



LAWS OF ALASKA

1998

Source

SCS CSHB 353(HES)

Chapter No.

119

AN ACT

Relating to adoption by reference in regulations; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 22, 1998

Actual Effective Date: July 1, 1998

AN ACT

1 Relating to adoption by reference in regulations; and providing for an effective date.

2

3 * Section 1. AS 44.62 is amended by adding a new section to read:

4 **Sec. 44.62.245. Material incorporated by reference.** (a) In adopting a
5 regulation that incorporates a document or other material by reference, a state agency
6 may incorporate future amended versions of the document or other material if the
7 adopted regulation identifies or refers to the document or other material followed by
8 the phrase "as may be amended," the phrase "as amended from time to time," or a
9 similar provision and the

10 (1) document consists of a regulation of another agency of the state;

11 or

12 (2) incorporation of a future amended version of the document or other
13 material is explicitly authorized by a statute.

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1 (b) When the amended version of a document or other material incorporated
2 by reference in a regulation as described in (a) of this section becomes available, the
3 state agency shall

4 (1) make the amended version of the document or other material
5 available to the public for review; and

6 (2) publish in the Alaska Administrative Journal, not later than 15 days
7 after the amended version of the document or other material becomes available, a
8 notice that describes the affected regulation, the effective date of the amended version
9 of the document or other material, and how a copy of the amended version may be
10 obtained or reviewed.

11 (c) The state agency shall also send the notice described in (b)(2) of this
12 section to

13 (1) a person who has placed the person's name on a distribution list
14 kept by the agency that lists persons who want to receive the notice; the agency may
15 allow a person to request that distribution of the notice be by electronic means and
16 shall honor that request if appropriate means are available; and

17 (2) the regulations attorney in the Department of Law.

18 (d) A change in the form, format, or title in a future amended or revised
19 version of a document or material incorporated by reference in a regulation under this
20 section does not affect the validity of the regulation or the state agency's ability to
21 enforce or implement the regulation. The state agency shall notify the regulations
22 attorney in the Department of Law if the title of the document or other material
23 changes. The regulations attorney shall correct the title in the Alaska Administrative
24 Code under AS 44.62.125.

25 * Sec. 2. AS 47.05 is amended by adding a new section to read:

26 **Sec. 47.05.012. Material incorporated by reference.** Under
27 AS 44.62.245(a)(2), in adopting or amending a regulation that incorporates a document
28 or other material by reference, the department may incorporate future amended
29 versions of the document or other material if the document or other material is one of
30 the following:

31 (1) a document that is published, compiled, or prepared by the United

- 1 States Department of Health and Human Services and is included in the following list:
- 2 (A) the international classification of diseases, clinical
3 modifications;
- 4 (B) the common procedure coding system;
- 5 (C) the specifications for national uniform billing data elements;
- 6 (D) the federal poverty guidelines for the state;
- 7 (E) the Indian Health Service encounter rates; or
- 8 (F) the relative value units used in the Medicare program for
9 determination of fee schedules;
- 10 (2) the current procedural terminology for physicians published by the
11 American Medical Association;
- 12 (3) the diagnostic and statistical manual of mental disorders published
13 by the American Psychiatric Association;
- 14 (4) the length of stay in hospitals by diagnosis and operation for the
15 western region of the United States, published by HCIA, Inc.
- 16 (5) the relative value guide published by the American Society of
17 Anesthesiologists;
- 18 (6) the consumer price index published by the United States
19 Department of Labor;
- 20 (7) the health plan employer data and information set published by the
21 National Committee for Quality Assurance;
- 22 (8) practice standards adopted by the American Academy of Pediatrics,
23 American College of Obstetricians and Gynecologists, American Diabetes Association,
24 American Cancer Society, American Academy of Family Physicians, American College
25 of Physicians, United States Centers for Disease Control and Prevention, Agency for
26 Health Care Policy and Research, or the National Asthma Education and Prevention
27 Program;
- 28 (9) the compendium of animal rabies control published by the United
29 States Centers for Disease Control and Prevention;
- 30 (10) the control of communicable diseases manual published by the
31 American Public Health Association;

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1 (11) the standards manual and interpretative guidelines for behavioral
2 health, employment and community support services, and for medical rehabilitation
3 published by the Commission on Accreditation of Rehabilitative Facilities;

4 (12) consumer assessment of health plans published by the Agency for
5 Health Care Policy and Research; or

6 (13) resources for optimal care of the injured patient published by the
7 Committee on Trauma, American College of Surgeons.

8 * Sec. 3. This Act takes effect July 1, 1998.