

CS FOR SENATE BILL NO. 106(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/23/99
Referred: Finance

Sponsor(s): SENATOR TAYLOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to actions of the Department of Health and Social Services
2 regarding certain health facility payments."

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

4 * **Section 1.** AS 47.07.075 is amended to read:

5 **Sec. 47.07.075. Administrative procedure.** (a) Actions of the department
6 regarding health facility payment rates under this chapter and AS 47.25.120 -
7 47.25.300 are subject to provisions of AS 44.62 (Administrative Procedure Act) except
8 as provided in (b), (c), or (d) of this section.

9 (b) The commissioner shall [,] by regulation [,] establish time limits applicable
10 to the various phases of an administrative appeal process involving an appeal of the
11 amount of a payment rate set by the department for a facility. The time limits set
12 under the regulations supersede conflicting time limits in AS 44.62.330 - 44.62.630.
13 The regulations must provide that

14 [(1)] a hearing for an appeal described in this subsection must be

1 scheduled under AS 44.62.410 to occur no more than 120 days after written notice of
 2 rate appeal has been received by the department from a facility unless the facility
 3 requests a delay or good cause for the delay is demonstrated to the satisfaction of the
 4 hearing officer [;

5 (2) THE COMMISSIONER MUST, WITHIN 30 DAYS AFTER
 6 RECEIVING THE RECOMMENDATION OF THE HEARING OFFICER, EITHER
 7 RENDER A DECISION IN THE CASE OR REFER THE CASE BACK TO A
 8 HEARING OFFICER FOR ADDITIONAL FINDINGS;

9 (3) IF EITHER TIME LIMIT SET UNDER (1) OR (2) OF THIS
 10 SUBSECTION IS NOT MET, THE DEPARTMENT SHALL REPORT THE
 11 NONCOMPLIANCE TO THE LEGISLATURE AND THE GOVERNOR BY THE
 12 FOLLOWING JANUARY 20 WITH AN EXPLANATION OF THE LENGTH OF
 13 DELAY, REASONS FOR THE DELAY, AND PROPOSED CORRECTIVE ACTION
 14 BY THE DEPARTMENT TO AMELIORATE THE CAUSES OF DELAY].

15 * **Sec. 2.** AS 47.07.075 is amended by adding new subsections to read:

16 (c) The commissioner shall, within 30 days after receiving the recommendation
 17 of the hearing officer, render a final administrative decision in the case. If after 30
 18 days the commissioner does not render a final administrative decision, the hearing
 19 officer's recommendation becomes the final administrative decision. A final
 20 administrative decision under this subsection is subject to judicial review as a final
 21 administrative order under AS 44.62.560 and 44.62.570.

22 (d) If the time limit set under (b) of this section is not met, the department
 23 shall report the noncompliance to the legislature and the governor by the following
 24 January 20 with an explanation of the length of delay, reasons for the delay, and
 25 proposed corrective action by the department to ameliorate the causes of delay.