

## SECTIONAL ANALYSIS SB 151

### **DHSS CENTRALIZED REGISTRY; LICENSE; BACKGROUND CHECKS**

#### FOR THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Section 1 (page 1)	Amends 44.62.330 to clarify that the Office of Administrative Hearings would be limited to variances and reconsideration.
Section 2 (pages 1-4)	Repeals and reenacts AS 47.05.310 to remove substantive references to the centralized registry under AS 47.05.330. This would alleviate confusion, inconsistencies, and redundancy between the two statutes. This section would further clarify that individuals, not entities, can seek a criminal background check and centralized registry check.
Section 3 (pages 3-6)	Adds a new statute AS 47.05.325 to mirror the criminal background check statute (AS 47.05.310), primarily clarifying that the same individuals who would be subject to review under the criminal history check would also be subject to review under the centralized registry. This statute would further clarify what types of civil findings would constitute a bar and would clearly provide that only those bars that have been subject to due process through an administrative or court hearing would apply. This section would also add a paragraph that would include substantiations by the Department of Health and Social Services, Office of Children's Services and Adult Protective Services (reference to AS 47.17.040 and AS 47.24) as a bar. This bill makes

other various edits and revisions to make the statute much more readable and streamlined.

- Section 4 (page 6) Repeals and reenacts AS 47.05.330 to provide for the creation, by regulation, of the centralized registry. This registry would be the repository of both names and certain civil events and would be used to determine whether or not someone could be approved to own, operate, be employed of, or be paid by the State to provide services. This section separates out the actual registry from the substance and process set forth in section 3 of the bill.
- Section 5 (page 7) Amends AS 47.05.350 to limit the use of information obtained by an entity or individual as well as provide for immunity under this chapter for relying upon information gathered under this chapter, AS 47.05.310 and AS 47.05.325.
- Section 6 (page 7) Amends AS 47.05.360 to add a new section indicating how a person who gets a notice identifying a barring condition can request mistakes to be fixed, or to seek a variance or reconsideration.
- Section 7 (page 7) Amends AS 47.05.390 to amend the definition of “entity” under this chapter.
- Sections 8 (pages 7-8) Amends AS 47.17.040 to rename the registry used by the Office of Children’s Services to avoid confusion. This section also clarifies that this registry will include substantiated findings of abuse or neglect established through the

Department of Health and Social Services. This amendment further clarifies that this information can be used for licensing both in and out of this State and confirms the due process protections before placement on the central registry, which is a bar on the centralized registry under AS 47.05.330.

- Section 9 (page 8) Amends AS 47.17.040 to ensure that notice and opportunities for appeal are afforded to persons prior to placement on the child protection registry. This section also provides additional definitions.
- Section 10 (page 8) Amends 47.32.070 to add a new subsection that allows licensing history to be considered in evaluating whether to license or place a condition on a license under AS 47.32.
- Section 11 (page 8-9) Amends AS 47.32.090 to allow the Department of Health and Social Services to investigate an employee, contractor, or volunteer of a licensed entity and, if conduct that did not comply with licensing standard is substantiated, place the employee, contractor, or volunteer on the centralized registry. Currently, state law only allows the Department to investigate and issue findings against the entity – not against individuals who work for the entity.
- Section 12 (page 9) Amends AS 47.32.150(b) to allow a person who is issued a fine as part of an enforcement action to have the right to appeal the fine.

Section 13 (page 9)	Amends AS 47.32.180 to clarify that when there is a joint investigation of a licensed facility, the Department of Health and Social Services is allowed to share licensing information with a law enforcement agency, which may also be investigating a crime.
Section 14 (page 9)	Amends AS 47.32.190 to clarify that any division of the Department of Health and Social Services who is responsible for licensing may gather and share information in order to implement this statute. The current version of the law limits sharing and access to the Divisions of Public Health and Public Assistance, which were the divisions who were responsible for licensing when this law went into effect. At this point, due to changes in organization, licensing is done by the Office of Children’s Services, Division of Health Care Services and Public Assistance. This amendment simply allows those divisions who are responsible for licensing to access and share information to implement this chapter without reference to specific divisions. This provides the Department of Health and Social Services with flexibility to implement the chapter when they make organizational changes in the future.
Section 15 (page 10)	Repeals an unused definition in AS 47.05.390( <i>l</i> ) and removes a plan of correction as an enforcement action from AS 47.32.140(d).

- Section 16 (page 10) Provides for an applicability section to ensure that the criminal or civil conduct occurred before, on, or after the effective date of the Act is covered by these changes.
- Section 17 (page 10-11) Adds instructions to the revisor of statutes to change headings in statute to conform to new language in the bill.
- Section 18 (page 11) Provides for an immediate effective date.