

SB

132

COMMITTEE REPORT

4/22/75

HOUSE

Mr. Speaker:

Date 5/13/75

The Committee on JUDICIARY 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

() "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:

[Signature] recommends: No action

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

House Judiciary Committee
May 6, 1975

The meeting was called to order at 1:30 p.m. by Chairman Gardiner. All members were present except Mr. Brown.

HB 422 Public Assistance Programs

Rod Betit, director of the Food Stamp Program stated that this is primarily a clean up bill. In the present law the crime is defined but no penalty is provided. This bill provides a penalty which fits the crime. Under present law they can only prosecute fraud felonies. This bill was submitted at the request of the department.

Mr. Parr moved on page 2, lines 1 and 28: add "wilfully" fails. The amendment passed on vote.

Harry Trager, a fraud investigator in the Department of Health and Social Services stated that the bill will assist him. The present law refers to a "reasonable" time while the bill provides for 10 days. This will eliminate the need to determine what is reasonable.

Mr. Bradley moved on page 2, line 17: add ; or
The amendment passed.

Mr. Bradley moved CS HB 422 out of committee. There being no objection, it was so ordered.

SB 60 Arbitrary Discrimination

Mr. Bowman presented proposed amendment to give communities local option. These were adopted by the committee. He stated that he had no objection to the proposed amendment by Mike Thomas but felt that it should be checked out with Legislative Affairs.

SB 132 Nursing home administrators

Larry Sullivan, Director of Medical Assistance in the Department of Health and Social Services stated that the bill was needed to comply with federal requirements in order to obtain federal medicaid funds. He stated that licensing was now being done under H & SS emergency regulations. He suggested that on line 14, page 1 of the HCS to reduce the number of professionals by one and add another member of the general public. On page 3, line 10 he suggested deleting "19" and adding "21" since this is the age requirement for federal contracts. On page 3, lines 17 - 19 there is a grandfather clause. He felt that page 1, lines 19 - 21 were not necessary. He explained that the religious exemption is for Christian Scientists.

Sharon Andrew of the Department of Commerce stated that she favored elimination of the board and placing licensing under H & SS or Commerce.

127

House Judiciary Committee
May 9, 1975

The meeting was called to order at 4 p.m. by Chairman Gardiner. All members were present.

SB 350 Marijuana

The amendments proposed by the AG in response to Commissioner Burton's objections (search, confiscate, id) were adopted. The Attorney General stated that under the bill it would be more difficult to initiate a case, but easier to prove one. Mr. Parr moved Judiciary CS SS SB 350 am out of committee. There being no objection, it was so ordered.

HB 432 Child Protection

Mr. Brown moved that Section 2 (e) be deleted. The amendment passed.

Mr. Brown moved on page 2, lines 7 and 8: add imprisonment for not more than one year or . . . \$5,000, or by both. The amendment passed.

Page 2, line 6: add willfully. The amendment passed.

Federal statutes require mandatory compliance. The definition in the bill is parallel to the federal definition.

CS HB 432 (Judiciary) was moved out of committee.

HB 402 Disabilities of a minor

Mr. Parr raised the question of specific exemptions for voting and drinking. Mr. Brown moved on line 29 language to the effect that: constitutional age requirements, except for those pertaining to alcohol. The amendment passed.

Mr. Brown moved on page 1, line 20: change the parent to a parent. The amendment passed.

Mr. Brown moved on page 1, line 21: subsection, as to that parent or guardian. The amendment passed.

Mr. Brown moved on page 2, line 1: included but not limited to. The amendment passed.

Judiciary CS HB 402 was passed out of committee.

SB 132 Nursing Home administrators

Research showed that a board was necessary in order to get federal funding. The committee recommended a letter of intent to the effect that it is the desire of the legislature to see a uniform act -- which would eliminate the need for a bunch of boards.

House Judiciary Committee
May 9, 1975
page 2

Page 1, delete (b) after consult
line 14: 1 administrator, 2 public representatives
lines 19 - 21 governor. delete rest
page 2, line 1 delete "at least"
page 2, line 17 delete (5) and renumber
page 3, line 4 add not applicable to Pioneers Homes
page 3 delete 100 and renumber, delete "qualified"
page 2, line 5 delete are of good character, with
page 4 delete (2) investigation

The above amendments were adopted and Judiciary CS SB 132 was moved out of committee.

SB 60 Arbitrary Discrimination

The amendments suggested by Mr. Bowman and Mr. Thomas were adopted and the bill reported out of committee as a CS.

Changes from Senate version:

Effective date - The Department of Health and Social Services is not and has not been budgeted for travel, per diem, and clerical support expenses of this board since its inception and does not have the support staff, expertise, nor moneys necessary to provide continued administration of this Board. Therefore, the House HESS Committee amended SB 132 am to provide an effective date that was amenable to both the Department of HSS and the Department of Commerce.

Membership of the Board

Membership of the Board - The House HESS Committee amended SB 132 am to provide that the two nursing home administrators on the board would not both be employed by the same corporation. This amendment was added to ensure that any corporation which operates more than one nursing home in the state would not gain undue influence over the Board through appointment of their administrators to the Board.

The HESS Committee also deleted "a person from the Pioneers of Alaska Grand Lodge" and inserted "a person from the general public". Specification by the bill that the only consumer representative be "a person from the Pioneers of Alaska Grand Lodge" runs counter to federal anti-discrimination policies since the 25 year residency requirement for membership in the Lodge will preclude appointment of many other well-qualified Alaskan citizens (example: Elderly members of Senior Citizens Centers). This amendment would not preclude a Member of Alaska Grand Lodge from being appointed.

The other amendments added to the Senate version were technical in nature. Their purpose was to ensure that all those administrators licensed by the Provisional Board would be recognized. In addition the definition of "nursing home" was broadened to include intermediate nursing care as required by the federal government.

Genie Chance

SENATE

LEGISLATIVE COUNCIL
CHAIRMAN
FINANCE COMMITTEE
HESS COMMITTEE

May 6, 1975

MEMORANDUM

TO: MEMBERS OF THE HOUSE JUDICIARY COMMITTEE

FROM: SENATOR GENIE CHANCE

SUBJECT: HCS SB No. 132am, NURSING HOME ADMINISTRATORS

Background

The Department of Health and Social Services (DHSS) 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. The Department of Health, Education, and Welfare, Region X, has advised the DHSS 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 DHSS promulgated emergency regulation in Register 51, July 8, 1974 (7ACC 12.045) establishing a Nursing Home Administrator Licensing Board. The Board has been functioning since that time under DHSS 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 monies. 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,

Purpose:

As amended, the 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.

Changes from Senate version:

Effective date - The Department of Health and Social Services is not and has not been budgeted for travel, per diem, and clerical support expenses of this board since its inception and does not have the support staff, expertise, nor moneys necessary to provide continued administration of this Board. Therefore, the House HESS Committee amended SB 132 am to provide an effective date that was amenable to both the Department of HSS and the Department of Commerce.

Membership of the Board

Membership of the Board - The House HESS Committee amended SB 132 am to provide that the two nursing home administrators on the board would not both be employed by the same corporation. This amendment was added to ensure that any corporation which operates more than one nursing home in the state would not gain undue influence over the Board through appointment of their administrators to the Board.

The HESS Committee also deleted "a person from the Pioneers of Alaska Grand Lodge" and inserted "a person from the general public". Specification by the bill that the only consumer representative be "a person from the Pioneers of Alaska Grand Lodge" runs counter to federal anti-discrimination policies since the 25 year residency requirement for membership in the Lodge will preclude appointment of many other well-qualified Alaskan citizens (example: Elderly members of Senior Citizens Centers). This amendment would not preclude a Member of Alaska Grand Lodge from being appointed.

The other amendments added to the Senate version were technical in nature. Their purpose was to ensure that all those administrators licensed by the Provisional Board would be recognized. In addition the definition of "nursing home" was broadened to include intermediate nursing care as required by the federal government.

HOUSE JOURNAL

May 15, 1975

House Judiciary Committee
Statement of Intent on
Judiciary CS for SB 132 (Nursing Home Administrators)

In view of the relatively small number of potential licensees, the committee was reluctant to create another Title 8 licensing board and would have preferred to include the licensing of the nursing home administrators in an already existing medical board. However, federal statutes seem to require a Uniform Healing Arts statute or the creation of a separate board. Since Alaska has no such statute, the new board is necessary to comply with federal law. With the numerous medically related licensing boards already in existence, the committee suggests that a Uniform Healing Arts licensing statute, which might be placed under the Department of Health and Social Services instead of the Department of Commerce, be drawn up for legislative consideration.

Terry Gardiner
Chairman
House Judiciary Committee