who has been subject to criminal or civil penalties for a violation of
15 AS 09.58, AS 47.05, AS 47.06, AS 47.07, **former** AS 47.08, or regulations adopted
16 under AS 09.58, AS 47.05, AS 47.06, AS 47.07, or **former** AS 47.08;

17 (3) about whom the applicable department or a court has made a
18 substantiated finding of child abuse or neglect under AS 47.10 or AS 47.14;

19 (4) who was a biological or adoptive parent, guardian, custodian, or
20 Indian custodian of a child at the time the child was the subject of a child-in-need-of-
21 aid petition under AS 47.10;

22 (5) who, in the course of employment with the state, has been
23 terminated from employment or has had an allegation of assaultive, abusive,
24 neglectful, or exploitive behavior or actions substantiated;

25 (6) who, in this state or another jurisdiction, for reasons related to
26 abuse, neglect, undue influence, exploitation, or other reasons that are inconsistent
27 with standards for the protection of public health, safety, or welfare, has had a
28 professional license, certification, or similar professional designation revoked,
29 suspended, or denied, or has had a request for renewal of a professional license,
30 certification, or similar professional designation denied;

31 (7) whom another state or jurisdiction has identified on a civil registry

1 or database substantially similar to the databases identified under this section for
2 reasons substantially similar to the reasons identified in (1) - (6) of this subsection.

3 * **Sec. 10.** AS 47.08.010, 47.08.020, 47.08.030, 47.08.040, 47.08.050, 47.08.060, 47.08.070,
4 47.08.080, 47.08.090, 47.08.100, 47.08.110, 47.08.120, 47.08.130, 47.08.140, and 47.08.150
5 are repealed.

6 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. AS 47.05.210(a), as amended by sec. 4 of this Act, applies to
9 offenses committed on or after the effective date of this Act.

10 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 TRANSITION. (a) Notwithstanding AS 47.05.085(a), as amended by sec. 2 of this
13 Act, the commissioner of health or the commissioner's designee at the director level may issue
14 subpoenas to compel the production of books, papers, correspondence, memoranda, and other
15 records considered necessary as evidence in connection with an investigation under AS 47.08
16 that began before the effective date of this Act or for an investigation of a violation of
17 AS 47.08 that occurred before the effective date of this Act.

18 (b) Notwithstanding AS 47.05.200(d), as amended by sec. 3 of this Act, a provider
19 shall allow the department reasonable access to the records of medical assistance recipients
20 and providers and allow audit and inspection of the records by state and federal agencies

21 (1) in order to receive payment for a service provided under AS 47.08 before
22 the effective date of this Act; and

23 (2) in connection with an audit under AS 47.05.200 for activities that occurred
24 before the effective date of this Act.