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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Triptaa Surve  
Department of Health and Social Services

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** June 4, 2020

**RE:** Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: tuberculosis screening of health facility employees (7 AAC 12.650(a))

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Attorney General File:	2019200754
Regulation Filed:	6/4/2020
Effective Date:	7/4/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached one page of regulations, dealing with the Health Facility Employee Tuberculosis Screening & Testing, specifically, Facilities & Local Units; Employee health program (7 AAC 12.650), is adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 18.05.040, AS 47.32.010, and AS 47.32.030, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Adam Crum

Digitally signed by Adam Crum  
Date: 2020.05.27 10:49:49  
-08'00'

Adam Crum, Commissioner  
Department of Health & Social Services

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that I on June 4<sup>th</sup>,  
2020, at 12:22 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 -  
44.62.120.

for April Simpson  
Lieutenant Governor Kevin Meyer

Effective: July 4, 2020

Register: 235, October 2020

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.**



*Kevin Meyer*

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

The introductory language of 7 AAC 12.650(a) is amended to read:

**7 AAC 12.650. Employee health program.** (a) A [EACH] facility must **establish and maintain** [HAVE] an employee health program that

...

7 AAC 12.650(a)(1) is repealed and readopted to read:

(1) provides tuberculosis education, screening, testing, evaluation, and treatment in accordance with the United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) recommendations for tuberculosis screening and testing of health care personnel; baseline tuberculosis screening and testing for a new employee must occur before the employee's first day of employment;

(Eff. 11/19/83, Register 88; am 7/17/87, Register 103; am 5/24/2007, Register 182; am 9/30/2007, Register 183; am 7 / 4 / 2020, Register 235)

**Authority:** AS 18.05.040 AS 47.32.010 AS 47.32.030

**Editor's note:** The most recent version of the Centers for Disease Control and Prevention recommendations for tuberculosis screening and testing of health care personnel can be accessed at <https://www.cdc.gov/tb/topic/testing/healthcareworkers.htm> .

# MEMORANDUM

State of Alaska  
Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** May 28, 2020

**File No.:** 2019200754

**Thru:** Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Department of Health and Social  
Services regulations re: tuberculosis  
screening of health facility employees  
(7 AAC 12.650(a))

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations replace obsolete requirements with up-to-date provisions that are aligned with current federal Centers for Disease Control (CDC) recommendations for tuberculosis screening of health facility employees.

The February 4, 2020 public notice and the May 27, 2020 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: Hon. Adam Crum, Commissioner  
Department of Health and Social Services

Triptaa Surve, Regulations Contact  
Department of Health and Social Services

Renee A. Gayhart, Director  
Division of Health Care Services  
Department of Health and Social Services

Susan Dunkin  
Division of Health Care Services  
Department of Health and Social Services

Leah R. Farzin, Assistant Attorney General  
Human Services Section

NOTICE OF PROPOSED CHANGES ON HEALTH FACILITY EMPLOYEE TUBERCULOSIS SCREENING  
AND TESTING IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on health facility employee tuberculosis screening and testing.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with health facility employee tuberculosis screening and testing, including the following:

- 7 AAC 12.650. Facilities and Local Units. Employee health program, is proposed to be changed as follows:
  - Repeal obsolete state tuberculosis screening and testing requirements and adopt the new federal recommendations.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ms. Susan Miller Dunkin at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Building L, Attention: Susan Miller Dunkin, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by electronic mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov). The comments must be received not later than 5 p.m. on March 17, 2020.

You may submit written questions relevant to the proposed action to Ms. Susan Miller Dunkin by e-mail at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or at the Department of Health & Social Services, Division of Health Care Services, 4501 Business Park Blvd., Building L, Attention: Susan Miller Dunkin, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website at <http://www.dhss.alaska.gov/dhcs/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Susan Miller Dunkin at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or at (907) 269-3638 not later than March 9, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Susan Miller Dunkin at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) or by telephone at (907) 269-3638.

A copy of material proposed for adoption by reference is available online at <https://www.cdc.gov/tb/topic/testing/healthcareworkers.htm>.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or

decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 18.05.040; AS 47.32.010; AS 47.32.030.

**Statutes being implemented, interpreted, or made specific:** AS 18.05.040; AS 47.32.010; AS 47.32.030.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

The Department of Health & Social Services, Division of Health Care Services, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Health & Social Services, Division of Health Care Services, notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health & Social Services, Division of Health Care Services at [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov) , giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: January 30, 2020.

/s/Adam Crum

Commissioner,

Department of Health & Social Services.

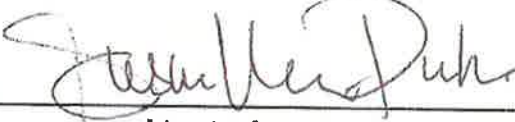


ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Health Facility Employee Screening and Testing
3. Citation of regulation (may be grouped): 7 AAC 12.650
4. Department of Law file number, if any: 2019200754
5. Reason for the proposed action:
  - Compliance with federal law or action (identify): \_\_\_\_\_
  - Compliance with new or changed state statute
  - Compliance with federal or state court decision (identify): \_\_\_\_\_
  - Development of program standards
  - Other (identify): \_\_\_\_\_
6. Appropriation/Allocation: N/A
7. Estimated annual cost to comply with the proposed action to: None  
A private person: \$0  
Another state agency: \$0  
A municipality: \$0
8. Cost of implementation to the state agency and available funding (in thousands of dollars): None

	Initial Year	Subsequent
	FY _____	Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____
9. The name of the contact person for the regulation:  
Name: Ms. Susan Miller Dunkin  
Title: Medicaid Program Specialist IV  
Address: 4501 Business Park Blvd., Bldg. L, Anchorage, AK 99503.  
Telephone: (907) 269-3638  
E-mail address: [susan.dunkin@alaska.gov](mailto:susan.dunkin@alaska.gov)

10. The origin of the proposed action:  
 Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change?  
 Other (identify): \_\_\_\_\_

11. Date: 01/28/2020 Prepared by:   
[signature]  
Name (printed): Susan Miller Dunkin  
Title (printed): Medicaid Program Specialist IV  
Telephone: (907) 269-3638

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Susan Miller Dunkin, Medicaid Program Specialist IV, of the Department of Health & Social Services, being sworn, state the following:

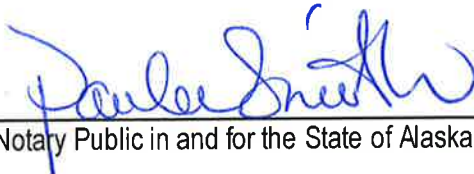
The Department of Health & Social Services did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on Health Facility Employee Tuberculosis Screening & Testing, specifically, 7 AAC 12.650. Facilities & Local Units; Employee health program.

Date: 04-19-2020

  
Susan Miller Dunkin, Medicaid Program Specialist IV

Subscribed and sworn to before me at Anchorage, Alaska on April 20, 2020.

(date)

  
Notary Public in and for the State of Alaska



AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Susan MillerDunkin, Medicaid Program Specialist IV, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Health Facility Employee Tuberculosis Screening & Testing, specifically, 7 AAC 12.650. Facilities & Local Units; Employee health program, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 04-19-2020

  
\_\_\_\_\_  
Susan MillerDunkin, Medicaid Program Specialist IV

Subscribed and sworn to before me at Anchorage, Alaska on

April 20, 2020  
(date)

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS  
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0013353

Cost: \$438.28

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

02/04/2020

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed \_\_\_\_\_



Subscribed and sworn to before me  
this 13th day of April 2020.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jada L. Nowling

### NOTICE OF PROPOSED CHANGES ON HEALTH FACILITY EMPLOYEE TUBERCULOSIS SCREENING AND TESTING IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

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DATE: January 30, 2020.  
/s/Adam Crum  
Commissioner,  
Department of Health & Social Services.

Published: February 4, 2020