



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Health

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March 26, 2025

The Honorable Genevieve Mina
Chair, House Health and Social Services Committee
Alaska State Capitol, Room 416
Juneau, AK 99801

Dear Chair Mina,

Please see the following responses to questions during HB52 discussion in the House Health and Social Services meeting March 26, 2025

Does HB 52 Section 1 duplicate established rights to access to telephones under AS 47.30.840?

AS 47.30.840(7) states “shall have reasonable access to a telephone, both to make and receive confidential calls;”

HB 52 adds the option of “video communication”, however also places a restriction on time for communication per week, which is more stringent than AS 47.30.840(7).

What does the enforcement look like for a facility who wouldn't allow Department of Health (DOH) to do inspections or have non-compliance?

AS 47.32.090 through AS 47.32.110 provided authority for DOH to conduct inspections, investigation complaints. It also requires the facility to cooperate with investigations/inspections.

Under AS 47.32.140 provides a variety of enforcement actions that the Department can take against the facility. Enforcement actions are chosen based on a variety of factors related to the inspection and findings.

Departments Authority to Inspect and Investigate Health Care Facilities:

Facilities required to be licensed under AS 47.32, such as psychiatric hospitals, must be inspected by the Department prior to opening, as well as while it is operational. The Department also has the authority to investigate complaints or concerns noted by a variety of sources such as internal and external stakeholders.

Enforcement Action Process due to Non-Compliance:

If noncompliance is substantiated through an investigation or inspection, enforcement action(s) may occur. There are two types of enforcement tracks:

- 1) *Presents of Immediate danger to the health, safety, or welfare:* Through an investigation or inspection, the Department has determined reasonable cause to believe that a violation of an applicable statute or regulation has occurred that presents an immediate danger to the health, safety, or welfare of an individual receiving services from the entity, the department with licensing authority, without an administrative hearing and without providing an opportunity to cure or correct the violation, may immediately revoke or suspend the entity's license. The facility would be provided appeal rights if this occurred.
- 2) *Presents of Non-Immediate danger to the health, safety, or welfare:* Through an investigation or inspection, the Department has reasonable cause to believe that a violation of an applicable statute or regulation has occurred in which does not present an immediate danger to the health, safety, or welfare of an individual, that department shall provide notice to the entity of the violation and an opportunity to cure the violation within a reasonable time specified in the notice. This notice would include enforcement actions taken against the facility. See enforcement actions options below.

Types of Enforcement Actions:

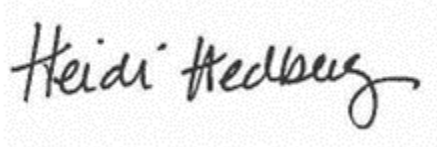
Enforcement actions are determined based on a variety of factors that include but are not limited to the severity of the findings, occurrence of actual harm, historical non-compliance and inability to maintain compliance, and/or quantity of violations. The Department may take one or more of the following enforcement actions:

- Delivery of a warning notice to the licensed entity and to any additional person who was the subject of the investigation or inspection
- Modification of the term or scope of the entity's existing license, including changing a biennial license to a provisional license or adding a condition to the license
- Suspension of the entity's operations for a period of time set by the department with licensing authority
- Suspension of or a ban on the entity's provision of services to individuals not already receiving services from the entity for a period of time set by the department with licensing authority
- Nonrenewal of the entity's license
- Revocation of the entity's license or, if the entity is not licensed under this chapter, revocation of the entity's ability to become licensed under this chapter
- Issuance of an order requiring closure, immediate or otherwise, of the entity regardless of whether the entity is licensed or unlicensed
- Denial of payments under [AS 47.07](#) (Medical Assistance for Needy Persons) for the entity's provision of services to an individual not already receiving services from the entity

- Assumption of either temporary or permanent management of the entity or pursuit of a court-ordered receiver for the entity (requires commissioner's approval and review)
- Reduction of the number of individuals receiving services from the entity under the license
- Imposition of a penalty authorized under law
- Inclusion in a civil history database identified under AS 47.05.330
- Assess a fine that may not exceed \$2,500 a day for each day of violation for a continuing violation or \$25,000 for a single violation

If you have additional questions, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Heidi Hedberg". The signature is written in a cursive, flowing style. It is positioned above a large, light gray map of the state of Alaska, which serves as a background for the lower half of the page.

Heidi Hedberg
Commissioner

cc: Jordan Shilling, Director, Governor's Legislative Office