

HOUSE CS FOR CS FOR SENATE BILL NO. 3006(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - THIRD SPECIAL SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 9/12/21

Referred: Today's Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to utilization review requirements; making temporary changes to state**
2 **law in response to the novel coronavirus disease; relating to telemedicine and telehealth;**
3 **relating to background checks; and providing for an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 PURPOSE. The purpose of this Act is to provide for mitigation measures that enhance
8 the state's ongoing efforts to reduce the spread of the novel coronavirus disease (COVID-19).

9 * **Sec. 2.** AS 21.06.080 is amended by adding a new subsection to read:

10 (f) During a recognized federal or state public health disaster or emergency,
11 the director may order health care insurers to waive utilization review requirements,
12 including preauthorization requirements for medical services, concurrent review for
13 inpatient hospital services, retrospective review of inpatient and outpatient services,
14 emergency services and payment of claims, and requirements for placements of policy

1 holders in postacute facilities. In this subsection, "utilization review" has the meaning
 2 given in AS 21.07.250.

3 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 4 read:

5 **TELEMEDICINE AND TELEHEALTH.** (a) Notwithstanding any other provision of
 6 law, the provisions of AS 08.64.170 and AS 08.68.160 do not apply to a health care provider
 7 that is providing treatment, rendering a diagnosis, or prescribing, dispensing, or administering
 8 a prescription, excluding a controlled substance listed in AS 11.71.140 - 11.71.190, through
 9 telehealth as defined in AS 47.05.270(e), without first conducting an in-person physical
 10 examination, if

11 (1) the health care provider is licensed, permitted, or certified to provide
 12 health care services in another jurisdiction and is in good standing in the jurisdiction that
 13 issued the license, permit, or certification;

14 (2) the health care services provided without an in-person physical
 15 examination are within the health care provider's authorized scope of practice in the
 16 jurisdiction that issued the health care provider's license, permit, or certification;

17 (3) in the event that the health care provider determines that the encounter will
 18 extend beyond the scope of practice or scope of services described in this section, the health
 19 care provider advises the patient that the health care provider is not authorized to provide the
 20 services to the patient, recommends that the patient contact a health care provider licensed in
 21 the state, and terminates the encounter.

22 (b) The amount charged by a health care provider for services provided under this
 23 section must be reasonable and consistent with the ordinary fees typically charged for that
 24 service and may not be more than the ordinary fees typically charged for that service. A health
 25 care provider that is required to terminate an encounter under (a)(3) of this section may not
 26 charge for any services provided during the encounter.

27 (c) In this section, "health care provider" has the meaning given in AS 18.15.395 and
 28 includes a person that provides behavioral health care services.

29 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 **BACKGROUND CHECKS; APPLICABILITY.** (a) Notwithstanding any other

1 provision of law, a hospital or nursing facility may employ a person without obtaining a
 2 background check from the Department of Health and Social Services if the hospital or
 3 nursing facility

4 (1) provides sufficient information to the Department of Health and Social
 5 Services attesting to the hiring process for each person employed at the facility and confirms
 6 that a background check has been conducted as part of the hiring process; and

7 (2) not later than July 1, 2022, obtains a background check from the
 8 Department of Health and Social Services for each person hired by the hospital or nursing
 9 facility between the effective date of this Act and July 1, 2022.

10 (b) Notwithstanding any other provision of law, a public home care provider
 11 described in AS 47.05.017 or a provider of home and community-based waiver services
 12 financed under AS 47.07.030(c) may employ a person without obtaining a background check
 13 from the Department of Health and Social Services if the provider

14 (1) has 200 or more employees;

15 (2) obtains approval from the Department of Health and Social Services of the
 16 provider's pre-employment vetting system, which must include proof that a valid fingerprint-
 17 based background check that is substantially similar to a background check required under 7
 18 AAC 10.910(a) is conducted as part of the hiring process; and

19 (3) not later than July 1, 2022, obtains a background check from the
 20 Department of Health and Social Services for each person hired by the provider between the
 21 effective date of this Act and July 1, 2022.

22 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 NOTIFICATION TO REVISOR OF STATUTES. The commissioner of health and
 25 social services shall notify the revisor of statutes in writing when the New Alaska Background
 26 Check System (NABCS) is online and functional.

27 * **Sec. 6.** Sections 3 and 4(a) of this Act are repealed July 1, 2022.

28 * **Sec. 7.** Section 4(b) of this Act is repealed on the earlier of

29 (1) the date the commissioner of health and social services notifies the revisor
 30 of statutes in writing under sec. 5 of this Act that the New Alaska Background Check System
 31 (NABCS) is online and functional; or

1 (2) July 1, 2022.

2 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).