

HOUSE BILL NO. 124

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HALCRO, Hayes, Dyson, Stevens

Introduced: 2/9/01

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting nursing facilities and assisted living homes from employing or**
2 **allowing access by persons with certain criminal backgrounds, with exceptions."**

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

4 *** Section 1.** AS 18.20.302(c) is amended to read:

5 (c) A nursing facility may not hire or retain an employee **or allow a person**
6 **who is 16 years of age or older to have regular access to the residents of a nursing**
7 **home, other than as a personal visitor to a resident of the home, if the employee**
8 **or person** [WHO] has been convicted

9 **(1) of an offense in which the victim was a resident of a nursing**
10 **facility or assisted living home at the time of the offense; in this paragraph,**
11 **"assisted living home" means an entity required to be licensed under AS 47.33 or**
12 **an entity located outside the state that would be required to be licensed under**
13 **AS 47.33 if it were located inside the state;**

14 **(2) of an unclassified felony, a class A felony, or an offense under**

1 the laws of another jurisdiction that would have been, if it had been committed in
 2 this state at that time, an unclassified felony or class A felony;

3 (3) under AS 11.51.200 or 11.51.210 or of a criminal offense in
 4 another jurisdiction with elements substantially similar to the elements of an
 5 offense under AS 11.51.200 or 11.51.210;

6 (4) within the previous 10 years, of a class B felony or an offense
 7 under the laws of another jurisdiction that would have been, if it had been
 8 committed in this state at that time, a class B felony;

9 (5) within the previous five years, of a class C felony, a class A
 10 misdemeanor, or an offense under the laws of another jurisdiction that would
 11 have been, if it had been committed in this state at that time, a class C felony or
 12 class A misdemeanor; or

13 (6) of an offense listed in the department's regulations as being an
 14 offense for which a person should be prohibited access to a nursing facility
 15 [COVERED BY THIS SECTION].

16 * Sec. 2. AS 47.33.100(c) is amended to read:

17 (c) An assisted living home may not hire or retain an employee or allow a
 18 person who is 16 years of age or older to have regular access to the residents of a
 19 nursing home, other than as a personal visitor to a resident of the home, if the
 20 employee or person [WHO] has been convicted

21 (1) of an offense in which the victim was a resident of a nursing
 22 facility or assisted living home at the time of the offense; in this paragraph,

23 (A) "assisted living home" means an entity required to be
 24 licensed under this chapter or an entity located outside the state that
 25 would be required to be licensed under this chapter if it were located in
 26 the state;

27 (B) "nursing facility" has the meaning given in
 28 AS 18.20.390;

29 (2) of an unclassified felony, a class A felony, or an offense under
 30 the laws of another jurisdiction that would have been, if it had been committed in
 31 this state at that time, an unclassified felony or class A felony;

1 **(3) under AS 11.51.200 or 11.51.210 or of a criminal offense in**
2 **another jurisdiction with elements substantially similar to the elements of an**
3 **offense under AS 11.51.200 or 11.51.210;**

4 **(4) within the previous 10 years, of a class B felony or an offense**
5 **under the laws of another jurisdiction that would have been, if it had been**
6 **committed in this state at that time, a class B felony;**

7 **(5) within the previous five years, of a class C felony, a class A**
8 **misdemeanor, or an offense under the laws of another jurisdiction that would**
9 **have been, if it had been committed in this state at that time, a class C felony or**
10 **class A misdemeanor; or**

11 **(6) of an offense listed in the regulations of the applicable licensing**
12 **agency as being an offense for which a person should be prohibited access to an**
13 **assisted living home; in this paragraph, "assisted living home" has the meaning**
14 **given in (1)(A) of this subsection** [COVERED BY THIS SECTION].