

**HOUSE BILL NO. 353**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KELLY, Dyson

Introduced: 1/26/98

Referred: Health, Education and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to adoption by reference in regulations; and providing for an  
2 effective date."

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

4 \* **Section 1.** AS 47.05 is amended by adding a new section to read:

5 **Sec. 47.05.012. Material incorporated by reference.** (a) Notwithstanding  
6 AS 44.62 (Administrative Procedure Act), in adopting a regulation that incorporates  
7 a document or other material by reference, the department may incorporate future  
8 amended versions of the document or other material if

9 (1) the document or other material consists of

10 (A) a federal statute or regulation;

11 (B) a regulation of another agency of the state; or

12 (C) the product of the adopting state agency, another agency of  
13 the state, or a federal agency, and if the document or other material, and  
14 amendments to the document or other material, are created in a manner that

1 provides for public notice and an opportunity for public review and comment;

2 (2) the document or other material is one of the following:

3 (A) a document that is published, compiled, or prepared by the  
4 United States Department of Health and Human Services and is included in the  
5 following list:

6 (i) the international classification of diseases, clinical  
7 modifications;

8 (ii) the common procedure coding system;

9 (iii) the specifications for national uniform billing data  
10 elements;

11 (iv) the federal poverty guidelines for the state; or

12 (v) the Indian Health Service encounter rates;

13 (B) the current procedural terminology for physicians published  
14 by the American Medical Association;

15 (C) the diagnostic and statistical manual of mental disorders  
16 published by the American Psychiatric Association;

17 (D) the length of stay in hospitals by diagnosis and operation  
18 for the western region of the United States, published by HCIA, Inc.

19 (E) the relative value guide published by the American Society  
20 of Anesthesiologists;

21 (F) the consumer price index published by the United States  
22 Department of Labor;

23 (G) the health plan employer data and information set published  
24 by the National Committee for Quality Assurance;

25 (H) practice standards adopted by the American Academy of  
26 Pediatrics, American College of Obstetricians and Gynecologists, American  
27 Diabetes Association, American Cancer Society, American Academy of Family  
28 Physicians, American College of Physicians, United States Centers for Disease  
29 Control and Prevention, Agency for Health Care Policy and Research, or the  
30 National Asthma Education and Prevention Program;

31 (I) the compendium of animal rabies control published by the

1 United States Centers for Disease Control and Prevention;

2 (J) the control of communicable diseases manual published by  
3 the American Public Health Association;

4 (K) the standards manual and interpretative guidelines for  
5 behavioral health, employment and community support services, and for  
6 medical rehabilitation published by the Commission on Accreditation of  
7 Rehabilitative Facilities;

8 (L) the accreditation manual for mental health, chemical  
9 dependency, and other health care facilities published by the Joint Commission  
10 on Accreditation of Healthcare Organizations;

11 (M) standards for accreditation of managed care organizations,  
12 standards for accreditation of managed behavioral health organizations, and  
13 standards for certification of credentials verification organizations published by  
14 the National Committee on Quality Assurance;

15 (N) consumer assessment of health plans published by the  
16 Agency for Health Care Policy and Research;

17 (O) resources for optimal care of the injured patient published  
18 by the Committee on Trauma, American College of Surgeons; or

19 (3) that action is authorized under the statute under which the  
20 regulation is being adopted.

21 (b) When the amended version of a document or other material incorporated  
22 by reference in a regulation as described in this section becomes available, the  
23 department shall

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

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

31 (c) The department shall also send the notice described in (b)(2) of this section

1 to a person who has placed the person's name on a distribution list kept by the  
2 department that lists persons who want to receive the notice. The department may  
3 allow a person to request that distribution of the notice be by electronic means and  
4 shall honor that request if appropriate means are available.

5 (d) A change in the form, format, or title in a future amended or revised  
6 version of a document or material incorporated by reference in a regulation under this  
7 section does not affect the validity of the regulation or the department's ability to  
8 enforce or implement the regulation. The department shall notify the regulations  
9 attorney in the Department of Law if the title of such a document or other material  
10 changes. The regulations attorney shall correct the title in the Alaska Administrative  
11 Code under AS 44.62.125.

12 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).