

SB

132

COMMITTEE REPORT

3/20/75

HOUSE

COMMERCE
JUDICIARY

Mr. Speaker:

Date 4/3/75

The Committee on BESS has had SB 132 am

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR SB 132 AND THAT

CS FOR SB 132 DO PASS as amended

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

A M E N D M E N T

OFFERED IN THE HOUSE:

By: (H) HESS COMMITTEE

To: _____ HOUSE BILL No. _____

SENATE BILL No. SCSSB 142am

(1) PAGE: 1

LINE: 17

(2) PAGE : 3

LINE: 4

(1) Delete, "a person from the general public." and insert:

" a consumer of nursing home services."

(2) After ~~period~~ add " This does not apply to the administrators
of the Pioneer's Homes."



JUNEAU ALASKA

Alaska State Legislature

House

HESS COMMITTEE MEETING

April 3, 1975

Members Present:

Beirne Ostrosky
Hackney Sullivan
Ose Swanson
Osterback

Chairman Sullivan called the meeting to order at 3:00pm. The first order of business was SB 132am.

SB 132am by Chance

Senator Chance gave a briefing of the bill. The reasoning for sponsorship of the bill was the requirement under the Federal Regulations that nurses be licensed for Medicare funding. Presently there is no law on the Alaska books. The only law existing is that the Dept. of Health and Social Services had the power of emergency licensing only. Without this law we are taking the chance of losing Federal funding. This will only affect nursing homes that are receiving funds from the Medicare program.

Ose Objection to the amendment of deleting 'a person from the Pioneers of Alaska Grand Lodge'.

Chance Explained that the bill would not affect the Pioneer Homes because they are not eligible for Medicare assistance anyway because of their discriminatory process.

Hackney How much are we spending under this bill?

Chance The fiscal note is about \$24,000.

Hackney Apparently then, we are losing funding by the Federal regulations in our Pioneer Homes?

Chance Pioneer Homes are a separate thing entirely. This bill only affects the rest of the nursing homes and in order for the rest of these facilities to get federal funds, they must be licensed.

Hackney If this bill were passed, I see it as a problem to the Pioneers Home and I would ask that we hear from a Pioneer Home representative.

Barbara Walker - Alaska Nursing Assn.

We have no objection to this bill. we have requested an amendment that has already been incorporated in the bill by the Senate HESS Committee. The two main important reasons for the passage of this bill are: 1) to insure Federal funding, and 2) the assurance of competent individuals in charge of these private homes.

Page Two
HESS Meeting
4-3-75

Donna Rogers Div. of Medical Assistance
Spoke in favor of the bill. Also in support of all proposed amendments.

Swanson I move and ask unanimous consent to accept all the proposed amendments.
Ostrosky Second the motion.

Chairman Hearing no objection, the amendments are adopted.

Swanson Move and ask unanimous consent to move SB 132am out of Committee as a
Committee Substitute for SB132am.

Ostrosky I second the motion.

Chairman Hearing no objection, motion carried. HCS for SB132am has been moved out
of Committee.

Chairman Sullivan then made several announcements:

At 7:30am the Committee was invited to breakfast at the Hilton by the State
Board of Education.

On Saturday, Confirmation Hearings on the Board of Regents were to be held in the
HESS Committee Rm. at 2:00.

Meeting Adjourned.



JUNEAU ALASKA

Alaska State Legislature House

HESS COMMITTEE MEETING

April 8, 1975

Members Present:

Beirne	Osterback
Davis	Parr
Hackney	Sullivan
Ose	Swanson
Ostrosky	

Chairman Sullivan called the meeting to order at 2:30 to take up the reconsideration of SB132am.

Mr. Vern Perry, Director of Pioneers Homes

Objection to overall administrator. Objection to the bill as written. This would mean that the top man at each Home would have to be a licensed nursing home administrator.

Swanson Proposed an amendment to exempt the administrators of Pioneers Homes.

Ose Second

Chairman Hearing no objection, motion carries.

Hackney Proposed amendment delete "person from the general public" and add "a consumer of nursing home services".

Ose Second

Chairman Hearing no objection, motion carries.

Ose I move and ask unanimous consent to CSSB132 as amended be passed out with unanimous consent of the Committee.

Swanson Second

Chairman Hearing no objection, HCSSB 132as has unanimously passed the Committee.

HB 143

Dr. Sarafian This bill addresses fraud in post-secondary education. It needs to be amended so that it won't prohibit nonfraudulent activities.

Stu Hall Spoke of the present Statutes and how they need to be strengthened.

Page Two
HESS MEETING
4-8-75

Sharon Armstrong

The present accreditation system doesn't protect consumers. The FTC wants 50 states to adopt their model bill, HB 143 is in many ways superior.

Mr. Parr asked if this would cover operations that operate by mail from outside and Ms. Armstrong replied that it would.

Mr. Parr then directed a question to both Mr. Hall and Ms. Armstrong asking if this would in any way infringe upon the freedom of religion. The feelings were that this would not create any problems in this area.

Dr. DaFoe Pres. of U OF A

Addressed himself to Beirnes question about Tanana Land Claims College and to Mr. Ose's question about the U of A trying to prevent competition.

Dr. Sarafian

Expressed concern about the load placed on the Post-Secondary Education Commission

Mr. Andrus Local VA
Spoke in favor of the bill

Mr. Bannister Asst A.G.

Gave examples of fraudulent costs. Recommends a Sec. 5 be added at the end of the bill.

Mr. Bill Vaudin

Spoke against bill. Concerned about these standards and am questioning whether or not the people still have a voice. If there would be enough bi-lateral representation, then the intent of this bill may work.

Recommended: Pg. 5 Sec. 060 - 'has or has access to'.
We would like to be allowed by Statute to run our own program.

Eric Ekvall Ak. Native Resource Develop. Corp.

Offered two amendments:

Pg. 5 Line 14 change and to or

Pg. 5 Line 13 add "or has access to provide education of good quality".

Sheidon Jackson College Dr. Bovee

Asked a question in regards to the bonding section and if were actually required. Referred to Pg. 10 Line 9 the word 'may'.

Hall This would mean it would be permissive but not mandatory.

Beirne Would like to see rewording of the bonding section of this bill. It seems that this is often a prohibitive factor.

Meeting was adjourned at 6:00. Bill to be voted on at a later date.

POSITION PAPER
ON
SENATE BILL #132

573
132

An act relating to the licensure of nursing home administrators.

This Bill would create a Board of Nursing Home Administrators and spells out the duties and powers of the Board -- a major one being the licensing of nursing home administrators.

Sec. 08.70.020.(b) Indicates that the 5 board members "are appointed by the Governor after consulting with the Executive Board of the Alaska State Hospital Association." It further states that the two nursing home administrators "shall be selected from a list of qualified administrators prepared by the Executive Board of the Association and containing at least five candidates."

It is highly appropriate that the Alaska State Hospital Association prepare a list of persons qualified as nursing home administrators. It is not appropriate, however, for that same Executive Board to propose names of qualified persons to fill the other three board positions. Instead, it is proposed that the Alaska Nurses' Association prepare a list of eligible RN's, that the Alaska State Medical Association prepare a list of qualified physicians, and that the Commissioner of the Department of Health and Social Services prepare a list of persons "from the general public."

Sec. 08.70.100. QUALIFICATIONS OF APPLICANTS indicates in paragraph (2) that the applicant shall "be in sound physical and mental health". The term "sound physical health" is vague, general, and would rule out persons who have physical disabilities or deformities which in no way limit their effectiveness or ability as potential nursing home administrators. It is suggested that the wording read as follows: "be in a sufficiently healthy state, mentally and physically, to be capable of adequately performing the duties and functions of a nursing home administrator."

Under Sec. 08.70.110.(2) The following words should be capitalized since they represent an established service or organization which represents a trade name title. These words are Professional Examination Service, Nursing Home Administrators.

Sec. 08.70.120. EXAMINATION On line 29, replace the word "scheme," the last word in the sentence, with the word "protocol." This language will be more understandable and traditional than the word "scheme."

Sec. 08.70.180. DEFINITIONS (5) defines the meaning of "nursing home." The wording should be consistent with the definition in the State Licensing Act and the Administrative Code which defines "nursing home." This is found in 7 AAC 12 40. It varies in the following respect: line 25 reads "ill and not in need of hospital care," etc.. Line 26 reads "shall be" instead of "is." While it does not radically change the meaning, it is preferable to use the identical definition of "nursing home" for purposes of simplicity and clarity.

The changes which are recommended specifically then are as follows:

- 1. Sec. 08.70.100. QUALIFICATIONS OF APPLICANTS
 - (2) [be in sound physical and mental health;], replaced by,
 - (2) be in sufficiently healthy state, mentally and physically, to be capable of adequately performing the duties and functions of a nursing home administrator;
- 2. Sec. 08.70.110. LICENSING
 - (2) persons who passed the [professional examination service's nursing home administrators], replaced by,
 - (2) persons who passed the Professional Examination Service's, Nursing Home Administrators.
- 3. Sec. 08.70.120. EXAMINATION

The board determines the content, scope, format, and grading [scheme.] replaced by the word, protocol.
- 4. Sec. 08.70.180. DEFINITIONS

Line 25 and 26: [ill but who do require skilled nursing care and related medical services; the term "nursing home" is restricted] replaced by, ill and not in need of hospital care, but who do require skilled nursing care and related medical services. The term "nursing home" shall be restricted ...

With the above recommended changes the department supports this bill.

Recommended By: Donald H. Freedman
Division Director

2/20/75
Date

Approved By: Francis S. Williamson
Commissioner

2-25-75
Date

Comments by Governor's Office:

By: _____

Date

SB
132

POSITION PAPER
ON
SENATE BILL NO. 132

"An Act relating to the licensing of nursing home administrators".

This bill provides for the establishment of a Board of Nursing Home Administrators within the Department of Commerce and specifies the composition of the Board's membership. The bill requires that only a nursing home which is supervised by a licensed nursing home administrator may operate in Alaska unless specifically exempted by the Board. Basic requirements for licensure, including written examination, and delineation of who must be licensed are provided. Also included are provisions for provisional licensure, expiration and renewal of licenses, requirements for licensure fees, definitions of unlawful acts, and penalties for violation of the Act.

The Department of Health and Social Services administers the Medicaid program (Title XIX of the Social Security Act) which is funded 50% by the Federal Government. One of the requirements of this federal program is that administrators of skilled nursing facilities be licensed by the State. Region X, DHEW, has advised the Department that this requirement will be extended to include administrators of intermediate nursing homes. In an effort to prevent imposition of financial penalties on the Medicaid program, the Department promulgated emergency regulations in Register 51, July 8, 1974 (7AAC 12.045) establishing a Nursing Home Administrator

Licensing Board. The Board has been functioning since that time under this Department's supervision. However, the Department of Health and Social Services has neither the support staff nor the expertise necessary to provide permanent administration of this Board.

Failure to establish a viable nursing home administrator licensing board could result in significant loss of federal moneys. For FY 74, the federal portion of skilled nursing home services claimed amounted to \$765,744. The federal portion claimed for intermediate nursing care was \$851,501. However, it is possible for the entire Medicaid program to be found out of compliance with federal law and regulations on this single issue. In FY 74 the federal share of medical assistance under Medicaid entered as a claim totaled \$3,690,739. *

The Department recommends the following changes to this bill:

Page 1, lines 14-17 - delete and substitute the following:

"OF OFFICE. (a) The board consists of five members; one nursing home administrator licensed under this chapter and practicing in the State, a registered nurse licensed in the state, a physician licensed in the state, and two persons from the general public." There are only ten persons in the state who are licensed administrators and who are actively practicing. Since these are extremely busy persons, it is the Department's feeling that there will be difficulty in obtaining two persons from the small numbers eligible who will be able or willing to serve full terms. The administrator, physician, and nurse provide necessary expertise and we recommend two consumer positions in keeping with federal advocacy of consumer representation.

Page 1, lines 18-22 - delete and substitute the following:

"(b) Board members are appointed by the Governor after consulting with the Department. The board members shall be selected from a list of qualified persons prepared by the Department. The Department shall consult with the Alaska State Hospital Association and other interested parties when preparing its list of candidates. There should be at least two candidates for each vacant position." This change is suggested as there are only ten qualified administrators in Alaska to choose from, and it would be difficult to find half of them who could and would serve on the Board. The responsibility for choosing candidates should rest with the Department of Commerce to achieve a broader perspective in selecting all candidates. In addition, the Department of Commerce has had much experience in this field and has numerous lists for potential candidates.

Page 3, line 11, delete "19" and substitute "21". This suggestion is made so that administrators licensed in Alaska will meet standards of other states to ensure granting or reciprocity allowed under Sec. 08.70.110(b) of this act. In addition, in order to enter into binding contracts with the federal government, a person must be at least 21 years of age. An administrator under 21 would face legal problems in this area.

Page 3, lines 18-20 - delete Sec. 08.70.110(a)(2) and substitute the following Sec. 08.70.110(a)(2):

"(2) persons licensed under emergency regulations 7AAC 12.045 promulgated in Register 51, July 8, 1974, who have practiced as administrators since licensure". This recommendation is made to ensure that all persons

licensed by the Board established by the Department of Health & Social Services be recognized for continued licensure. The group mentioned in the bill's (2) is included in this suggested revision.

Page 4, lines 3-10 - delete and substitute the following:

"Sec. 08.70.130 PROVISIONAL LICENSES (a). A provisional license may be granted without examination to a person who meets the standards adopted by the Board under Sec. 50 of this chapter and who is needed to fill a vacancy in an administrative position and no licensed administrator is available to fill the vacancy". Sec. 08.70.130(a)(1) is no longer necessary since these persons are currently licensed.

Page 5, delete line 25 and substitute the following:

"but who do require skilled or intermediate nursing care and related medical services:".

Page 5, delete line 27 and substitute the following:

"of which is to provide skilled or intermediate nursing care and related medical ser -".

These last two changes are to anticipate federal requirement of intermediate nursing home administrators licensure and thus prevent need for unnecessary revision. The individuals who might be affected are currently licensed under emergency regulations 7AAC 12.045 and offer no objections to this change.

Page 6 - add a new section entitled:

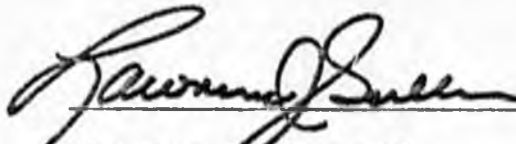
"Sec. 08.70.200. This act takes effect immediately in accordance with AS 01.10.070(c)". The Department of Health and Social Services is not

and has not been budgeted for the travel, per diem, and clerical support expenses of this Board since its inception and does not have the support staff expertise, nor monies necessary to provide continued administration of this Board.

Thus, Page 1, line 6-7 should be deleted and the following substituted:
"For an Act entitled: 'An Act relating to the licensing of nursing home administrators; and providing for an effective date.'"

The Department supports the Bill with changes recommended above.

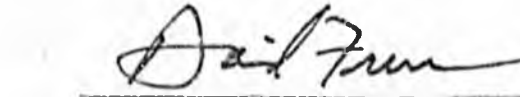
Recommended By:


Director, Division of
Medical Assistance

Date

3/7/75

Approved By:


Commissioner, Department of
Health and Social Services

Date

2/10/75

Comments by Office of Governor:

By: _____ Date _____

The Legislature of the State of Alaska
 FISCAL NOTE
 Second Session - Eighth Legislature

I. REQUEST

Bill Identification: S. B. 132
 Title: Licensing Nursing Home Administrators
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Commerce Program: Occupational Licensing

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 74	FY 75	FY 76	FY 77	FY 78	FY 79
100 PERSONAL SERVICES		0	0			
200 TRAVEL		1900	700			
300 CONTRACTUAL		500	100			
400 COMMODITIES		0	0			
500 EQUIPMENT		0	0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND		2400	800			
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	0/	0/	/	/	/
MAN MONTHS (P./T.)	/	0/	0/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

3 board meetings in Anchorage to promulgate regulations @ \$250 750
 1 board meeting in Fairbanks to promulgate regulations - TRAVEL & PER DIEM 1150
 Space rental - advertising - clerical - supplies (for regulations) 500

This Board will have very minor activity. It will require 4 meetings in the first year to get the regulations promulgated. The regulations now being used under Health and Social Services would need very negligible modification.

After the first year, a maximum of not to exceed 2 meetings per year would be adequate. One would probably suffice. There are fewer than 20 potential licenses involved and would be absorbed into the Division of Occupational Licensing system without additional cost after the first year.

V. DATE: 3-11-75

PREPARED BY: J. Ray Roady

J. RAY ROADY, DIRECTOR

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)