

HOUSE BILL NO. 152

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/22/99

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to access to criminal history records and to revocation of or
2 failure to renew certain licenses based on criminal conduct or alleged criminal
3 conduct; and providing for an effective date."

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

5 * Section 1. AS 47.05.017(a) is amended to read:

6 (a) State money may not be used for a home care provider unless **criminal**
7 **justice information** [RECORDS] under **AS 12.62.160 is** [AS 12.62.035(a) ARE]
8 requested for the provider within 10 business days after the provider is hired to provide
9 the care and **is** [ARE] reviewed within five business days after **the criminal justice**
10 **information is** [THEY ARE] received. The department shall require the grantee or
11 contractor to do the **criminal justice information** [RECORDS] request and review
12 required under this subsection for a home care provider employed by a person who has
13 a grant or contract from the department to provide home care services.

14 * Sec. 2. AS 47.14.100(h) is amended to read:

1 (h) The department may not pay for respite care, as defined in (d) of this
 2 section, unless the department or the entity that has contracted with the department to
 3 provide the respite care requests **criminal justice information** [RECORDS] under
 4 **AS 12.62.160** [AS 12.62.035(a)] for the individual who provides the respite care within
 5 10 business days after the individual is hired to provide respite care and reviews the
 6 **criminal justice information** [RECORDS] within five business days after receiving
 7 **the criminal justice information** [THEM].

8 * **Sec. 3.** AS 47.35.130(a) is amended to read:

9 (a) In addition to the ground of violation of this chapter or a regulation
 10 adopted under this chapter, the department may revoke, or decline to renew, a license
 11 issued under this chapter on one or more of the following grounds:

12 (1) failure to submit a timely and complete renewal application;

13 (2) the indictment or charging by information or complaint, or a
 14 criminal conviction within the last 10 years, of the licensee or administrator, foster
 15 parent, member of the licensee's household, regular volunteer, or staff person for

16 (A) a felony;

17 (B) a misdemeanor crime of assault, reckless endangerment,
 18 contributing to the delinquency of a minor, or misconduct involving a
 19 controlled substance; or

20 (C) the crime of perjury, as defined in AS 11 or the laws of
 21 another jurisdiction;

22 (3) the conviction, indictment, presentment, or charging of the licensee
 23 or an administrator, foster parent, member of the licensee's household, regular
 24 volunteer, or staff person at any time for a **violation or attempted violation of**
 25 **AS 11.41.410 - 11.41.470, AS 11.61.110(a)(7), or AS 11.66.100 - 11.66.130; former**
 26 **AS 11.15.120, 11.15.134, or 11.15.160; former AS 11.40.080, 11.40.110, 11.40.130,**
 27 **or 11.40.200 - 11.40.420; or the laws of another jurisdiction if the offense would**
 28 **have been a crime in this state under one of the sections listed in this paragraph**
 29 **if committed in the state** [SEX CRIME AS DEFINED IN AS 12.62.035];

30 (4) obtaining or attempting to obtain or retain a license under this
 31 chapter by fraudulent means, misrepresentation, or by submitting false information;

1 (5) failure to correct a violation noted in a report of investigation
2 provided under AS 47.35.105(c) or 47.35.110(b);

3 (6) failure to comply with a final administrative order issued by the
4 department under AS 47.35.120.

5 * **Sec. 4.** AS 47.65.050(b) is amended to read:

6 (b) The commission may not make payments to a sponsor whose program
7 includes family respite care services or home care services unless the sponsor has
8 agreed to request **criminal justice information** [RECORDS] under **AS 12.62.160**
9 [AS 12.62.035(a)] for the individual who will provide the services within 10 business
10 days after the individual is hired to provide the services and review the **criminal**
11 **justice information** [RECORDS] within five business days after receiving **the**
12 **criminal justice information** [THEM].

13 * **Sec. 5.** AS 47.65.100(e) is amended to read:

14 (e) The commission may not award a grant under this section for family
15 respite care services or for adult day care services that include home care services
16 unless the grantee has agreed to request **criminal justice information** [RECORDS]
17 under **AS 12.62.160** [AS 12.62.035(a)] for the individual who will provide the services
18 within 10 business days after the individual is hired to provide the services and review
19 the **criminal justice information** [RECORDS] within five business days after
20 receiving **the criminal justice information** [THEM].

21 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).