

**SENATE BILL NO. 296**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY SENATOR ELLIS**

**Introduced: 2/12/96**

**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act requiring fingerprint criminal background checks before certain persons  
2 may be employed in a nursing home or assisted living facility; and prohibiting  
3 the hiring or retention of certain nursing home and assisted living facility  
4 employees 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. FINGERPRINT CHECK BEFORE EMPLOYMENT. (a) A  
8           nursing facility may not employ an individual in a paid position unless a fingerprint  
9           criminal background investigation that included a fingerprint check of the records of the  
10           Federal Bureau of Investigation was completed by the Department of Public Safety no  
11           more than 30 days before the individual is hired. Upon request of a nursing facility, the  
12           Department of Public Safety shall advise the facility whether the department has  
13           completed a fingerprint criminal background check of a specified individual as required  
14           under this subsection and, if so,

1 (1) the date on which the background check was completed; and  
2 (2) whether the check shows that the individual meets the requirements  
3 for hiring or retention under (b) of this section.

4 (b) A nursing facility may not hire or retain an employee who has been  
5 convicted of a

- 6 (1) felony;  
7 (2) misdemeanor involving drugs, physical abuse, or sexual abuse; or  
8 (3) misdemeanor assault offense where there was evidence that alcohol  
9 use by the applicant contributed to the assault.

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

11 Sec. 47.33.100. FINGERPRINT CHECK BEFORE EMPLOYMENT. (a) An  
12 assisted living home may not employ an individual in a paid position unless a fingerprint  
13 criminal background investigation that included a fingerprint check of the records of the  
14 Federal Bureau of Investigation was completed by the Department of Public Safety no  
15 more than 30 days before the individual is hired. On request of an assisted living home,  
16 the Department of Public Safety shall advise the assisted living home whether the  
17 department has completed a fingerprint criminal background check of a specified  
18 individual as required under this subsection and, if so,

19 (1) the date on which the check was completed; and  
20 (2) whether the check shows that the individual meets the requirements  
21 for hiring or retention under (b) of this section.

22 (b) An assisted living home may not hire or retain an employee who has been  
23 convicted of a

- 24 (1) felony;  
25 (2) misdemeanor involving drugs, physical abuse, or sexual abuse; or  
26 (3) misdemeanor assault offense where there was evidence that alcohol  
27 use by the applicant contributed to the assault.

28 \* **Sec. 3.** AS 47.33.920 is amended to read:

29 Sec. 47.33.920. REGULATIONS. The commissioner of health and social  
30 services and the commissioner of administration each may adopt regulations to carry out  
31 the provisions of this chapter, including regulations regarding licensure and renewal  
32 requirements, license application and renewal procedures; application and license fees;

1 types, duration, renewal, and transferability of licenses; staffing and home operation  
2 standards; and variances to licensure and operating standards. Regulations adopted under  
3 this chapter may provide for the waiver or modification of the requirements of this  
4 chapter for homes with fewer than six residents **except that the regulations may not**  
5 **provide for waiver or modification of the requirements of AS 47.33.100.**