

CS FOR SENATE BILL NO. 296(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/16/96

Referred: Rules

Sponsor(s): SENATOR ELLIS

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring criminal background checks before certain persons may be
2 employed in a nursing home or assisted living facility; and prohibiting the
3 hiring or retention of certain nursing home and assisted living facility employees
4 convicted of specified offenses."

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

6 * **Section 1.** AS 18.20 is amended by adding a new section to read:

7 Sec. 18.20.302. CRIMINAL BACKGROUND CHECK FOR EMPLOYEES. (a)
8 A nursing facility may not employ an individual in a paid position that the department
9 has determined is covered by this section, according to its regulations, unless the
10 individual, before beginning employment,

11 (1) provides to the facility a sworn statement as to whether the individual
12 has been convicted of an offense described in (c) of this section;

13 (2) provides to the facility the results of a name-check criminal
14 background investigation that was completed by the Department of Public Safety no

1 more than 30 days before the individual is hired; and

2 (3) submits to the facility two full sets of the individual's fingerprints.

3 (b) Within 30 days after employing an individual in a paid position, nursing
4 facility shall submit to the Department of Public Safety the fingerprints obtained under
5 (a)(3) of this section. The Department of Public Safety shall submit the fingerprints to
6 the Federal Bureau of Investigation for a national criminal history record check. When
7 the results are received, the department shall advise the facility of

8 (1) the date on which the fingerprint background check was completed;
9 and

10 (2) whether the check shows that the individual has committed an offense
11 described in (c) of this section.

12 (c) A nursing facility may not hire or retain an employee who has been
13 convicted of an offense listed in the department's regulations as being an offense covered
14 by this section.

15 * **Sec. 2.** AS 47.33 is amended by adding a new section to article 1 to read:

16 Sec. 47.33.100. CRIMINAL BACKGROUND CHECK FOR EMPLOYEES. (a)

17 An assisted living home may not employ an individual in a paid position that the
18 applicable licensing agency has determined is covered by this section, according to its
19 regulations, unless the individual, before beginning employment,

20 (1) provides to the home a sworn statement as to whether the individual
21 has been convicted of an offense described in (c) of this section; and

22 (2) provides to the home the results of a name-check criminal background
23 investigation that was completed by the Department of Public Safety no more than 30
24 days before the individual is hired; and

25 (3) submits to the home two full sets of the individual's fingerprints.

26 (b) Within 30 days after employing an individual in a paid position, an assisted
27 living home shall submit to the Department of Public Safety the fingerprints obtained
28 under (a)(3) of this section. The Department of Public Safety shall submit the
29 fingerprints to the Federal Bureau of Investigation for a national criminal history record
30 check. When the results are received, the department shall advise the home of

31 (1) the date on which the fingerprint background check was completed;
32 and

1 (2) whether the check shows that the individual has committed an offense
2 described in (c) of this section.

3 (c) An assisted living home may not hire or retain an employee who has been
4 convicted of an offense listed in the regulations of the applicable licensing agency as
5 being an offense covered by this section.

6 * **Sec. 3.** AS 47.33.920 is amended to read:

7 Sec. 47.33.920. REGULATIONS. The commissioner of health and social
8 services and the commissioner of administration each may adopt regulations to carry out
9 the provisions of this chapter, including regulations regarding licensure and renewal
10 requirements, license application and renewal procedures; application and license fees;
11 types, duration, renewal, and transferability of licenses; staffing and home operation
12 standards; and variances to licensure and operating standards. Regulations adopted under
13 this chapter may provide for the waiver or modification of the requirements of this
14 chapter for homes with fewer than six residents **except that the regulations may not**
15 **provide for waiver or modification of the requirements of AS 47.33.100.**

16 * **Sec. 4.** APPLICABILITY. AS 18.20.302(a) and (b), added by sec. 1 of this Act, and
17 AS 47.33.100(a) and (b), added by sec. 2 of this Act, may not be construed to modify a
18 collective bargaining agreement that is in effect on the effective date of this Act. A collective
19 bargaining agreement entered into or renewed on or after the effective date of this Act may
20 not contain a provision that is inconsistent with secs. 1 - 3 of this Act.