

Summary of Changes in CS HB 162 ver. J

House Health and Social Services

February 20, 2018

By Department of Law

Section 1 contains the amendment requested by the Department of Public Safety to ensure compliance with federal laws relating to the sharing of criminal history information with the Department of Health and Social Services.

Section 2 contains a technical fix that removes the word “registry” and instead refers to databases to avoid the concern raised by the Ombudsman regarding confusion over the term “registry.”

Old Section 7 was deleted as it was determined in consultation with legislative legal the section was redundant. It was determined that keeping what is now section 7 in the CS was sufficient to require relative placement to have background checks.

Section 10 is re-written to address the concerns raised by the Ombudsman’s office. Specifically, the rewrite:

- Removes the confusion caused by using the word “registry.” Similar to Sections 2, 8, 18, and 21, the change redefines registry to “databases”;
- Clarifies that we are looking to evaluate health, safety, and welfare issues when reviewing databases related to licensed entities, not technical violations that may lead to a nonrenewal, suspension or revocation of a license;
- Clarifies that we are looking to identify persons whose children are subjects of a child in need of aid petition;
- Clarifies that we are looking to evaluate health, safety, and welfare issues when reviewing databases related to licensed providers (occupational licensing under AS 08), not unrelated technical violations;
- Adds that a person who works for the state – not just the Department of Health and Social Services – is subject to a barring condition if they are terminated from employment for a substantiated allegation of assaultive, neglectful, or exploitive behavior.

Section 12 is amended as requested by the Ombudsman’s Office to clarify persons who are seeking variances have access to information they need to pursue a variance.

Section 14 adds a new section to effectuate the access of information under AS 47.10 for variance committees.

Section 17 (former Section 16) contains a technical fix that remove the word “registry” that refer to databases to avoid confusion as articulated by the Ombudsman.

Section 19 (former Section 18) removes the qualifier of “unsupervised” before “volunteer” as to persons who can be investigated. The Department wants to be able to investigate any volunteer – unsupervised or otherwise – who has engaged in abusive, neglectful, or exploitative behavior against a child or adult in care.

Sections 20 is added to this CS to amend AS 47.32.140(d) to remove the word “registry” and instead refer to databases to avoid the concern raised by the Ombudsman regarding confusion over the term “registry.”.

Section 22 (former Section 20) is amended to add a new subsection to clarify that information can be shared with law enforcement if that information is from a concurrent investigation.