

# Alaska State Legislature House of Representatives

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## HB 139

*“An Act relating to the eligibility of individuals and entities to be licensed or paid by the Department of Health and Social Services for providing certain services; and repealing requirements related to the Department of Health and Social Service’s centralized registry.”*

Numerous Alaskans have been devastated by the branding of a lifetime barrier condition by the Office of Children Services (OCS) through the Background Check Program (BCP). Grandparents and family members who are willing and able to care for their own, community members wanting to become foster parents, and college graduates having bettered themselves only to find that they are not eligible to work in the field for which they received their degree. Many do not even know that they were saddled with a barrier condition until they apply to be a foster parent or work in an industry with vulnerable populations. They have no criminal history, yet, if only one time 15 years ago parents had a fight and a police report was generated which triggered a barrier condition, they are forever barred from placement of a loved one in their home or working at a job helping seniors or children.

The injustice is staggering. The impact to family and communities devastating. In the Ombudsman Report of February 25, 2016, it states that, “... the manner in which the Background Check Program is being administered violates due process requirements, is unfair, overly broad, and unreasonably harsh.” It further states “Unlike the case when a barrier crime is found, the BCP makes no evaluation of the nature and severity of the barrier condition. Even the most minor finding by a civil agency, once it is found to be a barrier, will permanently disqualify the subject from an array of occupations and business activities for the rest of his or her life.”

HB 139 would remove the ability of the Department to place a lifetime “barrier condition” on a person never convicted of a crime, while keeping intact the reporting ability of those persons and entities licensed or certified by DHSS, or those eligible to receive payment from DHSS to care for individuals served by the Department programs through the Alaska OCS Central Registry. HB 139 repeals the requirement of a “Centralized Registry”, a registry that does not, and never has, existed. The responsibility would be placed on service providers to review the background checks of potential employees and contractors to comply with state and/or federal mandates.