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Senator David Wilson

SB 26 Repeal of Certificate of Need, Bill Version I Sectional Analysis – February 23, 2022

Section 1: AS 12.25.030(e) - Title 12, Code of Criminal Procedure

PAGE 1, LINES 4-6:

This conforming section replaces the statutory definition of a “health care facility” reference under the “Arrests & Citations” chapter of statutes and deletes the previous reference under the “Certificate of Need” program.

Section 2: AS 12.55.155(c)(36)(A) - Title 12, Code of Criminal Procedure

PAGE 1, LINE 7 - PAGE 2, LINE 4:

This section provides for a new definition of a “health care facility” reference under the “Sentencing and Probation” chapter of statutes.

Section 3: AS 12.55.155(c)(36) - Title 12, Code of Criminal Procedure

PAGE 2, LINES 5 - 7:

This section adds the definition of a “residential psychiatric treatment center” reference under the “Sentencing and Probation” chapter of statutes.

Section 4: AS 18.20.400(c) - Title 18, Health, Safety, Housing, Human Rights, and Public Defender

PAGE 2, LINE 8 - PAGE 4, LINE 10:

This conforming section adds the definition of a “residential psychiatric treatment center” reference under the “Overtime Limitations for Nurses” chapter of statutes.

Section 5: AS 18.20.400 - Title 18, Health, Safety, Housing, Human Rights, and Public Defender

PAGE 4, LINE 11 - LINE 23:

A conforming section that adds the definition of a “residential psychiatric treatment center” reference under the “Overtime Limitations for Nurses” chapter of statutes.

Section 6: AS 18.20.499(2) - Title 18, Health, Safety, Housing, Human Rights, and Public Defender

PAGE 4, LINE 24 – PAGE 5, LINE 5:

A conforming section that adds the definition of a “health care facility” reference under the “Overtime Limitations for Nurses” section of statutes and deletes the previous “Certificate of Need” statutory references.

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Section 7: AS 18.26.220 - Title 47, Welfare, Social Services, and Institutions

PAGE 5, LINE 6 – LINE 16:

This section is amended to add the state licensing requirements for facilities and services under a new statutory reference remove the previous requirements for facilities and services under a “certificate of need” program under the “Centralized Licensing and Related Administrative Procedures” chapter of statutes. The amended section maintains licensing requirements for facilities and/or services.

Section 8: AS 18.35.399(9) - Health, Safety, Housing, Human Rights, and Public Defender

PAGE 5, LINE 17 – LINE 29:

A conforming section that removes the reference to the “certificate of need” statute and replaces it with the updated statute reference under AS 18.20.400 (d), “Definitions”.

Section 9: AS 18.07.021 - 18.07.111; AS 21.86.030(c)(1); AS 44.64.030(a)(18); and AS 47.80.140(b)

PAGE 5, LINE 30 – PAGE 6, LINE 1:

This conforming section repeals various statutory references related to the “certificate of need” program.

Section 10: Section 4, ch. 275, SLA 1976, is repealed:

PAGE 6, LINE 2:

Repeals a section of uncodified law in sec. 4, ch. 275, SLA 1976, which provided a transition to allow medical facilities in existence or under construction before July 1, 1976, to obtain certificates of need.

Section 11: Certificate of Need; Applicability:

PAGE 6, LINE 3 – LINE 16:

Amends uncodified law and provides that the Department of Health & Social Services may not take any action to revoke, enforce, or modify a certificate of need issued to a health care facility before the effective date of the Act. This section includes a sliding scale that increases the threshold amount, in fiscal years FY24 through FY 31, of when a “Certificate of Need” is required by the Department of Health & Social Services.

Section 12:

PAGE 6, LINE 17 - LINE 22:

Adds a new subsection that directs the Department of Health and Social Services to create regulations necessary to implement the changes made by this Act by July 1, 2023.

Section 13:

PAGE 6, LINE 23:

Section 12 of this Act takes effect immediately under AS 01.10.070(c).

Section 14:

PAGE 6, LINE 24:

Provides that, except section 13 of the Act, the effective date of the Act is July 1, 2024.