

SENATE BILL NO. 106

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR TAYLOR

Introduced: 3/16/99

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to decisions by the commissioner of health and social services
2 to remand certain health facility payment decisions back to the hearing officers;
3 and amending Rule 602, Alaska Rules of Appellate Procedure."

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

5 * **Section 1.** AS 47.07.075(b) is amended to read:

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

11 (1) a hearing for an appeal described in this subsection must be
12 scheduled under AS 44.62.410 to occur no more than 120 days after written notice of
13 rate appeal has been received by the department from a facility unless the facility
14 requests a delay or good cause for the delay is demonstrated to the satisfaction of the

1 hearing officer;

2 (2) the commissioner must, within 30 days after receiving the
3 recommendation of the hearing officer, either render a decision in the case or refer the
4 case back to a hearing officer for additional findings; **within 10 days after referring**
5 **a case back to a hearing officer, the commissioner shall notify the health facility**
6 **of the referral;**

7 (3) if **a** [EITHER] time limit set under (1) or (2) of this subsection is
8 not met, the department shall report the noncompliance to the legislature and the
9 governor by the following January 20 with an explanation of the length of delay,
10 reasons for the delay, and proposed corrective action by the department to ameliorate
11 the causes of delay.

12 * **Sec. 2.** AS 47.07.075 is amended by adding a new subsection to read:

13 (c) In addition to the review of final administrative orders under AS 44.62.560
14 and 44.62.570, a health facility may appeal to the superior court a decision by the
15 commissioner under (b)(2) of this section to refer a case back to a hearing officer.
16 The health facility must file the appeal within 30 days after the health facility receives
17 notice from the commissioner of the decision.

18 * **Sec. 3.** COURT RULE CHANGES. Section 2 of this Act changes Rule 602, Alaska
19 Rules of Appellate Procedure, by

20 (1) authorizing a right of appeal to the superior court for a decision that is an
21 interlocutory order and not a final decision of an administrative agency;

22 (2) authorizing an appeal even though the administrative agency has not issued
23 a decision that states that it is a final decision and that the claimant has 30 days to appeal;

24 (3) changing the time within which an appeal, as applied to an interlocutory
25 order, may be filed.

26 * **Sec. 4.** AS 47.07.075(c), enacted by sec. 2 of this Act, takes effect only if sec. 3 of this
27 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
28 Constitution of the State of Alaska.