

**CS FOR HOUSE BILL NO. 353(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/11/98

Referred: Rules

Sponsor(s): REPRESENTATIVES KELLY, Dyson

**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 44.62 is amended by adding a new section to read:

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

11 (1) the document or other material consists of

12 (A) a federal statute or regulation;

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

14 (C) the product of the adopting state agency, another agency of

1 the state, or a federal agency, and if the document or other material, and  
 2 amendments to the document or other material, are created in a manner that  
 3 provides for public notice and an opportunity for public review and comment;  
 4 or

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

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

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

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

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

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

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

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

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

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

6                   (1) a document that is published, compiled, or prepared by the United  
7 States Department of Health and Human Services and is included in the following list:

8                   (A) the international classification of diseases, clinical  
9 modifications;

10                   (B) the common procedure coding system;

11                   (C) the specifications for national uniform billing data elements;

12                   (D) the federal poverty guidelines for the state; or

13                   (E) the Indian Health Service encounter rates;

14                   (2) the current procedural terminology for physicians published by the  
15 American Medical Association;

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

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

20                   (5) the relative value guide published by the American Society of  
21 Anesthesiologists;

22                   (6) the consumer price index published by the United States  
23 Department of Labor;

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

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

1 (9) the compendium of animal rabies control published by the United  
2 States Centers for Disease Control and Prevention;

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

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

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

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

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

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

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