

CS FOR SENATE BILL NO. 57(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/24/23

Offered: 4/21/23

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to home- and community-based services under the medical assistance**
2 **program; relating to medical assistance for recipients of Medicaid waivers; establishing**
3 **an adult care home license and procedures; providing for the transition of individuals**
4 **from foster care to adult home care settings; and providing for an effective date."**

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

6 * **Section 1.** AS 47.07.045 is amended by adding a new subsection to read:

7 (e) Unless prohibited by federal law, the state shall allow a legally responsible
8 person to provide personal care services under this section to a recipient of medical
9 assistance under the 1915(k) state plan option under 42 U.S.C. 1396n.

10 * **Sec. 2.** AS 47.07 is amended by adding a new section to read:

11 **Sec. 47.07.048. Adult home care services.** (a) The department shall pay for
12 adult home care services for an individual at a daily rate set by the department in
13 regulation if

14 (1) the individual is enrolled in and receiving medical assistance under

1 AS 47.07.020;

2 (2) the individual is at least 18 years of age;

3 (3) the individual is enrolled in home and community-based waiver
4 services under AS 47.07.045;

5 (4) the individual's support plan is approved for adult home care
6 services; and

7 (5) the person providing the services to the individual holds an adult
8 care home license issued under AS 47.32.

9 (b) Notwithstanding the limitations of Medicaid coverage under
10 AS 47.07.020, an individual may receive habilitative and rehabilitative care in
11 addition to adult home care services.

12 (c) The department shall adopt regulations to implement this section,
13 including regulations that

14 (1) set a daily rate for adult home care services to be paid under this
15 section;

16 (2) establish standards for caring for an individual receiving adult
17 home care services in the home care setting;

18 (3) establish standards for operating an adult care home;

19 (4) establish a procedure for transitioning an individual from a licensed
20 foster care home to a licensed adult care home; and

21 (5) establish a simple and efficient process to allow a foster parent who
22 holds a foster home license issued under AS 47.32 to transition from the foster home
23 license to an adult care home license under AS 47.32.033 for the purpose of
24 maintaining the placement of and services provided to an individual who is

25 (A) transitioning out of foster care;

26 (B) enrolled in home and community-based waiver services
27 under AS 47.07.045; and

28 (C) 18 years of age or older.

29 * **Sec. 3.** AS 47.32.010(b) is amended to read:

30 (b) The following entities are subject to this chapter and regulations adopted
31 under this chapter by the Department of Health:

- (1) ambulatory surgical centers;
- (2) assisted living homes;
- (3) child care facilities;
- (4) freestanding birth centers;
- (5) home health agencies;
- (6) hospices, or agencies providing hospice services or operating hospice programs;
- (7) hospitals;
- (8) intermediate care facilities for individuals with an intellectual disability or related condition;
- (9) maternity homes;
- (10) nursing facilities;
- (11) residential child care facilities;
- (12) residential psychiatric treatment centers;
- (13) rural health clinics;
- (14) subacute mental health facilities;
- (15) adult care homes.**

* **Sec. 4.** AS 47.32 is amended by adding a new section to read:

Sec. 47.32.033. Adult care home license. (a) The Department of Health may issue a license to a person under this section and regulations adopted under this section to operate an adult care home to provide 24-hour oversight and care on a continuing basis for up to two individuals if each individual is

- (1) 18 years of age or older; and
- (2) enrolled in Medicaid home and community-based waiver services under AS 47.07.045.

(b) An adult care home shall provide care to an individual under this section in accordance with the approved services established in the individual's plan of care, which shall identify the specific physical, mental, and social care needs of the individual.

(c) The Department of Health may establish standards in regulation that authorize care for up to three individuals based on unusual circumstances, including

historical or familial connections of the individuals receiving services.

* **Sec. 5.** AS 47.32.900(2) is amended to read:

(2) "assisted living home"

(A) means a residential facility that serves three or more adults who are not related to the owner by blood or marriage, or that receives state or federal payment for services regardless of the number of adults served; the **Department of Health** [DEPARTMENT] shall consider a facility to be an assisted living home if the facility

(i) provides housing and food services to its residents;

(ii) offers to provide or obtain for its residents assistance with activities of daily living;

(iii) offers personal assistance as defined in AS 47.33.990; or

(iv) provides or offers any combination of these services;

(B) does not include

(i) a correctional facility;

(ii) an emergency shelter;

(iii) a program licensed under AS 47.10.310 for runaway minors;

(iv) a type of entity listed in **AS 47.32.010(b)(6) - (10), (15), or (c)(2)** [AS 47.32.010(b)(6) - (10) OR (c)(2);]

* **Sec. 6.** AS 47.32.900 is amended by adding a new paragraph to read:

(21) "adult care home" means a home in which the adult head of household resides and provides 24-hour care on a continuing basis under a license issued under AS 47.32.033 for an individual eligible under AS 47.07.048.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

MEDICAID STATE PLAN. (a) The Department of Health shall amend and submit for federal approval the state plan for medical assistance coverage consistent with AS 47.07.045(e), enacted by sec. 1 of this Act.

(b) The Department of Health shall submit as necessary for approval by the United States Department of Health and Human Services amendments to the state plan under AS 47.07.040, a section 1915(c) waiver, or a section 1115 demonstration waiver under 42 U.S.C. 1396 - 1396p (Social Security Act) to allow enrolled individuals to receive adult home care services under AS 47.07.048, enacted by sec. 2 of this Act, including, if approved as not being a duplicative service, allowing other long-term care services under 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act) while receiving adult home care services under AS 47.07.048(c), enacted by sec. 2 of this Act.

* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT; NOTIFICATION. (a) Section 1 of this Act takes effect only if, and only to the extent that, the United States Department of Health and Human Services approves the amendment to the state plan for medical assistance under AS 47.07.045(e), enacted by sec. 1 of this Act.

(b) If the United States Department of Health and Human Services approves the amendment to the state plan submitted under sec. 7(a) of this Act, the commissioner of health shall notify the revisor of statutes in writing not later than 30 days after receiving notice of the approval.

(c) Section 2 of this Act takes effect only if, and to the extent that, before July 1, 2027, the United States Department of Health and Human Services approves amendments submitted under sec. 7 of this Act.

(d) The commissioner of health shall notify the revisor of statutes in writing within 30 days after the United States Department of Health and Human Services approves amendments to the state plan.

* **Sec. 9.** If sec. 1 of this Act takes effect, it takes effect on the 31st day after the date the commissioner of health receives notice of approval of the amendment to the state plan from the United States Department of Health and Human Services under sec. 8(a) of this Act.

* **Sec. 10.** If AS 47.07.048, enacted by sec. 2 of this Act, or a portion of AS 47.07.048, enacted by sec. 2 of this Act, takes effect, it takes effect on the day after the date the revisor of statutes receives notice from the commissioner of health under sec. 8(d) of this Act.

* **Sec. 11.** Sections 7(a), and 8(a) and (b) of this Act take effect immediately under

1 AS 01.10.070(c).